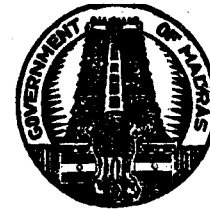


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**MADRAS LEGISLATIVE COUNCIL
DEBATES**

OFFICIAL REPORT

FRIDAY, 4TH AUGUST 1950

VOLUME II—No. 1

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1950**

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MADRAS LEGISLATIVE COUNCIL.

PRINCIPAL OFFICERS.

Chairman.

THE HON. SRI R. B. RAMAKRISHNA RAJU.

Deputy Chairman.

SRI K. VENKATASWAMI NAYUDU.

Panel of Chairmen.

SRI K. MANATHUNAINATHA DESIGAR.

SRI N. VENKATACHALAMAJI.

MRS. M. HENSMAN.

SRI R. SURYANARAYANA RAO.

Secretary.

SRI M. SURYA RAO, B.A., B.L.

MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL.

Name of member.	Name and class of constituency.
1 Abdul Latif Farookhi	Madras North Central, Muhammadan. ✓
2 Adityan, S. B., M.A., Bar.-at-Law.	NOMINATED.
3 Ahamed Ibrahim, K. T. M., B.A., B.L.	Madras South, Muhammadan. ✓
4 Bhima Rao, B., B.A., B.L.	Bellary, General.
5 Clubwala, Mrs. M. N. ..	NOMINATED.
6 Gopalakrishnayya, Adusumilli ..	Krishna, General.
✓7 Govindacharyulu, A. ..	West Godavari, General.
8 Gurubatham, Dr. S. ...	NOMINATED.
9 Hameed Sultan Maricair, V. ..	Madras South Central, Muhammadan. ✓
10 Hensman, Mrs. M. ..	NOMINATED.
11 Jagannatham, H. M. ..	Do.
12 Jayaram Reddi, S., B.A.	Ramanathapuram, General.
13 Vacant	Indian Christian.
14 Krishnamurti, D. ..	NOMINATED.
15 Kumaraswami Mudaliyar, Medai Dalavoi.	Tirunelveli, General.
✓16 Lakshmanaswami Mudaliyar, Dr. A., M.D., LL.D., D.S.O., F.R.C.O.G., F.A.C.S.	NOMINATED.
17 Madhava Menon, The Hon. Sri Kozhipurath, B.A., B.L. (Minister).	Malabar, General.
18 Manjaya Hegde, D. ..	South Kanara, General.
19 Manathunainatha Desigar, K. ..	Tanjore, General.
20 Muhammad Rahimutulla, K. ..	Madras North, Muhammadan.
21 Nagappa Chettiyar, V. Vr. N. Ar.	Ramanathapuram, General.
22 Narayana Menon, M. ..	Malabar, General.
✓23 Narayana Rao, Mothey ..	West Godavari, General.
24 Narayanaswami Navudu, B. ..	Krishna, General.
25 Natarajan, K., B.A., B.L.	Tanjore, General.
26 Perumalsami Reddi, The Hon. Sri C. (Minister).	North Arcot, General.
27 Pathy, A. R. L. ..	NOMINATED.
✓28 Purushotham, Thuraga ..	East Godavari, General.
29 Rajan, The Hon. Dr. T. S. S. (Leader and Minister).	Tiruchirappalli, General.
30 Ramabhadraraju, Nadimpalli ..	East Godavari, General.

Name of member.	Name and class of constituency.
31 Ramakrishna Nayudu, R.	Coimbatore-cum-Nilgiris General.
✓ 32 Ramakrishna Raju, The Hon. Sri R. B. (Chairman).	Chittoor, General.
33 Ramanatham Chettiyar, S. A. S. Rm.	Tanjore, General.
34 Rama Rau, Dr. U.	Madras City, General.
35 Ramaswamy Reddiar, O. P.	South Arcot, General.
✓ 36 Ranga Reddi, N.	Cuddapah, General.
37 Roche Victoria, The Hon. Sri J. L. P. (Minister).	Indian Christian.
38 Rodriguez, A. S. T. F.	Do.
39 Sadagopa Mudaliyar, S. K.	Salem, General.
40 Sankara Reddi, N.	Kurnool, General.
41 Sarma, P. R. K.	NOMINATED.
42 Shaik Rowther, S. K.	Madras West Coast, Muhammadan.
43 Srinivasan, Dr. P. S.	Chingleput, General.
44 Subbarama Reddi, L.	Nellore, General.
45 Sudarsanam, Maddi	Guntur, General.
46 Sundarama Ayyar, M. K.	Mathurai, General.
47 Suryanarayana Rao, R.	NOMINATED.
48 Tajuddin, Dr. Syed	Madras South Central, Muhammadan.
49 Uppi, K.	Madras West Coast, Muhammadan.
50 Veerabhadra Rao, Colluru	Visakhapatnam, General.
51 Veerabhadraswami, P.	Do.
52 Veeraswami, Bikkina	East Godavari, General.
53 Venkatachalamaji, N.	Visakhapatnam, General.
54 Venkata Reddi, G., B.A., B.L.	Anantapur, General.
55 Venkataswami Nayudu, K. (Deputy Chairman).	Madras City, General.

THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 4th August 1950.

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

I.—PANEL OF CHAIRMEN.

MR. CHAIRMAN:—"I have to announce to the House that under Rule 15 of the Madras Council Rules, I have nominated the following four members of the Council to be the panel of Chairmen for the second session of the Council as from the commencement of the Constitution.—

- (1) Sri K. Manathunainatha Desigar,
- (2) Sri N. Venkatachalamaji,
- (3) Mrs. M. Hensman and
- (4) Sri R. Suryanarayana Rao.

II.—DR. V. K. JOHN'S RESIGNATION.

MR. CHAIRMAN:—"I have to inform the House that under the provisions of clause 3 (b) of Article 190 of the Constitution of India, Dr. V. K. John has tendered his resignation of the office of Member of the Madras Legislative Council with effect from the 18th July 1950 and his resignation has been accepted.

"Dr. John has written a letter to me regarding his resignation and I think it is right that I must acquaint the House with the contents of this letter. The Secretary will now read this letter. The Secretary then read the following letter:—

"I am writing to resign my seat in the Legislative Council, Madras, for the reason that my firm Messrs. John & Row has accepted the post of "State Counsel" from the 1st of August 1950 with the result that I hold an office of profit within the meaning of Article 191 (1) (a) of the Constitution of India.

"I was returned to the Legislative Council in March 1940 about ten years ago and I feel that I might leave this field of service for another. I have also been the Leader of the Opposition for a long time and it is only fair that somebody else may be given the opportunity to occupy this position.

"I must thank you most sincerely for all the courtesy and consideration you have shown me. I consider it a great privilege to have been a member of the House, of which you are the Chairman and to have occupied the position of the Leader of the Opposition.

"I want you to convey my most sincere gratitude to every one of the Hon'ble Members of the House for the kindness they have invariably shown me and particularly to the members of the Government, including the Leader of the House with all of whom, I have had the most cordial relationship.

"Among the Legislative bodies in our country, the reputation of the Madras Legislative Council stands very high and in creating and sustaining this reputation, every member has contributed his bit. It is for others to evaluate what contribution the opposition under my leadership has made, but I might be permitted to say this, that it has been our anxious concern that the opposition should function without fear or favour, without ill-will or animosity but only with the one object of assisting by criticisms, suggestions and otherwise the good Government of our State. No doubt, the opposition has very strongly criticized Government measures, but it has criticized measures, not men, and never was it

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a party to the making of charges or mud-slinging against Ministers; on the other hand, we deprecated them in the recognition that every one of the Ministers is a patriotic, hard-working, sincere and honest gentleman, anxious to serve the public. The Opposition has not always been engaged in criticisms only. It has given strong support to the Government in a few matters, particularly in the maintenance of order and security in the State.

‘The Opposition has jealously strived to keep up the usefulness, the prestige and the dignity of the House, anxious to make the House a model Legislature and in this we have succeeded in a very large measure with your co-operation and guidance.’

‘I am particularly thankful to the Press for the publicity it has invariably given in the interest of the public to the part played by the Opposition in the Legislative Council, under my leadership. The Press in Madras has played its part magnificently well in reporting the proceedings of the Legislative Council.’

‘It is my sincere wish that during the short period before the next elections, this House will sustain and enhance its reputation as a Legislative body.’

‘Thanking you once again’,

MR. CHAIRMAN:—“It is a matter of sincere regret to me that Dr. John is no longer to be with us in this House. It is a well-recognized fact that, if any Legislature has to function fully, effectively and satisfactorily, a well-organized, powerful strong Opposition, strong in strength as well as in knowledge is an absolute desideratum. Though the Opposition in this House is not strong in numbers, it is a matter of pride to us that its knowledge, culture and experience stands very high in the estimation of not only this House, but also of the discerning public. I have, no doubt, whatsoever that Dr. John's contribution has gone a long way in building up this reputation. As a lawyer of eminence, his knowledge of men and matters and, above all, his legal acumen stood him in great stead and his speeches are always noted for lucid exposition of correct principles underlying all legislation. He has always proved himself to be a fearless champion of what he considered right and, I am sure, the Government appreciated his frankness. There have been many a passage at arms between him and the Government and it is very pleasing to note that it left no rancour behind on either side. I am particularly gratified that on occasions when I called upon Dr. John to uphold the dignity of the House, he gladly responded, in spite of his own personal inclinations. The House will agree with me that his absence is a distinct loss to this House but, perhaps, our loss is a gain to the Government. I am sure, Dr. John has taken up his new duties only in a spirit of service and I wish him well in his future career.

“The new leader, Mr. Farookhi is not new to us. I have no doubt, that the House congratulates him in the great and arduous task, to which he is called and, I am sure, he will scrupulously uphold the high traditions built up by his predecessors in office.”

JANAB ABDUL LATIF FAROOKHI:—“Sir, I thank you for the great compliment that you have given me. I think that every member of our party is competent as myself, if not more, to occupy this place. I am thankful to the members of my party for the honour that they have done me in electing me as their Leader. I only hope and pray to God that I may discharge my

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duties faithfully and rise equal to the occasion. There is one thing to which I would like to draw your attention and also the attention of the hon. Members and that is this. We are building very healthy traditions in public life. This party, as you are all aware, is perhaps the one of its kind in the whole of the country which is non-communal in character after the advent of independence in 1947. Therefore I feel it a great privilege and honour to have been elected by members of all communities as the Leader of this party. I once again thank you as well as the House for congratulating me and also thank my party for electing me as the Leader of their party.

III.—DISCUSSION ON THE GOVERNOR'S ADDRESS.

SPEECH OF H.E. THE GOVERNOR.

Hon. Members of the Legislature.

1. Let me first of all thank you for your courtesy in attending this joint session. Several important matters will come under your scrutiny in the next few days and I have no doubt that your deliberations will be watched with interest throughout the State.

2. The financial operations of this State have become more difficult this year than they were during the last year, owing to the conditions prevailing in the money market and the financial stringency experienced even by the Government of India, and my Government have, in consequence, been forced to resort to various means for effecting savings with a view to sustain their programme on major irrigation and electricity schemes. Even last year the Government were faced with an unexpectedly sudden and difficult problem for financing part of the capital expenditure on these schemes, but, with great difficulty, they managed to adhere to their programme by adopting special measures. The position has been rendered even more difficult this year, but the Government cannot afford to curtail their programme, especially as over twenty-five crores have been spent on these schemes on valuable equipment, and in building up the necessary organization. The programme itself is expected to come into fruition by 1952 when it is expected that large tracts of dry land will be brought under irrigation and power availability will be doubled. For a State, sadly short of food and motive power, the importance of sustaining such a programme which holds out great hopes, cannot be over emphasised, not merely from the State's point of view but also from the All-India angle. It is expected that, as a result of the economy measures undertaken, a saving of about three crores, at the utmost, may be effected. But this move, by itself, will not enable the State Government to finance their programme and other measures will have to be thought of, including assistance from the Centre. The hon. Members are no doubt aware that the Government went into the open market for a loan of Rs. 4 crores and I am happy

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to announce that it has been fully subscribed. As a result of the economy drive mentioned above, the Government have had, with great reluctance, to slow down, postpone or cut down a number of measures contemplated by them for promoting the welfare of our people.

3. Owing to the persistent adverse seasonal conditions referred to in my last Address to you, the food position in the State continues to cause considerable anxiety. In view of the fast deteriorating stock position of rice in the State and the inadequate supplies received from the Centre, my Government were compelled to reduce the scale of rice ration from 8 oz. to 7 oz. per adult per day with effect from 2nd July 1950, the remaining 1 oz. being given in the shape of wheat so that the overall 12 oz. ration may be kept intact. All possible steps are being taken by this Government to maximise procurement and intensify food production in the State. The Government hope that, as a result of these efforts and the more generous assistance from the Government of India which they have pressed for, the hardship to our people can be ended soon.

4. In order to achieve self-sufficiency in food by the end of 1951, the irrigation policy of this Government is now mainly concentrated on pushing through schemes which will produce results by that date. In order to avoid delays in correspondence, all schemes which come within the scope of the intensive cultivation programme of the Government, including those under the Public Works Department, are now attended to by the Commissioner for Food Production in his capacity as Secretary to Government.

In addition to these schemes which will be yielding quick results, work is going ahead on the major schemes such as the Tungabhadra, the Lower Bhavani, the Malampuzha, and an attempt is being made to see that these bigger schemes produce some results at least by 1952. For example, it is expected that the Lower Bhavani Project will afford irrigation facilities for a second crop of paddy on about 10,000 acres in the year 1952.

5. My Government have been considering the question of improvement and reform in respect of the method of assessment of land revenue in ryotwari areas, the system of land revenue administration, the tenure of holding of ryotwari land and the conditions of cultivating tenants and agricultural labourers. A committee appointed to go into these questions and make recommendations has been functioning since 13th May 1950.

6. In the field of Public Health, a comprehensive policy and programme for the prevention, control and relief of leprosy has been formulated, and when financial conditions improve, we will be in a position to tackle the serious menace of leprosy successfully. A special scheme for the control of tuberculosis in Madras City has been sanctioned and this will be worked in conjunction with the Corporation of Madras.

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7. The Government have been continuing to do all that they can for the spread of basic education. At the instance of the Government of India, a special scheme of adult education was initiated last year at a cost of Rs. 3.14 lakhs, that Government having borne one-half of it. They have now given a further grant of Rs. 6.86 lakhs to this State, and another scheme to do away with adult illiteracy as quickly as possible is being drawn up.

In order to give an impetus to the elementary education scheme, the Government have proposed to increase the rate of their contribution to the elementary education funds of local bodies with effect from the current year at an extra liability of Rs. 50 lakhs. The report of the Select Committee on the concerned Bill will be presented to you during this session.

To meet the urgent demand for trained teachers for staffing secondary schools, the Government have opened two training colleges—one at Palghat and the other at Mangalore—from the academic year 1950-51. They have also admitted to special aid, certain private managements that come forward to open B.T. or B.Ed. courses in the year.

8. The expenditure on Harijan Uplift has been steadily and rapidly increasing. In 1949-50 it was Rs. 71.21 lakhs as against Rs. 8.7 lakhs in 1924-25. The Budget Estimate for 1950-51 is Rs. 92.67 lakhs. This increase of over Rs. 20 lakhs in the current year's budget over the expenditure of 1949-50 is a clear proof, if proof were wanted, of my Government's earnestness and determination to do their very best for the uplift of the Harijans.

9. With a view to relieve the shortage of houses in the State, a drive for the construction of houses through co-operative housing societies was initiated in 1947, and substantial provision is being made every year in the budget for the grant of State loans to these societies. The societies are also helped in the matter of supply of building materials at controlled rates. In April last, the Government sanctioned a scheme for the organization of housing societies in rural areas. This is an entirely new scheme, and it is proposed to introduce it in the current year in one village in each district. The Government have also decided to disburse loans to housing societies in rural and urban areas up to Rs. 80 lakhs and Rs. 15 lakhs, respectively, during the current year.

10. The Government Bus Service in Madras City is fast developing and is affording great comfort and convenience to the public. It is also financially successful. The Government have decided to extend the scheme to the districts of Chingleput, South Arcot and Nellore and necessary action to implement this decision will be taken soon.

11. The Government have constituted a committee consisting of officials and non-officials to consider the improvements that may be made in the administration of jails and to suggest suitable reforms for the purpose.

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12. Owing to the liberalization of the franchise qualifications under the Representation of the People Act, 1950, a supplementary enumeration of voters throughout the State became necessary, and this has been completed recently, and the preparation of the supplementary draft electoral rolls for the State Legislative Assembly and the Union House of the People has been taken up. The draft rolls for the Madras Legislative Council are also under preparation. The draft rolls are expected to be ready for publication as the preliminary rolls in September 1950 for being finalised after the disposal of claims and objections.

During this session, both the Houses will be afforded an opportunity to discuss, on a Government motion, certain important questions connected with the elections under our New Constitution, namely, the question of single-member and plural-member constituencies, reservation of seats for the Scheduled Castes and Scheduled Tribes and the conduct of elections.

13. My Government have already taken action, with reference to Article 187 of the Constitution, for setting up an independent Secretariat for the State Legislature, and the proposals which they have finalised in this behalf will be placed before both the Houses for approval during this session.

14. Since I spoke to you last, my Government have decided to extend their scheme of Separation of the Judiciary from the Executive to five more districts in the State with effect from 15th August 1950. The results so far achieved are encouraging.

15. The law and order situation in the State has been generally satisfactory, due to the vigilance of the police forces and the magistracy. Activities of subversive elements still persist in certain areas but the vigorous action taken by the Government has led to a considerable decline in the number of serious crimes like murder, looting, robbery, etc.

16. I shall now proceed to indicate to you the more important legislative measures which will come up before you for consideration during the current session—

(1) You will be asked to consider the Madras Hindu Religious and Charitable Endowments Bill, 1949, as amended by the Joint Select Committee.

(2) The Report of the Select Committee on the Madras City Improvement Trust Bill will shortly be presented to the Legislature.

(3) *The Madras Warehouses Bill, 1948.*—The report of the Select Committee will come up for your consideration.

(4) The Madras Agriculturists Relief Act, 1938 (Madras Act IV of 1938) was enacted in order to give relief to indebted agriculturists and made suitable provision, among others, for scaling down their existing debts and for redemption of usufructuary mortgages. Certain practical difficulties have been experienced in the working of these provisions and it has been found necessary to amend the Act suitably. An amendment Bill for the purpose is expected to be introduced in this session.

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(5) Article 190 (1) of the Constitution requires that the State Legislature should provide by law for the vacation, by a person who is chosen a member of both the Houses, of his seat in one House or the other. Necessary legislation in this behalf will be introduced during this session.

(6) *The Malabar Tenancy Act, 1929.*—It is proposed to introduce a Bill to amend this Act in this session.

(7) Certain practical difficulties have been experienced in the administration of the Madras Buildings (Lease and Rent Control) Act, 1949, whose life expires on 30th September 1950. Necessary legislation for continuing the Act and for carrying out certain amendments to it will be introduced in this session.

(8) It is proposed to introduce legislation for the constitution of a Contingency Fund for this State as provided for in Article 267 (2) of the Constitution.

17. These and other matters will be engaging your attention this session and I have no doubt that the care and thoroughness so characteristic of your deliberations will once more be evident in the discussions that will take place. May Providence give you faith, courage and wisdom in the task that lies ahead of you.

I thank you once again for your courtesy and your patience.

MR. CHAIRMAN:—"I have to inform the House that on the 1st of this month, His Excellency the Governor was pleased to make the above speech to both the Houses of Legislature copies of which have been placed on the table of the House on the 1st August.

"Now let us proceed with the discussion on His Excellency's Address. I find that hon. Members Sri Adityan and Sri Venkata Reddi have given notice of motion thanking His Excellency, which are identical in terms. May I know who is going to move the motion?"

SRI G. VENKATA REDDI:—"I will move it, Sir."

SRI S. B. ADITYAN:—"I agreed."

SRI G. VENKATA REDDI:—"Sir, I move—

'That an humble Address be presented to His Excellency as follows:—

"May it please Your Excellency,

We, the members of the Madras Legislative Council, beg leave to thank Your Excellency for the Address, delivered to both the Houses of the Legislature."

"I move this resolution with pleasure, and congratulate His Excellency's Government for its well-merited and legitimate claim of being proud of its achievements in spite of the adverse circumstances and fissiparous tendencies of certain sections of the people of the Province. The Government with all its courage,

[Sri G. Venkata Reddi] [4th August 1950]

perseverance and resourcefulness pursued its programme of development of schemes in respect of irrigation and power. The very fact of the Government getting a loan of one crore and odd in the open market goes to show that the credit of the Government in the open market is at its high level. Regarding this loan, it is a novel method for the development of capital schemes which this Government have embarked upon and its success goes to show that in spite of certain sections of the people creating a sort of alarm to achieve their own ends, the Government is at its highest level as far as the credit system and the financial position, if viewed impartially.

"Regarding the projects, I would like to mention the Tungabhadra Project which is close to my district with all its aspects. I humbly submit that besides the scheme that is now being worked out, there is another scheme which was thought of once and now left off for reasons unknown, namely, the High Level Channel which is commonly known to those who know about the Tungabhadra Project, as Mackenzie scheme. If this scheme was taken up, not only the area of Bellary and Kurnool districts which are covered up by the present scheme, but also part of Anantapur which is known for its famine, will be covered up. Then, people who are frustrated there, will be able to get much more amelioration by the introduction of the Mackenzie scheme. Further it will also irrigate large acres of land in Anantapur. I wonder why that scheme has not been taken up. The other day, when I visited the spot of the Tungabhadra project, I was told by the officers concerned who are working there that there was scope to take up High Level Channel scheme and it may be pushed through by the Government, in future. I am not able to understand why the scheme has not been introduced immediately in view of the fact that Anantapur is a famine-stricken district.

"Regarding power supply, I want to bring one matter to the notice of the Government. At present power-supply from Mysore is passing through the Anantapur district. I want that this should be tapped and the Anantapur district should be given the benefit of utilizing the power throughout its territory. I think this can be easily done.

11-15 a.m. "Sir, with regard to the maintenance of law and order, His Excellency is right in his statement that it is highly satisfactory. Of course, there are people who blow hot and cold at the same breath. They are propagating a false idea that in their districts especially in Andhra, people should arrange their own squads and village defence squads to meet the Communist orgy and incendiarism, murder and loot with courage, which demands a tooth for a tooth and an eye for an eye. There are instances—I hope all the people, not only the Members here but also the people outside, are acquainted with them—of dastardly acts of the Communists sparing not even the women and the children for the folly of the father or the husband being a Government servant and taking prompt action for controlling these lawless, despicable and anti-social elements. Under these circumstances, the Government servants, especially

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the police who have to preserve law and order, should give protection to the villagers, and at least to safeguard their own persons, meet violence with violence. Thus the nefarious deeds of these lawless people were controlled in many places in the Andhra districts by the very courage of the police there. That being so, I am surprised to note that while certain people in their own places in those districts would highly appreciate the prompt action taken by the authorities who are responsible for the maintenance of law and order there, at the same time, when they come here to Madras they condemn the actions of the police as excessive. There are even certain sections of the people as you all know, who demand public enquiries as if the actions of the police were excessive, and at the same time raise a hue and cry that no person or property is safe in those districts unless the authorities move promptly and check the lawlessness. I am at a loss to know how one can check violence without using the necessary force to meet the violence and how action can be taken against those people who tried their best to bring the situation under control. Perhaps they think that they should submit meekly to the violent actions of the Communists and still be able to ensure the maintenance of public order. I leave it for the impartial judgment of the people of the Province.

"Sir, regarding the food situation, I have to say it is very acute. There is frustration on all sides. Under the circumstances, I should like to refer to the statement of the Minister for Food in the Union Government that there can never be food scarcity in the country and that there should be psychological stability. He even deprecated the irresponsible utterances of some people who have got their own axes to grind against the people in power. He said that by utterances such as that the food position is acute a sort of panic was being created. But really the situation is being ably met by the Government in spite of the adverse seasonal conditions for which they are not at all responsible. Still the Government are doing their best to improve the position. From certain instances published in the papers we have come to know that acute position exists in some of the districts. I only wish that the Government promptly look into it and move in the matter so that such things may not be heard of hereafter by the people. Sir, I am surprised to note that there are people who want to give the go-bye to these controls. But there are many people who think that the removal of the controls would do more havoc. I leave it to the best judgment of the authorities to look into these problems and take speedy action. The problem of food is such a serious one that none should lightly play with it and the Government, I am sure, as far as I know from the circumstances in my district, are giving a priority to this problem and meeting the situation with courage and promptness. In this connection, it may not be out of place if I mention that the Government must look to the administrative adjustments and put an end to the red-tapism that still exists there.

"Sir, with every possibility of Global War being in sight, with all the restrictions under which the people have been labouring, with the prices soaring high and the condition of the middle

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classes and the poor being very precarious, the Government have now raised hopes in the minds of the public by their sincere attempts to push through many major and minor projects and by giving relief to the agriculturists by way of subsidies and loans and by their meeting lawlessness with success. I wish that the Government, in spite of the adverse criticisms, succeed in taking up all the schemes with courage, and in meeting the situation firmly make the common man feel that the Government are with him in his distress and that he can tide over the present situation.

"Sir in a State like ours, diversity of opinions among divergent multitudes would ever be there. The Government must go on and act with promptness and alertness and see that the people do not get panicky and that they are fully confident that the Government are with them. Sir, I move the resolution."

SRI M. NARAYANA MENON:—"Mr. Chairman, I am extremely delighted to second this resolution. I may say at the very outset that this Government have not been lax all these years in attempting a progressive administration of the State. There is no doubt an accusation that the common man is left out and nothing is done for the benefit of the common man. But I am unable to understand this accusation at all. So far as I understand, the Government by carrying out certain reforms have done more to the common man than to the plutocrat or the aristocrat. Let us consider first the introduction of prohibition. In fact the Government have lost a good deal on that account and yet the Government did not give it up. What is the reason? The Government were not trying to get money from this source and leave the reform merely to the conscience of the people and the person who was drinking. That is one achievement for which we must thank the State Government.

"Then, Sir, let us consider the abolition of untouchability. There also much has been done by this Government for the common man. A man who has not been considered as a member of the society and a man who has been down-trodden and ill-treated is now on the same level in society as even the plutocrat and the aristocrat. Then with regard to the labour legislation undertaken by this Government, has it not been for the benefit of the common man? Then there is the Harijan Uplift work. There are the major and minor irrigation works and the housing schemes undertaken by the Government. There is the nationalization of transport. Are these all not for the benefit of the common man? They are all more for the benefit of the common man than even for the middle classes or the aristocrats or the plutocrats.

"Then, Sir, the next thing for which every one should thank this Government is for their not dropping the highly expensive irrigation and electricity schemes in spite of their financial stringency. We have very often seen how our Finance Minister, Mr. Gopala Reddi, is very anxious about the finances of this Government and how he has wanted to have this tax and that tax and

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so many other taxes in order to save the State from financial difficulties. At the same time, we have seen how the Hon. Minister, Mr. Bhaktavatsalam, has been making demands for the construction of irrigation schemes. With the demand on the one side and with the financial stringency on the other side, there is always a conflict. Somehow the Government have got on without difficulty, though this year they have had to borrow four crores of rupees for the up-keep of the Government or for the construction of irrigation schemes and so on. I know I cannot thank the Government for this borrowing. Borrowing by the Government is certainly a drawback. At the same time, this year they have been successful in their loan, showing thereby that the people have confidence in the Government. But every year, if the Government borrow four or five crores, then the people will lose the confidence in the Government. So the Government should certainly stop this borrowing system, because the national income will go down and the people will be put to very many difficulties hereafter."

MR. CHAIRMAN:—"I thought that it was an accepted principle that capital expenditure should be financed from borrowings."

SRI M. NARAYANA MENON:—"If the Government could carry on without borrowing, well and good. But if the Government can do the thing only with borrowing, that is bad. If the Government borrow for the construction of these works only, I do not blame them. But why should they do it? They can open a fund for the development of the irrigation systems. If the Government are able to do that, we must congratulate the Government on the success they have achieved.

"Then, Sir, why is it that the Government are not able to command the necessary money? That is another point. Is it not because they have no fixed policy with regard to the ism they want to follow—whether it is capitalism or communism or any other ism? Are they sure of what ism they want to follow? If capitalism is the policy of the Government, if progressive capitalism is the policy of the Government, then they may tell the people that it is their policy and the people will come forward and invest their money in industries and so on and that will bring them money. But if they halt and consider and not decide, then they will not get enough money for their purposes. Only by raising the national income they must find money for all purposes and not by simply borrowing. Do the Government think that they would get money every year by borrowing unless they raised the national income of the people? They must start more industries and get more money. I am not blaming the Government for borrowing for meeting capital expenditure. It is not my point. But do they think that they can go on borrowing four or five crores every year for capital expenditure, though no doubt it is productive capital expenditure? Because the people have not got enough money to lend to the Government. This year they have got the

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money from the people because the Government are doing something for the country by way of starting irrigation works and so on.

"Sir, the Government must have a definite policy with regard to the ism they want to follow—whether it is capitalism or progressive capitalism or qualified capitalism and so on. If they say that they are following communism, I would advise the Government to nationalise everything and have enough money."

THE HON. SRI K. MADHAVA MENON:—"There is something in between."

SRI M. NARAYANA MENON:—"If you leave out capitalism and progressive capitalism, you will call it socialism which, after all is only progressive capitalism and not communism."

11-30 a.m. "Then, Sir, I want to say one word with regard to agrarian reforms. It has been stated in His Excellency's Address that a committee has been appointed to go into the questions of the method of assessment of land revenue in ryotwari areas, the system of land revenue administration, the tenure of holding of ryotwari land and the conditions of cultivating tenants and agricultural labourers. It is a very necessary thing and a necessary step taken by the Government. After the Government get the report of that committee, they can certainly do something for the benefit of the agricultural labourers and the cultivating tenants and so on. But with regard to Malabar, why are the Government so hasty? Where is the hurry for them to proceed with the legislation in spite of the demands made by the people of Malabar that the legislation should wait till the committee has reported to the Government? After that, we can have one uniform land tenure system for Malabar as well as for the rest of the 24 districts of the State. Why a differentiation in the case of Malabar? It is always said, Sir, that Malabar is different from the other districts, that its land tenure is different and so on. It is so with regard to language also. Languages are different in many places; yet, are we not making an attempt to have a uniform language for the whole of India? Again in the matter of civil laws, are we not making an attempt to have a uniform law in the country, such as the Hindu Code, except of course with reference to Muslims? Similarly, in regard to land tenure also, you can have one legislation for the whole State. When the committee's report is received, it will show us the way in which such legislation can be undertaken. So far as Malabar is concerned, let me not be understood as saying that there should be no permanency at all given to the tenants. I agree that permanency should be given to the tenants; but there are several other matters on which some consideration has to be bestowed, and that has not been done. I do not say for a moment that the Minister responsible is not doing things with any good intention; I know perfectly well that according to him, it is all for the benefit of the people, and he has got the best of intentions in the matter. But even men with the best of intentions occasionally go wrong. I say that there are several

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other matters which have got to be taken into account before passing such legislation. There are two sides to this question there are persons who will very much suffer on account of this legislation, and I know also there are very many persons who will benefit by it. I can quite understand your attempt to give help to the tenants; but I cannot understand your idea to put down the janmi and the landholder and take away from them what they have been receiving and having for a very long time in Malabar. The moment the Bill is passed, all these landholders will have to recommence their lives with quite a different budget for the maintenance of their families. They will be very much reduced in their wealth and in importance. I say all these things must be considered, and I therefore request the Government to wait for the report of the Land Reforms Committee which I am sure will give us an idea as to how the entire matter should be dealt with so far at any rate as the Malabar district is concerned.

"Now, Sir, one word with regard to education. The policy of the Government with regard to education has been a little halting before; but now I believe it is on the right track. Even there, I would very much wish to have certain changes made for the benefit of the State. As I understand the announcement of the policy of Government, the regional language is given importance. I quite understand that; the regional language cannot die; people must write, read and write books and poems in that language; at the same time, we cannot forget one very important thing, viz., the development of a common language for the whole of India. Though there is an attempt made in that direction, I think it is not sufficient. Hindi must be made compulsory to all and everybody should be induced to learn Hindi. Then only you will have a common language. I can tell you certain difficulties which the officials experience in other States of the country. Suppose a Madrasite goes to Delhi or to any province where the regional language is Hindi, his children when sent to school, will not get much benefit by being educated there, because it is in the regional language that instructions will be given at the very outset. Whether it is a Tamilian, a Telugu or a Malayalee, whoever it is that goes there from South India, he will experience the same difficulty. That is the case also when a Malayalee is in the Tamil Nad or in the Telugu area or when a Telugu is in Malabar and so on. In order to see that those difficulties are removed, we must, of course in due course of time and not all at once, see that a common language is developed for the whole of the country and that the medium of instruction is a common language. English is certainly necessary for international purposes, for cultural purposes and so on; and so, it must be kept on and there is no harm resulting. As regards Sanskrit, though it is a classical language and not a vernacular, I submit it is highly necessary that every inducement should be offered for the study and development of that language, because it is that language which is a culture-house for us Indians, for the development of the vernacular languages and also for many other purposes. In fact, all over India, when we examine the real culture of the people, we find there is

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very much derived from Sanskrit, and therefore, it must be maintained. I find in the Address not much stated about Sanskrit, about the culture we are to have from Sanskrit education. I think His Excellency should have referred to it.

"Then, some very good things have been done in regard to education, especially with regard to the training of teachers for secondary schools; one college has been started at Palghat and another at Mangalore, and there are other such institutions. I understand that, if necessary, the Government are also prepared to open some other institutions for the purpose.

"One other matter in regard to which the Government are entitled to our thanks is the separation of the judiciary from the executive. It is going on apace and we are going to have something more of it this month, and we are sure that before the year is out, the separation will be complete throughout the State.

"The two other matters which require some mention are the food position and the treatment of the subversive elements. I know so far as the latter is concerned, the Government are taking steps to put down the subversive elements in the country, but whether they will be able to put them down or not depends, not only on the Government, but probably also on foreign states. Their money, their persuasion and their help, may help them to continue their activities here, but I am sure the Government are taking the necessary steps in the matter and they do deserve our thanks for it.

"As regards the food position, I cannot accuse the Government of not having done enough. It may be the result of their efforts is not very satisfactory; but still the Government cannot be blamed. We may say that there is no food; but really there is no food available anywhere and the Government have been trying to get food for the people. There are so many difficulties in the way, and therefore what we can ask the Government to do is to strive their very best to get us food, and I know they will do that.

"With these remarks, Sir, I second the resolution that has been proposed by my hon. Friend."

SRI N. RANGA REDDI:—"Mr. Chairman, Sir, while thanking the Government for what has been done, I should like to say that enough has not been done."

MR. CHAIRMAN:—"Before the hon. Member proceeds, may I say there are some amendments to be moved to the resolution. I think it is better they are also moved now, so that discussion may proceed on all of them. The main resolution has been moved and seconded. Mr. Farookhi, Mr. Uppi and Mr. Narayanaswami Nayudu may also move their amendments now, and then discussion may take place on all of them."

JANAB ABDUL LATIF FAROOKHI:—"May I know the procedure, Mr. Chairman? Are all the amendments to be moved now and then the speakers should speak on them afterwards?"

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MR. CHAIRMAN:—"You know the other amendments also; so, you can make your speech after moving your amendment. Then we shall go to the other members who will move their amendments."

JANAB ABDUL LATIF FAROOKHI:—"Mr. Chairman, Sir, I move—

'Add the following at the end:—

"but regret to note—(i) that the speech of Your Excellency which is a Government pronouncement does not contain definite and practical steps calculated to promote the interests of the common man as enjoined by the directive principles of State policy laid down in the Constitution;

(ii) that the Council of Ministers are following a policy of 'Wait and see' without addressing themselves to the tasks devolving on them as representatives of the people;

(iii) that in regard to production and distribution of food, the Government have hopelessly failed to ensure even a meagre ration of 12 oz.;

(iv) that the proposals for the spread of education are halting;

(v) that the policy of the Government is not calculated to solve the housing problem even in the distant future;

(vi) that some of the legislative measures are hastily conceived and they fail to take note of principles which should govern such legislation;

(vii) that the Government Transport system has neither provided comfort and convenience nor it is run efficiently and that its success financially is problematical;

(viii) that proposals regarding delimitation, conduct of elections and other cognate matters in regard to elections under the new Constitution are vague and indefinite."

"Mr. Chairman, Sir, it is unnecessary for me to say that when we criticise the Address of His Excellency the Governor, we are criticising only the governmental pronouncement. We have the highest regard for His Excellency and we know how His Excellency is doing his utmost to give comforts to the people in the State. He is going about from place to place at great personal inconvenience and giving advice to the people. Therefore, Sir, I say there is not the slightest disrespect shown to His Excellency when we criticise his Address. But, Sir, we feel that in a pronouncement such as the one made by His Excellency, there must be something to give comfort to the people. There is nothing in that speech which can give a ray of hope to the hearts of the suffering humanity in the State; on the other hand, there is a sense of disappointment felt.

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"First of all, Sir, I shall deal with the problem which is at present agitating the minds of the people to the highest possible degree, i.e., the food problem. I must confess I realize that our State Government are helpless in the matter; their policy is being directed by the Central Government in this matter. It is very regrettable to note that the hon. Mr. Munshi, the Food Minister to the Government of India, is not able to realize the gravity of the situation. He goes from place to place and says that the food situation is not serious, that everybody can live without much difficulty. He does not realize that in certain places, for weeks together there is no food ration available. I have received a telegram only this morning from the Secretary of the Congress Committee of a certain place to the effect that for the last two weeks, people are living on 2 oz. ration only. This morning, I read a statement in the Press by our Food Secretary. He says that the 12 oz. ration will be continued, though it may not be that there will be much of rice in it. Sir, I have been going about from place to place, at least in my own constituency, and I have seen that this 12 oz. ration is only a myth. It is a phantom; there is no such thing as a 12 oz. ration whether it be in the shape of ragi or in the shape of wheat or any other foodgrain, leave alone rice. 12 oz. is not being given in any place, so far as I am aware. Therefore, Sir, it is a very serious matter to which the Government should address themselves. The production of food is a thing which has to be thought of after we tide over this food crisis. We cannot simply sit complacent and think we can produce enough food and stop imports from 1951. I would suggest to the Government that they should try to import as much rice as possible and as much foodgrains as possible without standing on prestige. I mean, prestige in thinking that a big country like ours where crores of people are living, why should we not stand on our own legs with regard to food. It is certainly a matter to be considered at leisure and not for the present. For the present, I feel the people are really suffering. Of course, Government may say, there are no deaths by starvation and there is no such crisis. But whatever the Government may say the common man could not believe it. He has his own experience. His experience is that there is no food in the country and that in spite of all our attempts at procurement, food cannot be had. The Hon'ble Food Minister of the Government of India feels that there is deficiency so far as procurement is concerned. But the fact is, on account of drought, on account of excessive rain and many other natural circumstances, there is no food. Therefore, such being the case, if we sit complacently and make easy speeches that the people are quite all right and if there is proper procurement food can be had and so on, that cannot satisfy the common man who is suffering, hungry and starving. The common man feels that the Government have hopelessly failed in their duty with regard to the food problem. I would, therefore, most earnestly impress upon the Government the necessity of importing or getting foodgrains from whatever place it is possible to get to relieve the distress which the common man is facing today.

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"Now, Sir, so far as the question of food production is concerned, I would suggest that steps should be taken, and immediately taken. But, in this connexion, I would ask the Government whether any serious attempts are being made in that direction. We are having what is called the Tree Planting Week, according to which we plant trees. For demonstration purposes it is all quite right. But, are we really serious about the matter? It is a question which the Government should consider. The ryot is suffering.

"Then, Sir, there is another difficulty so far as foodgrains are concerned, and that is with regard to prices. Perhaps during the last meeting of the Provincial Food Advisory Council or immediately after it, the price of rice or paddy had gone up by 6 annas per maund. I do not know the reason why there was this rise in price. The common man cannot understand this rise in price. Probably the Government have not been able to control the price. So, unless you control the price it is not possible for the common man to live, far from his being able to live in comfort, at least he should be able to live a life which can sustain him for some days. Are we to see these people starving and dying on the pavements of the streets, as people died in Bengal some time ago? Certainly this Government cannot tolerate such a state of affairs. Then it was a foreign Government and not a National Government. No National Government can do or think of such a thing. We realize and we do know that our Government are trying their utmost and they are solicitous about the comforts and needs of the common man. There are methods of doing it. I am only criticising the methods of the Government in tackling the problem. The Government have not realized that their methods are not correct. If you begin to increase the price of rice—today it is 12 annas a measure, tomorrow it will be 13 annas and the day after 14 annas a measure—how can the people live(?) Government have also failed to stop black-marketing. Even today anybody can see that rice is going from place to place in bags. As a matter of fact, we read in papers that 230, 450 and 650 measures of rice had been seized by the police. So blackmarketing is flourishing. You will be surprised to know that rice is being sold in the Chingleput district at Rs. 1-14-0 a measure. I am afraid it may go up even to Rs. 2-8-0 or Rs. 3 a measure. What have the Government done to check this and the Government have to give an answer to it, because it is a question which is being put by the common man to the Government. Are you going to allow such a state of affairs to continue like this? Blackmarketing must be stopped at any cost, but the Government have not taken proper steps to stop it. So, unless blackmarketing is stopped, there will be no use trying to adopt any other methods. Some anti-social people have become accustomed to blackmarketing and they want to enrich themselves at the cost of the poor man and therefore the common man thinks that the Government have not done anything to stop it. In fact, the Government have not done anything to fix up the

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price or to see that the price does not rise. It is not only in the case of rice alone, but it is so in the case of every other commodity. You can find it from the statistics relating to prices of commodities which are being published. For instance, if a man goes to the bazaar he will find that the price of chillies has gone up from Rs. 2-8-0 a viss to Rs. 4-12-0 or Rs. 5. Is there any article of necessity for the common man, the price of which has not gone up during the last one or two months? It goes up every day. If a man goes to the market with Rs. 2 thinking he can purchase an article at yesterday's price he finds himself that he cannot do so and has to come back disappointed. Such being the case, I feel Sir, it is the imperative duty of the Government to see that the needs of the common man are satisfied and that he is made to live in comfort, or at least so as to sustain himself for some days, so that after he tides over the crisis he can think of other things. Therefore, I feel that the food problem has to be tackled very delicately and seriously and that our Ministers, particularly the Hon'ble Food Minister of the Central Government, should not be under the mistaken impression that the food situation is not really bad as they think.

"Then, Sir, there is another important question and that is with regard to housing. In spite of the fact that the Government have been trying to relieve the acute housing situation, they have not seriously attempted to do anything in the matter. I understand that a factory for manufacturing pre-fabricated houses has been opened and that the Government are trying to see that more houses are built. But, what is the condition today? Even in remote villages, we are not able to get housing accommodation, leaving aside the case of Cities and important towns in the State where the position is still more difficult. Such being the case, I ask, how is it possible for people to live.

"Sir, the three most important things which are necessary for the people are, food, clothing and shelter. In all these three matters, I feel the poor man, the common man, is suffering and the Government have not taken care to look to the needs of the common man. Therefore, I feel that it is very necessary that Government should see that the housing problem is tackled properly.

"Then, Sir, so far as clothing is concerned, there is not much difficulty in securing cloth but the only difficulty is with regard to price. It is not possible for the common man to get the cloth at the price at which he could have easily got it some time back. It is therefore necessary that this question should also be taken serious note of by the Government.

"In regard to the question of transport, while thanking the Hon. Minister for Transport for the sincerity with which he is trying to carry on the State Transport business, I feel it is not possible for anybody to congratulate him on his efforts. In regard to this question of transport, I have always felt that the Government and their officers are not competent to cope with this question. It is a matter which has to be left to businessmen and not

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in the hands of politicians and statesmen. The Hon. the Finance Minister cannot understand the delicacies and difficulties of the transport problem. Only this morning when I was coming to the Council, I saw a non-gazetted officer of this Government stranded on the way and he said he was standing there for 1½ hours attempting to catch the bus and when he saw me he shouted and stopped me and I gave him a lift. I feel it is competition and private enterprise that will go a long way to relieve the distress of the people so far as the transport problem is concerned. Now the whole monopoly of bus transport in the City lies with the Government. Government have only one or two buses for one route and the people on that route get stranded because there is no room in those buses and they have to wait from morning till the evening and finding that no seat is available they have to go back disappointed or walk to the place of their destination. Then the other question with regard to this transport is this, namely, the rise in the cost of transport. To-day there is one rate for a particular destination, from one place to another, and to-morrow there is another rate. That is, if they charge 2 annas from one place to another today, tomorrow the rate becomes 2½ annas. A man, not knowing that there has been a rise in the cost, pays for the ticket, gets into the bus and finding that he has only a few annas in his pocket, not sufficient to pay for his return journey, he has either to get down and walk or get disappointed. That is the difficulty and yet our Transport Minister, in spite of repeated requests in regard to this question, has been stubborn and adamant and would not budge an inch from his position.

"Then, Sir, the Hon. Minister thinks we are working at a profit. The Government have purchased many Italian buses at a high cost and then they had to be abandoned because of so many defects and the transaction is a great loss to the Government. The Government must realize that in matters like this the loss will be borne not by the Government but by the public. If a private operator sustains a loss, he bears it but if the Government loses, the loss is merely transferred to the people. If the Government loses, they merely say: It has been a loss and we shall increase the fares. In that event, it is the people who suffer. I wish also to raise the question that there has been an enhancement in the taxation of motor vehicles; it has been raised from Rs. 25 to Rs. 30. The cost of petrol has not been reduced. These are not days when we can say that motor cars are a luxury though there was a time when people used to say that motor car was a luxury. To-day, apart from people owning motor cars, there are a number of people who have to travel by buses. I feel, Sir, that the question of transport is being very badly managed by the Government and it is high time that the Government should give it up in favour of private enterprise.

"I wish to say a few words upon legislative measures. Legislative measures have been very hastily conceived and this can be seen from the fact that soon after passing one legislative measure in one session, the Government comes up in the next session with

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an amendment. Perhaps on account of the fact that they stand on prestige they have not been able to reconcile themselves to any amendment moved by the popular representatives of the people here. So far as I can say with reference to my experience in this House for the last six years, there was hardly any amendment moved by the Opposition which was accepted by the Government, though there are many on which action has been taken for a subsequent amendment; particularly it is the case when the Bill comes passed by the other House. The Government perhaps think that it is not a correct thing or that it is below their dignity or they are going to lose time if they accept any of the amendments suggested by us. Whether they accept the amendment or not, the fact remains that they are hastily conceived. The Government have to see that their measures are such as would infuse confidence in the minds of the people and they should credit a legislative measure passed by the House with a certain measure of permanence and should not think that it would be amended in the next session.

Let me come to the question of education. I am glad the Hon. Minister for Education, Mr. Madhava Menon, is trying to do his best to advance education in the State but he has not been able to do it. It is a very hard thing no doubt. In one of my previous speeches, I pointed out that there were 6,000 villages in the State which do not possess even an elementary school. We want to educate the people; we want adult education and we want to have adult franchise and adult franchise cannot at all succeed unless the person who wants to exercise the vote knows what it is and if he has to know what the value of his vote is and why he should vote he must at least be educated to some extent. I wish to ask whether our village people have been educated and what attempts have been made so far for educating them by at least opening one elementary school in each village. The teacher is a necessary adjunct to education. I do not know how the poor teacher can go about his work unless he gets sufficient salary in these hard days when living conditions are so difficult and therefore, in that connection, the salaries of the teachers comes into the picture also. I wish to know how many schools, elementary schools, I do not mind about high schools and colleges, have been opened during the tenure of office of the Hon. Minister for Education. That is a question that will have to be very seriously considered by the Hon. Minister.

Then, Sir, comes the question of health. I have read in the papers that for every minute there are two deaths from tuberculosis in this country. My Hon. Friend Mr. Madhava Menon will be surprised to hear that tuberculosis patients retain consciousness till the end, till the time they die; I have myself seen such patients, who know everything, who speak to their friends, greet them and their health is perfect and sound enough for all that. But the whole thing is that the disease is eating into their vitals. Theirs is indefinite suffering and death is better than life in such cases. I would like to ask the Hon. Minister for Health what has been done with regard to tuberculosis patients. Probably, the

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number of deaths in this country is greater than in any other part of the world. Then there is leprosy and its incidence is increasing. I wish to ask the Hon. Minister whether any serious attempts are being made to bring down the incidence of leprosy. I am aware that in my young days, we never knew about so many diseases which are so common nowadays; we did not see so much of suffering by the people. It is because we lived in comfort."

MR. CHAIRMAN:—"Ignorance is bliss."

JANAB ABDUL LATIF FAROOKHI:—"Are we to think, Sir, that because ignorance is bliss, we lived happily in those days and that on account of our knowledge, we are suffering now. If knowledge is going to give us suffering and is going to be the cause of our suffering, then good-bye to it and let ignorance be there."

MR. CHAIRMAN:—"My point was that the disease was there but people did not know it."

JANAB ABDUL LATIF FAROOKHI:—"The disease might have been there but there were no deaths from it. If statistics are looked into, I am sure and I can say safely without fear of contradiction that the number of deaths in those days was much smaller than the number of deaths now."

MR. CHAIRMAN:—"What about births?"

JANAB ABDUL LATIF FAROOKHI:—"With regard to that, Sir, I read that the increase in the birth rate is due to the fact that people are taking rice."

MR. CHAIRMAN:—"I read that also. And perhaps that is the reason why the Government wants to cut the rice ration (laughter)."

JANAB ABDUL LATIF FAROOKHI:—"What I submit is that, Sir, in spite of this there has been an increase in population. What is the use of having unhealthy children? If the children are unhealthy they are a drag upon their parents and upon society. If the child is not in good health, the father has to lose so much money and devote more attention to the sickly child. I feel that not only should there be an increase of population but that the children must be strong and healthy. Here I hold a different view from others; there are many people who feel that there ought to be birth control but I say I want more children and healthy and strong children; I want the population of our country to increase so that there will be more soldiers, there will be more farmers and there would be more people to defend the country and such people should be healthy, strong, valiant and brave. But are we tending towards that end? We are being emaciated for want of food; the people are not being properly housed and given shelter and the people's health is shattered; we are growing as an

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emaciated nation. We are unfortunately in a state where if some one attacks us, we shall once again become slaves. We want to develop as a strong nation which will withstand any power on the face of the world. For that, it is necessary that we must have good food and nutritious food and when food is scarce and costly, where is the question of eating more vegetables? What is the price at which we can get it and how can any one expect the poor to get them and use them in place of rice? People cry even for *conjee* and now can they think of vegetables? There is no use in living in a Utopian world thinking that everything is all right and looking through a green glass and imagining that everything is fresh and green. The Government, the national and popular Government that we have, should understand the difficulties of the people; the popular Government of ours is in a much better position than a foreign Government to attempt all these things and the people have every right to ask the Government: 'What have you done to make this nation healthy and strong? What have you done to make the people prosperous, to give them shelter, good food and a healthy life?' As I have already said criticism is not calculated to attack the Government but to help them to lay bare to them their faults and make them realize that there are certain ways by which the Government can help the people."

MR. CHAIRMAN:—"Was the Minister for Transport present when the Leader of the Opposition paid him some compliments?"

THE HON. SRI B. GOPALA REDDI:—"I am sorry, Sir, I was not present."

JANAB ABDUL LATIF FAROOKHI:—"Let me turn to elections. I do not know the proposals of the Government with regard to the delimitation of constituencies. All these things are entirely in the air. We do not know when the elections are going to be held and what steps the Government have taken to ensure impartial elections. You will remember, Sir, there was a conference in Bombay. Whether we agree with them in other matters or not, we agree with them on one thing, that is that the elections should be impartial. They said of course that the Ministers should resign. I do not think our Ministers are so unfair; they are fair enough and I am sure they will do justice. In other free countries like England, the Ministers do not resign when the elections are in the offing."

MR. CHAIRMAN:—"If they resign, to whom will they hand over the administration?"

JANAB ABDUL LATIF FAROOKHI:—"That is easy, Sir; the administration can be handed over to the Governor. But, Sir, I have confidence in our Ministers and in their sense of fairness. I am sure they will not do anything to prevent other people from getting into power by means of the elections and they will be fair

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whether they will be elected or not. They will be fair; there is no question about that. But it is not merely necessary that you should be fair but you should also show to the world that you are fair. What have you done towards that end? Have you made any pronouncement regarding what you propose to do to ensure impartial elections. We understand from newspaper reports that the elections will be coming off next year and next year is only a few months ahead. If electoral rolls are not properly prepared and people are not properly educated as to what they vote for, why they vote for, and what it is that they lose if they do not vote, why should people go into the legislature, adult franchise will have lost its meaning and in fact it will do more harm without such education."

MR. CHAIRMAN:—"I think a discussion on delimitation is coming up."

JANAB ABDUL LATIF FAROOKHI:—"I am only making a passing reference to it, Sir."

MR. CHAIRMAN:—"I am only trying to suggest to you that your remarks may not be so elaborate on this occasion when you have another opportunity of criticising it."

JANAB ABDUL LATIF FAROOKHI:—"It is necessary that the Government should satisfy the people that they are going to ensure proper, impartial and good elections. As I said, I have every confidence in the Hon. Ministers. I only want that the people also should know it. We know personally each other that they would be quite fair, and I want the people also should know it. And that is why I want them to make that announcement."

THE HON. SRI P. S. KUMARASWAMI RAJA:—"The people also know it."

JANAB ABDUL LATIF FAROOKHI:—"I am glad to see that the Hon. Chief Minister also sails in the same boat with us. He is the greatest leader in this State. Sir, I do not want to take up the time of the House any longer, and so I will conclude by saying, as I have said earlier, that this Government have hopelessly failed in doing justice to the common man and the poor man and that His Excellency's speech does not contain anything conducive to create a state of affairs which will satisfy the people."

JANAB K. UPPI:—"Mr. Chairman, Sir, I beg to move the amendment that stands in my name—

'but regret that Your Excellency has not been advised by Your Excellency's Ministers properly as regards the situation in the State in various respects and the means of bringing effective relief to such a situation.'

"Sir, let me at the outset offer my thanks to His Excellency for coming to our midst and telling us what his Government intends to do. His address, according to parliamentary practice, is

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to delineate the policy of the Government in the near future, the measures that Government intend to bring before the country, the measures that Government intend to take for the amelioration and uplift of the masses. Now, the question is, 'Have this Government advised His Excellency properly?' I say in one word, 'No.' They have not told His Excellency that the situation in the country is very very precarious and dangerous. We are on the verge of a precipice, on the brink of falling regarding food situation. The highest person in the land, the person who is responsible for the lives of millions in the land, has only yesterday said in the Parliament 'absolutely there is no scarcity of food in the country'. Those are the very words he used. Now, Sir, did he not come to these parts and see things in person?"

MR. CHAIRMAN:—"Whom are you referring to?"

JANAB K. UPPI:—"To Mr. Munshi."

MR. CHAIRMAN:—"I think you will be more relevant if you confine yourself to the address of His Excellency the Governor."

JANAB K. UPPI:—"I am referring to his subordinates in this province. Sir, provincial autonomy as it works to-day is a myth. I would say that there is absolutely no provincial autonomy. It was only yesterday I heard in the other House—for I was listening to the debate from the gallery—that the Hon. Finance Minister had to admit that the Local Government had to look to the Government of India for co-operation, instruction or permission even in small matters. So, Sir, that is the position to which we have come to. Sir, when the country is in flames, Mr. Munshi is fiddling there, saying that everything is all right. Sir, I come from a village in Malabar . . ."

MR. CHAIRMAN:—"May I point out to the hon. Member that what Mr. Munshi said is not the point. Several previous speakers have dealt with the question of food situation to some extent. We are now on the address of His Excellency the Governor. If the hon. Member will deal with that he would be more relevant. There is no point in attacking Mr. Munshi."

JANAB K. UPPI:—"Now, Sir, what is the proper course for this Government to do? They should tell the Central Government that the country is in flames here, and if relief is not forthcoming, let them take up the reins of Government and run it. Sir, I come from a district which is most deficit. In 1943 or 1944, the situation in Malabar was worse. It was in Malabar food shortage started. In Malabar to-day the situation has not improved. In spite of the cry of Grow-More-Food Campaign, the situation is rather worse. We started with 12 ounces of ration, it came then to ten ounces, then to eight ounces and then to six ounces. Even that is likely to be reduced further to four ounces; for, that is to-day's message from the papers. That is the situation we have

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come to after spending crores of tax-payers' money. From twelve ounces we have come to four ounces. And who knows it may not be reduced still further. I can only declare, 'May God prevent such a disaster.' Now, what has this Government done in the matter? It is not for them to tell this House that they are helpless. No, if they find the situation is so bad that they cannot save the people, let them tell the Government of India that unless they help them they would resign and let the Central Government themselves run the administration. Is there any other situation in the province so serious as food; and it is on that issue they would have to resign, if they cannot improve matters.

"Sir, in Malabar, over and above the shortage of food, there is the producers-cum-consumers society, which makes matters worse."

THE HON. SRI K. MADHAVA MENON:—"Question."

JANAB K. UPPI:—"My Hon. Friend says 'question.' He is here in Madras and I am in Malabar. (Laughter.) The producers-cum-consumers society is a lifeless institution, which people are now using for pilfering, stealing and for misusing public money."

MR. CHAIRMAN:—"I thought you had not much affection for it even while it was living."

JANAB K. UPPI:—"I had no affection for it even at its birth (laughter). It is on the floor of this House I said so then."

THE HON. SRI K. MADHAVA MENON:—"In spite of it, it grew well."

JANAB K. UPPI:—"Of the 108 societies started, the Collector of Malabar has remarked that 89 of them are more keen on pilfering than for serving the people. Is it not on records, I ask?"

THE HON. SRI K. MADHAVA MENON:—"No."

JANAB K. UPPI:—"He may deny; but I challenge him as a Malabar member, and if my statement is proved, what will he bet? (Laughter.) I do not want to say more about it. The life history of this producer-cum-consumer society is notorious. Every day in Malabar you will find pilfering, stealing and misappropriation taking place in these societies. See, how many cases of this type are pending in courts; how many people are dismissed who were in charge of these societies. Now, the point is these societies are giving six ounces of rice. But as a matter of fact, what they give is not even four ounces; because it is all a mixture of rice, sand and stone. If people refuse to purchase it, they have to go away without food. But if it had been entrusted to a private businessman he would take some interest to see that good quality food is sold. The Collector of Malabar has reported (it was published in the papers) that if supply does not come in two or three days, there is every likelihood of rationing breaking down

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in Malabar. Other districts also are undergoing the same suffering and reports show that people are eating tamarind seeds. But the Hon. Food Minister advises us to eat fruits, roots, etc., and perhaps one day he will ask us to eat grass also, though now, he has not come to that. Do Government seriously think that manual workers toiling in the fields all day can live on four ounces of food. They are already trying to live on whatever is readily available. The foodgrain now given is not even sufficient for their children. May I ask why this Grow-More-Food Campaign failed: why is it the result of this propaganda is in the reverse direction? I shall answer it myself. It is because of Government's policy of harassment in procurement. I have been repeatedly saying on the floor of this House that the policy of procurement has been one of harassment. I do not say that Government should give up control. What I say is, the entire subordinates were harassing the villages and the poor people so much, that they feel, 'why should I take all the trouble to cultivate foodgrain, when it is snatched away from me leaving me nothing to eat? I shall cultivate money crop instead of paddy.' So, in this way, several people have begun to cultivate cash crops like tapioca. At least, it will save them from the harassment of procurement officers; that is, what they feel.

12-30 p.m. "I wish to put forward a suggestion to Government. At least from next harvest, let Government have 12 ounces ration in urban areas, and let them leave the rural areas alone. Do not touch the produce there. Perhaps that will enable the entire population in Malabar to get on for the next two or three months. If people in the towns are self-sufficient in food, then, food will not flow from the rural areas to urban areas. Thus there will be sufficient food in towns and villages. That is my suggestion. If the suggestion is worth acceptance, let the Government accept it. I ask the Government to address the Government of India and get things done well. They have been asking the newspapers not to publish alarming news about the food situation in the country. This hush-hush policy has brought us to the dangerous point of a precipice and even a moderately heavy wind is enough to roll us down the precipice.

"I will now refer to other matters. In 1920 there was a huge agitation in the country for communal representation, communal injustice and so on. The very able and far-sighted statesmen of the day at last found a panacea and passed the communal G.O. The Order was first applied to a few departments. When it was found effective after trial, it was extended to other departments. Let me confess that I was opposed to the G.O. in those days. But having seen the effect of its working for so many years, I feel that but for that G.O. Madras State would have become an Ulster. That G.O. has recently been declared *ultra vires* by the High Court. We shall not remain quiet. Huge demonstrations are being staged to restore the G.O. If the Government want to save this State, I request them to take immediate steps to restore it.

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"Then I wish to speak on education. The Government have been spending some more money on education, but the increase is not commensurate with the increase in taxation. Within four years, this Government increased the sales tax from Rs. 1-8-0 to Rs. 3. They have raised certain taxes from 600 per cent to even 1,200 per cent. I ask whether they have increased their expenditure on the education and health of the people in proportion to the increase in taxation. I ask the Hon. Finance Minister to give me an answer at once."

THE HON. SRI B. GOPALA REDDI:—"Sales tax was 8 annas in 1939 and now it is Rs. 1-9-0. We have increased the expenditure on education to more than three times."

JANAB K. UPPI:—"I am glad that he says so but it has got to be verified to satisfy myself. By this I mean no disrespect to him.

"This is a secular State and no religious instruction is imparted in schools. It has no place even outside the school hours. I have said this before and I repeat it. Religion and religion alone, be it Hinduism, Islam or Christianity, can keep the devil of Communism away from the country for some time—I do not say for all time. All propaganda against Communism is nullified by the other side. The Government need not spend for religious instruction. Let them afford facilities for those who want to give religious instruction to their children outside the school hours. Many people will not be able to impart religious education to their children at home. Such children will grow without religion and fall an easy prey to Communism and other devils. I hope the Government will consider this matter and take necessary action in the near future.

"I wish to bring to the notice of the Government the position about law and order. Thanks to the vigilance of the police and other authorities, law and order has been maintained well. But I must say that it is slowly slipping away as it were from the control of the authorities. Some of the officials take law and order in their own hands without caring for higher officers. They seem to think that they are all in all. I may make a passing reference to an incident which occurred in Cannanore a month ago. My Hon. Friend the Minister may say that the matter is *sub judice*. A month has elapsed and still the offenders are being booked. There was a quarrel between a Moplah and a few other Moplahs. The Moplah reported to the officer. The officer came with a posse of special police and without even a preliminary enquiry ordered lathi charge and arrest. That was the position. I hope the case will be enquired into.

"I have taken up much of the precious time of the House. With these words, I move my amendment."

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SRI B. NARAYANASWAMI NAYUDU:—“ I do not want to read the amendment* of which I have given notice. The first part relates to law and order and the second part relates to the food situation. The address says—

“ The law and order situation in the State has been generally satisfactory, due to the vigilance of the police forces and the magistracy. Activities of subversive elements still persist in certain areas but the vigorous action taken by the Government has led to a considerable decline in the number of serious crimes like murder, looting, robbery, etc.”

That is how His Excellency has been made to put the position and that is how we are asked to take it. The only effective answer that I can give is to quote from an article which appeared in the ‘Andhra Prabha’ dated 2nd August 1950 regarding Communist raids that took place on the 9th and 12th July 1950 written by Andhra Rashtra Congress Secretary Sri Kandula Obula Reddi and the Parliamentary Liaison Committee Secretary Sri Lakshminarayana. (Interruption.) I do not know the internal feuds between them. I daresay that at least the top-men in the Congress organization have got a sense of truth and propriety when they write to newspapers. If that is denied, I cannot help. I will first take the incident that occurred on the 9th July 1950 in the Guntur district. The hon. Member from Guntur is not present. I learn that he is a practical man. I do not know whether he will say that the version published in the newspaper is correct or not. The raid took place in a village called Durgi. It is twelve miles away from the nearest police station. On the day of the occurrence, the Circle Inspector of Police and Reserve Constables were away at a distance of six miles. Five or six Communists came to the village armed. There were 70 or 80 persons gathered together, and they were called by the name of village squads and they were intended to resist the Communist marauders. According to this report, I daresay, they have not gathered together voluntarily; they have been compulsorily asked to be assembled. They were asked to stay in the village during nights and to resist the communists when they came to plunder and loot the village. Were they given any arms? No. They were asked to resist the communists who were fully armed, without being given any guns or arms to defend themselves. It is just like Chanda Sahib resisting the siege of Arcot, with unarmed men. The police had gone in to those villages, asked these people to assemble and to keep awake during nights, and resist the Communists when they entered the villages with guns and arms. Do the Government seriously believe

* Add the following at the end:—

“ but regret to note in the Address:

(1) the omission to state the tragic realities underlying the law and order situation in the State and the failure of the Government to grasp the true problems or devise measures to prevent or atleast to halt the rot threatening the very foundations of organized political society;

(2) the dreadful failure of the Government to give all immediate incentives within the reach of the Government to maximise production and otherwise to increase supply of foodgrains so as to avoid the slow but steady exhaustion of the national human material which is the only remaining true asset of the nation.”

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that these people could defend themselves and at the same time resist and drive out the Communists? Why not the police give them training in arms and supply them with guns and bullets? Do they want to help the villagers without supplying them arms? Does America want to help the southern Koreans without sending arms to them? Does it grudge to supply South Korea with men, money and materials. Almost all the artillery-men in South Korea are equipped with American arms and guns and all the American military supplies have been sent already. That is how America wants the South Koreans to defend themselves and to drive out the Communist forces of North Korea. What is the use of sending men without arms? Can they defend themselves, much less take the offensive? Yet these people are called Rakshana Dals, that is to say protection squads. Is it for this kind of protective measures that the Government have taken against the Communist Pindaris and which the Government have envisaged in the address that we are asked to thank His Excellency? Sir, take the Kistna district. There is a village in that district which is infested with Communists. During day time they live in the hills and forests and at nights they come to the nearest village for plunder, murder and loot. What do they do, immediately they enter a village? They begin to shoot in the air and give an alarm signal. These village squads are already assembled there, without arms. What answer could they give? They simply come out with their sticks and lathis. These Communists say, ‘why do you want to kill yourselves; you have no arms and you cannot resist us. We have not come here to do you any harm or to kill you. We want only one man and that is the village headman. Let that man come and we will take him.’ This is what they say. But these people would not produce the headman before the Communists, because they know that the next morning the police would come and ask them why they did not fight the Communists and drive them out. In the result, some two or three people challenge them and get themselves shot by the Communists. The next day the Superintendent of Police with his police squad comes to the village and gives a Rs. 100 reward to the families of these two people who had been killed, in their resistance against the Communists. Thus ends the farce and that how these border villages are protected by the police against the ravages of the Communists. Who is really responsible for the death of these two people? I ask, is it not criminal on the part of the police to get these people killed, without providing them any arms? I can understand conscription of people to fight an enemy but I cannot understand conscription of people without providing them with arms for self-defence. The Superintendent of Police had the audacity to visit the village the next morning and say to the villagers, ‘You are a timid sort of people; you are all cowards; why don’t you beat back the Communists when they approach the village? Why don’t you resist them with all your might?’ Therefore that is my first complaint against the police, that they simply organize village squads to resist the Communist menace without providing them with arms and weapons. Otherwise there is no use of organizing these protection squads or Rakshana Dals.

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"Next, Sir, let me go to the other two villages called Hanumanthapuram and Gummadapadu in the Guntur district. These villages are far away from the police station. Information was received that these villages would be raided by the Communists on the 10th, 11th and 12th June, that properties would be looted and that the village headman would be killed. Then what happened? One of these village squads went to the Deputy Superintendent of Police who was then camping near the village, informed him of these Communist raids and asked for police protection. They told the Deputy Superintendent that the Communists were only after the village munsif of that place and that if he was brought before them, they would take him away and leave the village without raiding it. What was the reply of the Deputy Superintendent of Police? Probably he was not so inspired as our Hon. Finance Minister who, when the last budget discussions were going on and when my hon. Friend Mr. Suryanarayana Rao was speaking about the Communist atrocities and referring to some incidents in which he himself was a victim, interrupted airily, 'Run away to Cuddapah'. I do not know whether the Deputy Superintendent of Police had advised the village headman to run away to Penukonda. Sir, I am not here to deprecate the actions of the police nor is it my intention to condemn them. What can they too do? They are too poorly equipped and they cannot muster their forces in any emergency and therefore it is, that we find that in spite of whatever action is taken by them to check the Communist menace in those border villages, the Communists are still conducting their raids and are still active. I am afraid it would be impossible for the police with their present equipment and strength to put down the Communist menace in the border. On the 10th, 11th and 12th, the raid actually occurred. On these occasions, the Communists did not come in batches of 6 and 7, as they used to do before, but in two batches of 20. At that time about 150 village squads had assembled, but how could they resist and defend themselves when they had no rifles and arms in their hands? Though there were some policemen with them, they too could not resist the Communists and they advised the others to get out of the village. But the village squads refused and still came out to fight the raiders. The raiders shot some of these people, looted their properties and ran away. These 150 people remained helpless against these 20 Communists, because they were unarmed and were not given the necessary weapons to defend themselves. Sir, even during the last debate on this subject I brought this to the notice of the Government and certain other members also suggested that we must give these villagers arms and guns to protect themselves. But the Hon. Minister for Law replied that if arms were given to them, the Communists would come and take them away from them. Is that a proper reply? On the fear that the Communists would take away the arms, you refuse to arm these people, and thereby you expose them to the danger of being attacked and killed by the Communists. When Malaya was invaded by the Communists, and their national forces were resisting them with all their

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strength, the British Government was supplying them with arms, ammunitions and other war materials, in spite of the fact that some of the national forces surrendered their arms to the Communists. Did they ever think that the Nationalist forces would surrender their arms to the Communists? Never mind the risk. That risk will always be there. If you want them to give a regular battle to the Communists and drive out the raiders, you must arm them to the full. You cannot conscript people simply for the purpose of being killed. If you want them to go into military action, you must follow it up by equipping them with all the weapons of a soldier and give them the necessary military training in arms and other things. I am afraid, Sir, that nothing will come out of these village squads or the Rakshana Dal.

"Sir, recently the Hon. the Chief Minister made a tour in these districts and also visited some of the border villages in the Kistna and Guntur districts. May I request him to tell us something of what he had seen and what advice he had given to the villagers and the police to combat the menace? It is rather unfortunate, Sir, that while the Chief Minister is accessible to the Press, we have never heard him speak in this House. I am glad that he had used his influence with the Central Government and brought the Union forces to be stationed in the border. But I must, at the same time say, that so far as the responsibility for the maintenance of law and order is concerned, it entirely rests with the local police and the military cannot be of any use when such stray raids and lootings take place during nights and at stray hours.

"Further more, Sir, I want to put one question to the Government. This morning, I found a motion standing in the name of the Ex-Premier of this Province, for discussing a matter of public importance, namely, the shootings by the police. I ask the Hon. Minister for Law and Order, how many shootings had taken place in the Kistna district by the police? While, on the one hand, the Communists are shooting the poor villagers down, on the other hand, the police also are shooting them down. With regard to the question of resisting the Communists, I was one of those who suggested last time that they should be 'shot at sight'. Did the police shoot the Communists at sight when they raided the villages of Gummadapadu and Hanumanthapuram? Where did the Guntur police stay at that time? Sir, whenever some information is received that the Communists are going to attack certain villages, it is the duty of the police immediately to send a contingent of constables with necessary arms in a lorry to those villages. A few police lorries with a contingent of police constables, fully equipped must always be going from place to place to inspire the people with confidence and be ready for any emergency. Apparently, there is no such arrangement and that why these poor villagers are shot and the Communist raids are still persisting. Hon. members owe a duty to their constituencies to bring to the notice of the Government, whatever

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incidents are taking place in their constituencies regarding Communist menace. The police should be given full powers to shoot the Communists at sight and not the people of the villages. The Government must even declare martial law, if necessary, to put down this menace. Sir, I can understand what Martial Law is. But it has its own limitations. Military police are stationed at every village and public place, and when anything happens, without any enquiry or with only a farce of an enquiry, they condemn people and shoot them down. It is only when an active war is on, that shooting is permitted. But here also we must treat the Communists as enemies and deal with them in the same way as we treat an enemy in a war. It is not possible to arrest them and put them in jail. I want to know how many people have been shot at sight like that. Were any of these Communists shot when a raid was going on? I am sure there will be none. The police never come on the scene when a raid actually takes place. They simply go to the village the next morning after the raid had taken place the previous night, and arrest a few persons suspected of having helped the Communists and take them to the police station for enquiry. That is why we are dissatisfied with the action of the police. That is why, Sir, I have moved this amendment to the Address of His Excellency. What is the situation in the Province to-day with regard to law and order? His Excellency the Governor, in his address, says that the law and order situation in the State has been generally satisfactory due to the vigilance of the police and the magistracy and that the activities of subversive elements persist in certain areas but that vigorous action has been taken by the Government in order to put them down. What is the situation to-day? On the one hand there is the communist menace; on the other there is the police harassment, in the name of putting down the Communists. Sir, we cannot merely deal with the Communist as a kind pindari marauders. There is a difference between them and the pindaries. The pindaries were mercenary gangs who are out to loot and kill persons and passers-by, simply for the purpose of taking away their valuables and money. They had no object to establish their rule. But here these Communists are not like them. They do not want to kill and loot people merely for their property like the Pindaries. They work with a purpose and with an ideology behind them. They take their inspiration and guidance from foreign countries and they have got their own supporters in the villages also. We have read in the ancient Greek history that when the City States of Sparta and Athens were quarrelling with each other and when Prince Phillip of Macedonia rose to power, he went to the masses of the people and proclaimed to them that he had come to safeguard the rights and liberty of the people and asked them to make it an ideological struggle. In the same way these Communists say that they have come to save humanity from poverty, starvation and death. They have an ideology behind them. They go from village to village and preach their doctrines and ideas and their ideological background and try to enlist the sympathy and support of the people there. They take advantage of the poverty of

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the villages, of the discontent among the people and also of the political situation in the country. They do not want to shoot and kill all and sundry. They want to take the lives of the village munsif and other influential people in the village. They have got a programme and policy to follow and thus they are trying to establish themselves in the villages. That is why we find a change in the communist programme of late. There is now a change in their tactics. Their technique of approach with the masses has also undergone a change. What is the change that we notice? We have known what Continental Communism is. We know what is Russian Communism. Continental Communism always tries to seek power first. It first tries to wipe out the police and assume the police portfolio and then it suppresses the people and begin to rule them, by taking law and order in its own hands. That is how Continental Communists are working and that is how their communism is spreading to other countries. But here, our Communists are reversing the tactics. That is why we call it *Nattu Communism*.

"But fortunately or unfortunately they do not adopt that 1 p.m. method because Asiatic countries' communism, struggling under colonial force, cannot do it. We had our own communism to fight Britain out of India. Therefore, it is that Communists want to say 'we shall change it; we shall be peaceful; we shall capture the police; political sacrifice and conscription, we will see later'. What is the result now? Is not society absolutely now on the point of disintegration? Are we to thank His Excellency when he says that it is looting and murder and all that? Are we to thank His Excellency when he says 'put people in the streets without arms and let them be killed?' Are we to thank His Excellency when he says that the thing is steadily increasing or decreasing? The whole British Government has sent one Force and a Chinese is commanding the Malayan Force. How is it that a few Communists tied down the Empire's resources. It is just as you have tied down the British resources. Communist bandits and guerillas outside, as my friend will say, can tie you down."

MR. CHAIRMAN :—"Is the hon. Member likely to take some more time?"

SRI B. NARAYANASWAMI NAYUDU :—"Yes, Sir."

MR. CHAIRMAN :—"Then he can resume his speech after lunch. The House will now adjourn and meet at 3 p.m."

The House then adjourned for lunch.

(After lunch—3 p.m.)

JANAB ABDUL LATIF FAROOKHI :—"Sir, I had invited Dr. V. K. John for a party at 5 this evening. I have sent invitations to all hon. Members. If by any mistake there is any hon. Member who has not received the invitation, I request him (or her) to treat this as my invitation."

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MR. CHAIRMAN:—"I see there are a large number of hon. Members wishing to speak. It looks as if it will be late in the evening to-day. What do the Government propose to do in the matter?"

THE HON. SRI K. MADHAVA MENON:—"Sir, the hon. the Leader of the Opposition's party is at 5."

MR. CHAIRMAN:—"We may break at 5 for half an hour and then resume at 5-30."

THE HON. SRI K. MADHAVA MENON:—"I have got an engagement at 5-30 in another place. I am presiding over a school function. The other Hon. Ministers will come just now. We may then decide."

SRI B. NARAYANASWAMI NAYUDU:—"Sir, I do not want to elaborate. But I wish to restate the main points. One point is relating to the *Rakshana Dals*. Are the Government going to continue them in the old footing? I am here reminded of a story in the Mahabharata. A king invaded another king's territory, and the other king was at his wit's end. He did not have sufficient army to meet the enemy. He hit upon a method, namely, he got all the Brahmans and the cows of that place, put the Brahmans on the cows, gave them *buddi chembu* and asked them to fight the enemy. The enemy thought that killing the Brahman and the cow would mean sin, and therefore, he did not kill them. That is how the other king scored a victory over the invader. These *Rakshana Dals* are like these Brahmans and cows. But unfortunately now, the other side Raja is a man not bred in Brahmanism and he has no fear at all of Heaven or Hell. If we send these Brahmans and cows, he will make a nice meal of them knowing this country and also this Government. Do not depend upon these *Rakshana Dals*. Do not have false confidence in them. Let us arm ourselves to the teeth.

"The second point is with regard to the shooting by the Police. I know a certain amount of order has been restored by the Police. But that is no justification for their shooting. Shooting by the police means no law at all. On the other hand I will advise that they may be detained as detenus. Please understand that we are in the midst of a world conflict between Communism on the one hand and the Government on the other. The Government have got to enlist the sympathy and confidence of every man in the world. The larger the party the larger you must build up that confidence. It is prudence on our part to conciliate as many people as possible and to see that he dread of communism does not grow, but is halted.

"In paragraph 15 of the Address, it is stated that there is a considerable decline in the number of serious crimes like murder, looting, robbery, etc. It is not that at all. When Louis XVI was drawn out from the palace at Versailles and taken by the mob of Paris to Paris itself, do you know what Edmund Burke said?

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He claimed a new era had begun. Those volcanic forces are underneath. They are erupting. Don't think of these things as past things. It is the uprising of a new school of ideology who want to overthrow the existing Government and substitute a Government by force and liquidate all the parties in the State. It is that you should fight against. You must bend your energies to fight them. It is, therefore, I say not at all derogatory on the part of this Government to make this problem a Central problem. The menace of Communism is no longer a provincial problem. It is bound to grow in dimensions, and it will darken the whole horizon. The Government will be engulfed into it. Unless the Government at this moment dislodge this standing menace to order and society, and destroy the very nucleus of the party, it will become a great difficulty later. Therefore, I submit that the Government should not take up this matter lightheartedly. Their very place in the Constitution is in jeopardy. Let them realize it. To-day they are Ministers, and there is no outside force seeking to oust them. The time will come when they will have to fly for their lives as much as the villagers are now flying for their safety. Let the Government call for statistics from the banks of East Godavari, West Godavari and Krishna districts. How many jewels are now kept in the safety vault deposits of the banks? What was the deposit last year? Now it will be found that there is enormous flight of capital from the villages to the towns. Ask how many persons had migrated from the villages to the towns and taken shelter there? If the Government care for facts, and if they want to rule, let them give what may be called the old Roman Empire order or the Pax Britannica order. The Government ought to give that, and they should stand up and challenge the barbarians who come to shatter that order. I do not want to take more time on this. I only wish to apprise the Government, not in a factious spirit, but in the true sense of the word, that they should deal with this Communist menace as a world problem, and not as a local problem.

"I now come to the food situation. Hon Members have already dealt with it, and, therefore, I do not propose to take much time over it. Here again there is one fundamental mistake which I wish to point out to the Government. I know it has become practically a Central problem. It is no longer a provincial problem. We cannot buy what we want, and we also cannot buy where we want. We are depending on the Centre, I know. When it is becoming a Central problem, it is all the more necessary for the Provincial Governments to stand up and say that the Centre is following a wrong policy, and should not follow that policy at all. I ask: 'Is there any justification for any nation to say that the community shall live only on six ounces of rice? Are not the Government interested in the development and maintenance of material man-power of this nation? What did Mussolini do? What did Hitler do? What did the Soviet Russia do? Did they go and famish their peoples or did they go and build up their peoples? Is it a programme of slow starvation and final extinction or is it a programme of building up a virile nation?' That is the question

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the Government have to pose. (Interruption.) My hon. Friend is rhetorical. Has he got the breadth of vision and statesmanship to say to people to live on six ounces of rice in this Sovereign State, and try also to hold a place among the comity of nations? I want to know whether the Central Government is right in saying that we should live on half a meal or that we should live on vegetables only. I ask, Sir, is the world devoid of grain to give you? Is there no world market to buy? Is there nothing for you to feed at all? I say there is. But why don't the Governments buy? They say self-sufficiency, and that they do not have the dollars. Suppose you have got your own house, and you have got to build up your children. Do you starve your babies in order to become self-sufficient or do you go to beg of others to tide over the crisis, and then alone take up the question of self-sufficiency? Is the Government of India or this Government right when it says 'we shall live on half a meal.' It is not half a meal for one day or two days, but it is for months together. Does it not sap the vitality of the nation and make it unfit? After all what is their asset in the comity of nations? Why are China and India weighed in the international scale? It is because of their man-power—forty crores in China and thirty crores in India. When both these are combined, they are a sufficient match for the whole of the western nations. It is this man-power that we are now undermining when we say that people should live on six ounces of rice. That policy must be reversed at all costs either by buying or begging, or even by stealing to maintain this population in a fit condition. (The Hon. Dr. T. S. S. Rajan: 'Stealing?') Yes; even by stealing. You cannot help it. If you have starved me, and if you put a loaf of bread before me, I will steal it. You cannot help it. (Interruption.) I say it is better to steal and feed the nation than to famish it, and I join issue with the Hon. Minister. If they want to give only half a meal to my children and allow them to die slowly and not suddenly, all right; let them proclaim it as their policy. I differ from the Government and I challenge them to the utmost on that point.

"The next point I wish to refer to is about irrigation and electricity. His Excellency's Address makes reference to these two items. The minimum thing that can be done is to close the breaches that have occurred in the tanks and to push up irrigation works. Secondly electricity should be supplied at least to the villages to which connections have been given. Can any one deny these minimum things? The monsoon is coming. If there are the pumps, and if the lakes are filled up, there will be water, and there will be food until September or December. I ask the Hon. Minister in charge how many irrigation works have been taken up and how many breached tanks have been repaired. How many villages have got electricity, and how many applications for electricity are pending but not granted? So far as the central districts are concerned—North Arcot, Chingleput and Chittoor—if electricity is supplied, we could tide over this famine till September or December—at least half the famine conditions would not be felt,

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if not wholly. Will the Government give us figures in the matter? What prevents them from doing so? The Public Works Department is like the Vamana. Vamana covered the whole world with one foot, and the sky with another foot. Supply of water and electricity would make the situation easier. I have got great hopes in the Hon. Minister for Public Works, and I hope that at least when I come here next time, all the pending applications for electricity will be disposed of and electricity will be supplied to all the villages. It does not matter if it is on a temporary basis. It is not as if we want the Engineering department men to undertake all these irrigation schemes. Every villager is his own engineer for his own house and his own tanks. Do not bring about technical difficulties and availabilities. As Vamana did, you put your foot, and ask the people to do it. What about the Budameru? Has it been straightened? When the cyclone came, they stated that something should be done. But has it been straightened now? Are not people living on the edges of the Budameru stream? Who knows what will happen if another cyclone comes? How many people will have to starve, and what will be the overall deficit? It requires dynamic force to do all these things. I appeal to the Hon. Ministers concerned to see that these things are done expeditiously, so that it might be said that something has actually been done by this Government.

"Sir, I also want to refer to the communal Government Order. 2-15 I know that the High Court judgment has been given on this point. p.m. I am glad that my hon. Friend, Mr. Uppi Sahib, referred to it. The judgment has been given with regard to the application of communal Government Order in the matter of admissions to colleges. That Government Order has been scrapped according to me. I do not know what the Government have done in the matter. But I hope they will appeal against the judgment of the High Court.

"There is another point with regard to this. It was in this Council that an amendment to the existing Article in the Constitution was moved by me and passed also by the Council. Though it was passed by this Council, an Article in the Indian Constitution has been passed which goes against that amendment. It is one of the most wonderful things that the Indian Constitution is the only Constitution that has got an Article of this type. That is what I read in the papers. Who is responsible and how is it that it has been done? How is it that this clause which is alien to the constitutions of the world is found in the Indian Constitution? Everywhere there is a Republic, Democracy and sovereignty of the people. But how is it that an Article like this has crept into the Indian Constitution alone while you cannot find any similar article in any of the constitutions of the world? I am not sorry for it. Let them have it, let them have the victory. There is in Rome what is called 'Phyrric Victory.' That is, you can win the battle but you will not gain any territory. I appeal to the Government to make it Phyrric Victory for the jury. They can do it; it can be done. It rests upon the Government to see that the Phyrric Victory will only mean the loss of the two inches of ground or territory now held."

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SRI N. RANGA REDDI:—" Mr. Chairman, Sir, . . ."

MR. CHAIRMAN:—" The hon. Member may be as brief as possible."

SRI N. RANGA REDDI :—" I shall try to be brief, Sir. In the morning just as I was thinking of speaking, the Chairman said that the amendments might be moved first and that I might speak later on."

MR. CHAIRMAN:—" That is why I am calling the hon. Member."

SRI N. RANGA REDDI:—" Thank you very much, Sir. I am thankful to the Government for what they have done, but at the same time, I am also sad that enough has not been done. There are various reasons why the Government are not able to do all that they could. But it is time for us to think why they are not able to do all that they could. First of all, let me take the food problem. The address makes mention of the fact that all possible steps are being taken by this Government to maximise procurement and intensify food production in the State. If there is any latch or if there is any defect, they would like to lay it at the door of the ryot. They say that the ryot is not willing to part with grains. May I say that it is not the fault of the ryot but it is the fault of the service that is put in charge of the procurement? The service that is now in charge of this particular administration is, to my mind, not competent, not qualified to discharge the duties at all. By training and by equipment, they are able only to follow certain precedents. They are not businessmen. This thing requires business talent and business acumen. During the last four years, we have all experienced that prices were low at the time of harvest. In the year 1946 or 1947—I do not particularly remember—prices were very low. The Government servants, that is to say, the Tahsildar and the Taluk Supply Officers, went to the villages for purchasing grains at the controlled price. At that time, the market price was very much low and the ryots were willing to part with their grains. But the Government servants were not willing to purchase the grains for three or four months and then the prices went up. As the prices went up, the ryots also like other human beings wanted to make some profit and were not willing to part with their grains. When the grains were not available, we put the blame upon the poor ryot and said, 'You are grieved to deliver so much of grains. Therefore, we are going to prosecute you.' That is what happened in the year 1946 or 1947. The same thing has repeated itself this year also. I remember I have spoken on more than one occasion in the District Food Advisory Council and also in the Provincial Food Advisory Council in the month of May that the ryots were willing to part with the grains at the controlled price but it was the Government officials who were responsible for not procuring them. The agents appointed by the Government and the supply officers who are in charge of this department are not willing to procure the grains, because

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if they once procure, they do not know where to keep the grains. The ration shops have to sell the grains at higher prices while the people are getting grains at lower prices in the open market. Therefore, they are not willing to purchase the grains, from the ration shops. This is a matter which should be seriously considered by the Government. If the prices of foodgrains were low at one particular time and if the procurement officials were not willing to procure then, why do you expect the ryots to part with their grains at the time when the prices soar? No doubt you have got the law in your hands. But the law should be sympathetic towards the people and it should be such that the ryots are not made to suffer. Now, the prices have soared because of the failure of rice supply. I am sure every Government servant, from the Collector to the peon downwards will say, 'We are all armed with police; we will go to every man's house, search his house and procure all the grains available.' But I say that it is nothing short of harassment of the people. May I submit that if any pressure is to be used, that will only alienate the sympathies of the people? It is time for the Government to think whether they should continue to run this food distribution system with the aid of the present food officials. Absolutely they are incompetent for this work. I do not want to cast any aspersion or any insult on their capacity in other respects, but so far as this food administration is concerned, they are unfit and it is time that they should be replaced by another set of people.

" Now, I would like to come to another question and that is the separation of the Judiciary from the Executive. We are very thankful to the Government for having implemented this policy for which agitation was carried on for the last 15 or 20 years. They have already introduced the system in some districts and they are going to extend the scheme to five more districts in the State. Although I congratulate the Government on introducing this system, I should at the same time say that the personnel intended to mete out justice have not been properly recruited. About 80 people were recruited as District Munsifs from the whole of this presidency and they had to serve not only in the Ceded districts but also in the other districts of the State. To my utter surprise and to my utter disgust also, no one has been selected from Chittoor and not even one has been selected from the whole of Rayalaseema. Does it mean that the talent in Rayalaseema is inferior to the talent in the South or that in the Circars? May I say at this juncture that the talent in Rayalaseema is not in any way inferior to the talent in the Circars? If you take the marks obtained by the students in the School Final and the Intermediate Examinations held recently both by the Madras University and the Andhra University, you will find that the number of marks scored by the Rayalaseema student is much higher and so far as the minimum for admission to the Engineering College is concerned, their marks are higher by about 20 or 30. If that is so, why is it that the Public Service Commission which is assisted by an able Judge of the Madras High Court has not found anyone competent to serve as District Munsif? It is true that

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we have to give consideration to efficiency. But when there is efficiency, consideration of economy is put forth, and vice versa. I am really surprised at the examination that is held by the Public Service Commission. I know that the Public Service Commission was intended to remedy one particular defect. That is, when appointments were made by Ministers or by officers who were working under the Ministers, it was said that they were subject to political influence and that the best men would not be appointed. But when I find the selections made by the Public Service Commission which is said to be above all suspicion and above all influence and which is assisted by an able judge of the Madras High Court, I see that it has ignored the claims of five districts. Can I say that it is a fair selection? No, it is not so. Then again, what is the kind of examination that is conducted by the Public Service Commission? They interview a candidate for five or ten minutes. I do not know what kind of questions are put. I take it that they ask, 'How many years of service have you put in?' The candidate answers, 'I have put in a service of five years.' Then he is asked, 'How many cases of crime have you conducted and in how many cases crime was detected?' This is the sort of questions put. I do not know how the Public Service Commission which is probably endowed with intelligence I cannot say, judges the capacity of the individual. I do not know if the Commission was controlled by the High Court Judge. But may I say that they have not performed their real duty? After all, the High Court Judge was there in an advisory capacity. I do not know whether he was on equal terms with the Members of the Public Service Commission. I do not know whether the Members of the Commission were willing to surrender themselves completely to the learned High Court Judge. But let me say that if I had been a Member of that Commission, I would certainly not be willing to surrender myself to the High Court Judge. When the claims of five districts have been completely ignored, it is absurd to say that not one could be found competent to fill the office of District Munsif. The Government may say that there is an Article in the Constitution against which they cannot do anything. They may say that it is the Public Service Commission that appoints and if the Government say anything, the Commission would say that they are interfering in the matter of appointments. But may I respectfully submit to the Government that it is time for them to get an amendment to the Constitution made so that in the case of meting out justice like this no mistakes are committed? There is no point in simply saying that 'we have no power.' "

MR. CHAIRMAN:—"What is the Article in the Constitution that the hon. Member refers to?"

SRI N. RANGA REDDI:—"I have not referred to any Article, Sir. I said that they might say . . ."

MR. CHAIRMAN:—"Who said?"

SRI N. RANGA REDDI:—"That is what the Government say, Sir."

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MR. CHAIRMAN:—"I do not think so."

SRI N. RANGA REDDI:—"If the opinion of the Chairman is correct, I would then say that the Government should cancel or rescind the present selection and have another selection made immediately."

"The Address also makes some reference to the vigilance of the police forces and the work that they have been doing. Sir, if I say anything against the police, it should not be understood that I am not in sympathy with the police when they are placed in a very difficult predicament. But I would not go to the whole length of the hon. Gentleman, Mr. Narayanaswami Nayudu and say 'shoot at sight.' As a matter of fact, I was mentioning in a previous debate that the police should be armed with the power of shooting at sight. I was wondering whether he was really serious in making that statement and whether he wanted any Communist to be shot the moment he is seen. I should like to ask him whether any label is affixed on the face of the Communist to show that he is a Communist so that he can be shot at sight. I may be a capitalist to-day and may be a Socialist to-morrow. In the same manner my hon. Friend, Mr. Narayanaswami Nayudu, may be a capitalist to-day and he may be a Socialist to-morrow, and he may even be a Communist some time later. Therefore it is not necessary that a person will always be a Communist. So I don't think that the police—especially the constable, head constable or a Sub-Inspector—should be entrusted with the duty of shooting a Communist at sight. If it is done, we will have to face very grave consequences. Human life is sacred and you cannot tamper with it so easily and allow the police constable and other subordinate officers of that department to take the lives of people. I know of scores of instances where the subordinate police officials have misbehaved themselves by playing into the hands of private people. Take for instance the Circars. There you will find that even among Congressmen there are various groups. One set of Congressmen used to approach the police and say that the members belonging to the other set are all Communists and the other group used to say that this set of people are Communists. Now, if the advice tendered by Mr. Narayanaswami Nayudu is to be accepted to the very letter, do you know what will happen? The result would be all the people in the Circars would be liquidated, because all of them will have to be treated as Communists."

3-30
p.m.

SRI B. NARAYANASWAMI NAYUDU:—"I only said that only those who were found to be engaged in subversive activities should be shot at and not anybody and everybody."

SRI N. RANGA REDDI:—"Then, they come under the orbit of the Penal Code. There is no difficulty in dealing with such people. There is provision with regard to private self-defence. If your advice is with regard to giving powers to the subordinates in dealing with such cases, then I have no quarrel. But if you say that because a particular person is branded as Communist, all the powers of the Government including the power to shoot him at sight should be used, then I have to differ from you."

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MR. CHAIRMAN:—"What I understood Mr. Narayana-swami Nayudu to say was that a Communist found to be engaged in arson, loot, etc., must be shot at. I think that is what he said."

SRI N. RANGA REDDI:—"Then it is all right. If it is to be accepted, then it may be made applicable to all persons who indulge in unsocial acts like arson, murder, loot, rape, etc. My point is there is no need to specially mention the name of the Communist in this connexion."

"So far as the police administration is concerned, my hon. Friend, Mr. Venkata Reddi, has made certain observations. But I am sorry to say that I have to cross swords with him on this point. I feel honestly in this matter. I know the police are honest and they discharge their duties effectively and satisfactorily also. He was telling that if there was a case of police shooting and if there was a case of death as a result of the police shooting, no judicial enquiry ought to be made with regard to that. Are we to take it, Sir, that the policeman who shot at a particular spot should have the final say in the matter? Ordinarily in the case of all crimes, there is a judge, with all his intelligence and experience, who is called upon to take evidence and decide, with the aid of assessors, whether a particular person guilty or not. And, we find that there is provision for appeal against this judgment. Now, in the case of a police constable alone, if you mean to say that even if death results consequent on his shooting at a person, there ought to be no enquiry, I ask whether it is just. I am not against giving certain powers to the policemen to control some uncontrollable situations. But if death results in a police shooting, I would respectfully submit that the matter should be thoroughly enquired into. As a matter of fact, every police firing ought to be followed by a judicial enquiry. I don't mean to suggest that in a judicial enquiry the police will invariably be found fault with. I have stressed the need for instituting proper enquiry on previous occasions including during the budget discussions. If this is accepted, I am sure all the suspicions and anxieties of the people would be set at rest. When evidence will be tendered in public while the Judges hold their enquiry into such matters, people will think, 'Well, there was a situation which could not be managed and controlled easily by the police and after all the police have acted in the best interests of the people and the State.' That should be the view that should be anticipated by one and all, in contrast to saying that if a police constable shoots at the people there should be no criticism by the public and the policemen should not be subjected to a judicial enquiry in a Court of law. If the latter policy was accepted, then every Government servant would come forward and say, 'Well, what is the use if my actions are being subjected to criticism? I cannot carry on with my work and exercise my discretion or my judgment if there is interference by others. Therefore there should be no one to question my actions and decisions.' Then it means despotism. You must understand that we are living in democratic days and it is democracy that is ruling at present. Hence, if democracy is really functioning here, I would say that whether it is a policeman or

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any other person, if he has caused the death of an individual, it is imperative that he should be subjected to a judicial enquiry. I do not want that any non-officials should be associated with this enquiry as they may have some sympathy towards the victims and so on. Have a Judge with ripe experience and sound wisdom and ask him to enquire into cases where death has resulted and to give his verdict whether the police firing was justified or not. Otherwise, in these days when there is any amount of faction, these police constables and head constables are sure to play into the hands of one of the rival groups and liquidate the other group. Therefore I submit that it should be the declared policy of this Government to institute a judicial enquiry whenever there is a case of death consequent on police firing. For the last 30 years, whenever there was a police firing, whether the District Magistrate and the District Superintendent of Police concurred in saying that the firing was justified or not, we do not know. There is one view that though the firing may not be justified, it is very difficult to put up these people as accused in a Court of Law, and see that justice is rendered. I do not want to refer to any cases which are at present pending. My point is that at least wherever there is a difference of opinion between the District Magistrate and the District Superintendent of Police, as to whether the firing was justified or not, judicial enquiry ought to be instituted and the decision of the Judge appointed to hold the enquiry should be accepted by all parties. Our Government does not seem to accept even that. What they say is, 'These are days when there is widespread communism. If you go on scrutinising into various details concerning the action of the police and go on complaining against them, then the police will not act boldly and there will be trouble. So let us not institute any enquiry into police firings'. That should not be the view of the Government.

"In his Address, His Excellency has said that on account of certain instructions given by the Central Government, a number of measures have to be cut down. I sympathise with the Government especially when we are all passing through very critical times. I agree that it is the duty and responsibility of all to see that we do not in any way inconvenience the Central Government. But in the name of associating ourselves with the Central Government, we should not delay the execution of any of our Projects and building programmes, thinking that we have to economise our expenditure on those accounts. We have to get through our building programmes. In this connexion, I would like to refer to the proposed College building in my district of Cuddapah. I think in this year's budget a sum of Rs. 3 lakhs was provided for this building. But when instructions were received from the Central Government, I am told this allotment of Rs. 3 lakhs was reduced to one lakh or so. I should think that it would be good if the Government could only spend this one lakh of rupees at least, in this year. My apprehension is that the Engineering Department taking shelter under the economy programme may not send their estimates in time. Even if they prepared the necessary estimates in time, I am afraid they would not spend the amount in this

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year. I would particularly request the Government to see that these things are expedited. After all we are getting such things once in a blue moon and so there is no use of delaying these unduly. I request the Government to take note of this aspect also."

MR. CHAIRMAN:—" May I request the hon. Member to close? "

SRI N. RANGA REDDI:—" One more point, Sir. As regards the catalogue of grievances presented by the people's representatives, I really appreciate the speech of Mr. Abdul Latif Farookhi, the hon. Leader of Opposition. He has said that the people are suffering from a number of grievances. To that extent he is perfectly right and I entirely agree with him. But the solution that he has suggested for redressing the grievances are not very correct. At one time, he advocated the control of prices and said that it was the duty of the Government to see that the price levels were brought down. But when he came to the Government bus transport department, he said that the Government should not take over this industry as he thought that it would create great difficulties. I am not able to understand how he can combine these two things. If you want that the Government should control prices, then in the same manner the bus transport should also be controlled by the Government. If you want Government to control the bus fares—either increasing or decreasing it—then necessarily the management of the bus transport department should be under the Government. Having taken control over this industry, the Government cannot leave it in the middle simply because of some representations that the private bus operators who are reaping enormous profits at the present moment would be left with nothing. If there was one particular industry in the whole State which is yielding good return, it is this bus transport industry. If properly administered, I am sure that this industry will be a very remunerative enterprise. When one notices the keen competition that is prevalent among the bus operators and the race that is going between them one is sure to come to the positive conclusion that one can definitely expect very high dividends on the capital that may be invested on this industry. So, when the Government have taken over this industry, if any mistakes are noticed, it is our duty and responsibility to point out these to the Government. But surely we must not suggest the reversion to the original state of affairs and allow the private bus-owners and capitalists to run these bus enterprises. I have nothing more to add except to appeal to the Government that they should bestow more and more attention on the improvement of the backward areas."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Mr. Chairman, Sir, this is the second occasion on which we have the privilege of debating on His Excellency the Governor's Address in this House. On a former occasion, I ventured to suggest that His Excellency's Address was an Address prepared by the Ministry and could, therefore, be subjected to legitimate criticism and comment. Like the King's speech, it will be a test of the work

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of the Ministry in power and the extent to which that work has commanded the confidence of the people and their representatives in particular. One of the traditions that we have got on account of the introduction of the Governor's Address is that two members from the party in power are assigned the responsibility of moving and seconding the adoption of a resolution thanking His Excellency for his Address. I have carefully perused—ever since the Gladstonian regime of 1875—many of the addresses that have been moved on the King's speech. I must confess to a feeling of surprise at some of the sentiments expressed by some hon. Members, which might well have been expressed by the other side of our House. I am glad to that extent we have been relieved of our responsibilities. There are certain statutory duties and limitations with regard to such speeches. I have to express my grave concern and surprise in this matter and wonder whether it is at all correct that the moving of the resolution and seconding it should be entrusted to members who are not wholeheartedly in support of the Government in power. It is quite open for any member to come away and say that he does not agree with the statutory Government, although he has been sitting on those benches for some time. I want to make one point very clear here. We are establishing conventions and traditions. So, when you entrust your party-men with such tasks, you must take care to see that they are hundred per cent in favour of the Address from the throne.

" Apart from that, Sir, I was a little startled at some of the suggestions made by my hon. Friend Mr. Narayana Menon, for one of the things on which we have to congratulate ourselves in recent times is the loan floated by the Government, which fortunately for us and for the Government has been a complete success. Instead of congratulating the Government and creating more of confidence in the Government of the day to whichever party it may belong, I was shocked to hear a member of the Government Party coming forward and saying that this loan should not have been floated and that we should not leave a legacy like this to the citizens of the future. I wonder, Sir, whether my hon. Friend Mr. Narayana Menon knows anything about State loans and the purposes for which they are obtained. If he had studied the loans floated in civilized countries where democratic forms of government prevail, he would have seen that these loans amount to hundreds and thousands and millions of pounds, because the Government realizes that when you take a loan and intend to use it for a purpose which will benefit posterity also, it should not be responsibility of the present generation alone to face all the heavy taxation. I can only say that my hon. Friend Mr. Narayana Menon was not conversant with the rudiments of economic policy in regard to State loans, for what purpose they are floated and for what purpose they are utilized. Sir, this three-crore loan represents an interest of Rs. 9 lakhs per annum for a Government which gets Rs. 50 crores a year. I ask: 'Is this a matter to which the hon. Member should refer as if the Government had done a grave injustice?' I am sorry, Sir, I have to speak with such vehemence, but I do want the public to realize that the sentiments

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expressed by members like Mr. Narayana Menon do not and cannot represent the policy of any civilized Government. I hope that this Government will not take serious notice of this suggestion.

"Sir, the Hon. Minister for Education is not here just at present. There is one thing on which I feel I should congratulate him. He has been trying in extremely difficult circumstances to follow an educational policy which will assuage the rather frayed tempers of the public and will meet with the maximum amount of support from them. I congratulate him on the policy that he has adumbrated. I know the difficulties that he has had to go through. For the last four years, I have also known with what pain and humiliation we had to listen to the formulation of educational policy by a former Minister. I am glad that the Hon. Minister for Education of to-day is most responsive and pays great regard to the various suggestions made to him. I feel that it is a proper tribute to pay to him when I say that he has succeeded in a manner that has certainly helped to assuage the feelings of the people.

"Sir, my hon. Friend Mr. Narayana Menon took him to task because Hindi was not made compulsory. I want to enter an emphatic caveat against this talk of compulsory Hindi. I know that it has been put down in our Constitution that Hindi should be made compulsory within a period of fifteen years. But it has also been put down that the Constitution may be amended in various ways. Are we so sure that Hindi-in-fifteen years is going to be a permanent feature of the Constitution? I know what forces were at work in trying to make Hindi compulsory for everybody. When the North is trying to dominate the South, let me make no bones about it. I can show later in the course of my speech in how many other directions it is unfortunately tending to do so. I ask, what is the sanctity about Hindi being made compulsory? I can understand every facility being given and every encouragement being given to anyone who wants to study Hindi, so that if he wants to go for an appointment in the Central Government, or if he wants to go to some other province or State or to travel about the country, he may do so with ease. But, are there civilized countries in the world which have only one language for 325 million people? Let me take the example of Switzerland which has a population of 4½ million. You will not be surprised, because you probably know about it, when I say that three State languages are recognized by the State and that the people who talk one language do not know an iota of the other languages. The three languages are French, German and Italian. The people in Geneva on the side of France speak French; in Zurich they talk German and in Montreux on the other side they speak Italian. Sir, we had the President of the Swiss Republic attending one of the sessions of the World Health Organization. I spoke in English, the President spoke in German and the Deputy President spoke in French—all this in a conglomeration of 50 people. Let us not, therefore, make a fetish of the question of Hindi being made compulsory for everyone of us. What we want is knowledge. We do not want to become linguistic authorities in our country and parade

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our knowledge of Hindi before all and sundry. Sir, let me not be misunderstood. I am all for voluntary effort being made by the Government and by the people to teach Hindi, if possible, at least spoken Hindi, if not written Hindi. But, if you want to make it compulsory for young boys of 7 and 8, it will be a tragedy and it will lead to consequences which my hon. Friend unfortunately does not realize.

"Sir, my hon. Friend Mr. Ranga Reddi referred to a point on which I feel very keenly. Although it is a long time since I left Rayalaseema I still feel a strong attachment to that part of the State. I was also told of the extraordinary decision of the Public Service Commission, in regard to which they were guided by an eminent Judge of the High Court who acted in his administrative capacity and not in his judicial capacity. It may be that by chance he came from the Andhra districts. But not one single person from Rayalaseema has been chosen as fit to hold, not the position of a High Court Judge or a District Judge, but the position of a District Munsif for which the qualifications which have been laid down are fulfilled by several applicants from Rayalaseema. My hon. Friend referred to the possibility of the Government dealing with the situation. But he had some doubts whether the Government had the power to deal with it at all. I do not think that he has carefully read the text of the Constitution which provides them with that power. May I with your permission, Sir, quote Article 320 (3) of the Constitution? It says—

• 320. (3) The Union Public Service Commission or the State Public Service Commission, as the case may be, shall be consulted—

(a) on all matters relating to methods of recruitment to civil services and for civil posts;

(b) on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers;

Let me emphasize this, that the Commission is only to be consulted. The Commission has not the last word in regard to the appointments to be made by the Government. That was the policy that was adopted, to my knowledge, in the pre-Congress days. Whenever the Government did not comply with the recommendations of the Public Service Commission they came forward with a report at the end of the year stating in what respect and for what reasons and to what extent they were not able to accept the recommendations of the Public Service Commission. That report was placed on the table of the House. It was there that the Government had the vote of confidence or no-confidence. That was a corrective for the Government not to interfere light-heartedly with the Public Service Commission. I know the value of the Public Service Commission. I shall be the last person to suggest that the Public Service Commission should not have the privilege that it has at present. But at the same time we do not want to create more tyrannies in this country than there are already in existence. I for one, from the meagre knowledge that I have of the Constitution, do maintain that it will be the duty of the Government, not only its obvious duty, but it will be also to the interest of the

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Government to see that, whenever there is a flagrant breach of what may be called the ordinary privileges of the people involved, for whatever reasons it may be, they come to the rescue of the people affected and later on place the facts on the table of the Legislature. (Interruption.) We shall talk of individual rights for the next several years and I am sure there is going to be a crop which is much more propitious than the food-crop which my Friend has in view.

"Sir, I now come to the question which has been raised by several members, the question about the shortage of food in this State. On this question, I feel, that there has been a great deal of talk but little realization of the need for taking certain definite steps to meet the situation. For instance, it has been stated in His Excellency's Address—

'All possible steps are being taken by this Government to maximise procurement and intensify food production in the State. The Government hope that, as a result of these efforts and the more generous assistance from the Government of India which they have pressed for, the hardship to our people can be ended soon.'

Sir, it is this attitude of the State Government that is responsible for the food crisis. They think that the Government of India is generous. Generous to whom? You say that we are all citizens of India entitled to all rights. Is the right to starvation one of those rights? Why should you ask the Government of India to be generous instead of asking them to do their obvious duty? Sir, it is this attitude that is responsible more than anything else for the Government of India to think that they are casting favours to the geese that swarm before them for these favours. Sir, I have come to the conclusion that the Grow More Food Campaign should be intensified in a manner that we shall have nothing to do with the Government of India in regard to what they consider as doles. I see that the Hon. the Finance Minister—who is not here just at present—has also come to the same view in regard to finance. Speaking on the Budget on 9th March this year in this House, he said—

'The Government of India have said, "In view of the financial stringency in which we find ourselves and in view of the defence expenditure on Kashmir and in view of our commitments on food bonuses and food subsidies, we are not able to give you anything towards the prosecution of your post-war development schemes." Now we have started some of these schemes. We are in the mid-stream as it were and the Government of India now turn round and say, "From 1950-51, don't expect even a single pie from us towards your post-war development schemes." . . . The State Government must find their own resources to undertake their schemes. I am looking forward to the day when no State Government will depend on the Central Government for any subsidy or any grant from them. After all, the State Governments should not be in the position of Municipal Councils or District Boards depending upon the doles given from above.'

Sir, I cannot improve upon that language. I must press very strongly the need for this Government taking all the necessary steps at the earliest possible time to free themselves from the irksome restrictions imposed by the Government of India.

"Sir, I do not want to criticise anybody or the Government of India. But, when a person occupying the responsible position of the Minister for Food in the Government of India, who has

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fortunately or unfortunately a large amount of power of control over the State Governments in this department, makes statements which are contrary to the elementary principles which should guide anybody who is responsible for the food situation in the country, I feel that I cannot leave those statements unchallenged. Sir, the Hon. the Food Minister of the Central Government has stated that there is no question of starvation deaths in the country. Is that an enlightened policy for a civilized Government to look only to no deaths from starvation? Or is it the policy of the Government to see that there is no starvation in the country? The difference is essential. Do we want people to die for the Registrar of Deaths to take note of starvation deaths or do we want to prevent starvation? Sir, let us not talk lightly of more food. We are getting less and less food. The Madrasi was always the most puny among Indians. In the days of Robert Clive, the Madrasi was content with the rice kanji and gave the better part of the food to the European forces. To-day, perhaps, it is given to us to do likewise and leave the better part of the food to our countrymen elsewhere. I shall not be questioning that policy if it is adumbrated. But when the Food Minister of the Union Government comes and this us, 'You eat vegetables alone for one day in the week' and when some other person comes and tells us to 'miss a meal a week' and when a third person comes and tells us to 'miss a day's meal in a week' and let it be considered as an Amavasya day, when such suggestions are made to people who miss not only a meal in a week but a meal every day and to those who have neither vegetables nor anything else to consume, we ask: 'Is this the advice to be given?'. Then, what is the competence of the Hon. Minister for Food to give the advice? I have been in other countries and I know for instance the food situation in Great Britain. If a Minister there were to come forward and give such advice, the next day there will be an uproar in Parliament, because he is not competent to give that advice. But if the advice has to be given in those countries, it is not the Minister for Food, it is the Ministry of Food that gives the advice. I emphasize that point. When I say that it is the Ministry of Food, I mean the technical and scientific staff of the Ministry that gives such advice. My hon. 4 p.m. Friend must know it as well as, if not better than, I do, because he was Food Minister. When you calculate the food requirements of a people, you do not say 'eat vegetables, eat tubers, eat grass or something else'. People know they are already eating it. But when you come as a responsible Minister of Government, you have got to say in terms scientific, what are your requirements in terms of proteins, in terms of carbo-hydrates, fats and vitamins, calories, etc. The calorific value of food is the most important thing that you have got to advise people on. A man who does hard labour wants 2,000 and odd calories, a person who does intellectual work requires a little less and a person who always is sleeping, like myself perhaps, wants much less than that. But I ask, is this the advice that a Minister should give us, 'eat vegetables once a week'? Sir, there is a parable that you should never change horses when you are in midstream. Here is the biggest

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crisis in India, the food crisis, and how many changes have there been in the Central Food Ministry? In the Provincial Government also, Food Ministers have been changed. Food is not a thing which you can learn about in a day. Is it for the sake of just having some propaganda that all this is carried on? My hon. Friend said in the speech that he delivered in the Legislative Assembly yesterday—he complained that the Union Government were interfering too much in the day-to-day administration of this State, and that there was very little of provincial autonomy. Yes. When we raised that question on a former occasion, the Hon. Members on the Treasury Benches were furious. I had the temerity, as usual, with an amount of impudence, to move a resolution that the Constituent Assembly's draft constitution should be discussed on the floor of this House. You know, Sir, that it took three months for a second non-official day to be allotted; and when that discussion took place, member after member including the honourable the venerable, the ex-Leader of the Opposition took me to task severely. I am glad so much of compliment has been paid to him for the great work he has done in this House, but then—I am simply mentioning facts—what happened? Three months later, you yourself came, perhaps at the dictates of a higher authority, and pressed that this motion should be carried. Even then I begged of you to appoint a special committee to go into this question carefully and say whether we may not send our considered resolution. The Hon. Finance Minister said 'no'. The Hon. Leader of the House said 'no'. And here he wants to advise us on a matter which we know much better. What is the result of it? The Hon. Finance Minister says that there is no provincial autonomy, that there is no consideration shown to this Ministry, and that they are being treated as if there is little or no provincial autonomy, that they are being treated as if they are mere local bodies. I say, Sir, they are treated worse than local bodies. Here is an announcement to-day which I want you to kindly note. 'Vanamahotsavam in the States'—a great expression indeed,—I felt so when I read it. The announcement says: 'The Ministry of Agriculture in the Government of India have asked State Governments to report before September 30th, 1950,—on penalty of dismissal perhaps (laughter)—particulars regarding the celebration of the Vanamahotsava. The particulars asked for include the number of trees planted, furnishing the numbers of edible fruit-bearing trees and all others separately, the total expenditure incurred, the expenditure expected to be incurred for the upbringing and care of the trees, the commitments of the State Government in planting and maintaining the trees, the amount of public contributions collected for and during the celebration and the efforts made to maintain and grow to their full height the trees planted during the celebrations'. 'Further information has also been sought as to the number of trees planted during 1949-50 and the number which have survived.' That is a very good piece of propaganda which will be a feather in the cap of the Food Minister at the Centre. The Agriculture Minister is also the Food Minister there. But if I were to get a communication from this Local Government to my University, my answer will be a nil

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return statement and 'thank you for the courtesy.' They may do anything they like. I ask the Treasury Bench: 'Do they realize that it is only self-knowledge, self-reliance and self-esteem that will lead them to sovereign power?' I know the facts, and I do not want to hide the facts, that statements have been made—I have been in Delhi many a time, in Bombay, the Uttar Pradesh and in Calcutta—I know there is a big campaign regularly being carried on against the Madras Ministry in order to make out that they are the most incompetent, the most incorrigible set of people that have been collected by any democratic form of Government. Sir, if I am challenged, I shall even prove it. The Ministers here are not cared for; their great heads of departments go to the Centre. For what purpose? They go there, but nobody takes note of them. Whereas when the Premiers and other Members of the other States go there, I know the amount of fuss that is made. The Uttar Pradesh Premier or the Premier of Bombay goes there, and everybody in Delhi looks up, and they are said to be very fine, very great gentlemen; I have no doubt about at all that they are; but when the Premier of Madras goes, at once there is the compliment given which is usual, but nothing more is said about it. The other day the Hon. Finance Minister in the course of his speech in the Legislative Assembly, complained that a Member of the Uttar Pradesh in Parliament came here and after having stayed, he went back and made the remark that the Government grants from the Centre should not be given to this Province because the grants that were given for the Grow More Food Campaign were being diverted to the Prohibition policy, that he took very great pains to say that this was not the case, and he wanted somebody or other in Parliament to contradict that statement. I ask the Government, 'Who is there to support the statement of the Madras Ministry?' You have sent representatives there whose activities we all know; I can tell you and tell the Hon. Minister for Public Works that there must be at least one vocal member of Parliament who dares to raise his voice when the Madras Government is being criticized vehemently in Parliament. That is the position, Sir, and that is why I say it is time that the Madras Ministry, this present Ministry, realized that situation and realized that they have nothing to expect from the Government of India in many respects. Do you think if matters are to be represented to our Prime Minister or to our Deputy Prime Minister, things may not be different? I have the highest respect for them, for their integrity, for their broad-mindedness, for their catholicity, and for their tolerance; but when you come to others, let me draw the veil over the picture as I see it at present.

"Sir, I have no intention of speaking about other matters with regard to the Grow More Food Campaign. My plea is that the Government should take steps now to see that whatever they do for the Grow More Food Campaign, they must do it out of their own resources and do not depend upon the paltry sums that are thrown at them by the Government of India with stipulations so that the Madras Government is reduced to a sort of dependence on the Government of India.

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"Sir, the Hon. the Public Works Minister and the other Ministers are to be heartily congratulated on the novel experiment which has proved a success, that they have obtained through the willing co-operation of the people of the Tirunelveli district an amount which I hope will be sufficient, and if not sufficient, will be added to, by the Madras Government, for increasing the constructions needed for the Grow More Food Campaign. It is that direction that I want them to take. Let us go to our own people who understand it better; let us go and beg of them, no objection. My Friend, Mr. Sanjeeva Reddi, Mr. A. B. Shetty, Mr. Sitarama Reddi and Mr. Gopala Reddi himself, and also my Hon. Friend the Leader of the House, can go to these districts and say, here is a chance for us to utilize the opportunity that we have now, to make ourselves self-sufficient in food. If they will do that, I for one would beg of my countrymen, and say 'let us be satisfied with 6 oz., let us tighten our belts.' We have sufficiently tightened our belts, but we have to perforate them again in order to tighten them more; we have to do that if by 1951 this Government are to take all possible steps to attain self-sufficiency. Sir, the Hon. Minister for Agriculture in 1948—I think it was my Friend, Mr. Madhava Menon—who said 'I have applied for agricultural implements, for steel, for iron, etc., but the Government of India did not find it possible to spare them for us. And when they do it, they do put in so many conditions on the Provincial Government.' Sir, is the Provincial Government not a responsible Government, I ask? Is a Provincial Government to be treated like any private individual, without so much as a right to get what it wants and not given the freedom that is necessary for the Government to do what it considers best. I am not making rough statements on mere assumption; I am quoting from the records of the Legislature, and if I do not actually use the words themselves, it is because I want to spare the time that is inevitably lost in quoting chapter and verse. But every single statement I make, I may tell you, is warranted by the speeches made by the Hon. Ministers themselves. So, it is altogether to this task that the Grow More Food Campaign will lead you, even if successful, so long as you turn your face northwards. There is no sympathy or support there, there is only criticism; and, therefore, I say, let us turn our eyes to our own people; let us go to them with a begging bowl. My hon. Friend the ex-Premier is here, I know his influence, and I know if he tells the people the true state of affairs, there will be a response surprisingly great. And I also know that when the facts are known to the people of this State, they will not hesitate to do what they are asked to do.

"Sir, I conclude just with one more sentence. There have been in the course of this statement references to various things that have been done. I refer to paragraph 8 at page 4 where the expenditure on Harijan uplift is referred to. This is it—

'The expenditure on Harijan uplift has been steadily and rapidly increasing. In 1949-50, it was Rs. 71.21 lakhs as against Rs. 8.7 lakhs in 1924-25. The Budget Estimate for 1950-51 is Rs. 92.67 lakhs. This increase of over Rs. 23 lakhs in the current year's budget over the expenditure of 1949-50, is a clear proof, if proof were wanted, of my Government's earnestness and determination to do their very best for the uplift of the Harijans.'

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I do not see the relevancy of comparison of the figures in 1924-25 with figures for 1949-50. First of all, the purchasing value of the rupee was then four times what it is to-day, and if you accept that, in 1924-25 you spent four times or Rs. 30 lakhs and in 1949-50 you spent Rs. 71 lakhs. Sir, there is a good deal of tamasha that is going on about this Harijan uplift. Members are coming forward, as if they are vitally interested in Harijans. I want to tell this House that this question of Harijan uplift should not be the concern of a few who call themselves very socially-minded people. It should not be the concern of even the Harijan Minister; it should be the concern of the whole Cabinet and the whole Government and of the whole people. I ask the Hon. Minister in charge of this portfolio—and I am sorry to ask this question—how many Harijan colonies have you so far converted into model dwelling places of any reasonable size in the whole of the Presidency? When the first Ministry was formed, the hon. Gentleman the then Premier, Mr. Prakasam, said: 'It is our goal, it is our ambition, it is our duty, to see that as soon as possible, colonies are constructed everywhere which will be inhabited not by Harijans only, but by all sections of the people. I have yet to see a list of the Harijan colonies that have been converted into even minimum inhabitable hamlets with minimum conveniences. There is no use our pretending to do anything for Harijan uplift. Within a few short months, if the Leader of the Opposition is correct, and perhaps he is, because he knows more about the inside of Government than I, a mere Member thereof, the elections are to come off. Mind you, these elections are to be based on adult suffrage. We know what adult suffrage is. It is too late in the day for my friend to speak on adult suffrage being rather unpropitious. He did not think so some time ago and he thought it was a good target on which to attack the Government then. Anyway, we have adult suffrage; we cannot get over it. Sixty millions of people in India, and I believe 14 millions in this Province, will claim their right to adult suffrage. Do you want a revolution to take place? Could you not rather anticipate events and see that something is done, see that there is a steady progressive method of evolution by which these Harijan colonies which are a disgrace to any civilized country, do not exist any longer? If they can only know that in each district half a dozen of these Harijan colonies are converted into decent habitable houses, then I can say your policy will be a policy that is paying in the long run. Sir, I have recently been to a country, Mr. Chairman, where the dignity of man is sought to be maintained on its highest level. The labourer in that country considers himself equal to a federal Minister. We here no doubt speak about it, that the farmer must consider himself equal to a Minister at the Centre. I hope he will not do that, for many reasons which I do not want to elaborate just now,—that is a harmless courtesy and a very innocent courtesy at that. But for one reason I do want to make it clear that if we do not take steps and take them in a measure which will redound to your glory, to your earnestness and your anxiety to look after these people, the avalanche will come

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and throw us overboard before we begin to realize the situation. It is not the communists, Sir, that I am afraid of; it is the social revolution that will come from a class of people who have been kept under for centuries. It is no doubt true that our philosophy has always been that we should take the formula that each man takes care of himself and the person who is philosophical may take care of the hindmost. That philosophy has resulted in this Harijan problem being still before us to-day. I ask that every person whether he belongs to the Government or does not belong to the Government, should take stock of the situation and see that something is done.

Sir, I have nothing more to add, except I feel that in an address like this much more information should have been available. I myself thought of asking for a day for the Grow More Food Campaign during the next week, but on second thoughts, I did not want to court a refusal from the Hon. Treasury Bench and they do not generally give reasons for refusing such a request. I did not want to entertain the hope that they may, and feel disillusioned afterwards. I only want to beg hon. Members to realize that there is no question of distinction between this side or that side and that in their endeavour to see that the State maintains a reasonable degree of advancement, a reasonable degree, not of prosperity, but of fulfilling the necessities of life, I beg of hon. Members to do everything possible in the light of the observations that I have ventured to make."

MRS. M. N. CLUBWALA:—"Mr. Chairman, Sir, I have only a few observations to make. I would very much like to congratulate the Hon. Minister for Public Health on the encouragement that he has given for the Tuberculosis and Leprosy schemes. It is always very gratifying to note that whenever we go to the Hon. Minister and have any suggestions for improvement, he always welcomes our ideas and also welcomes the work of voluntary agencies. I think the scourge of tuberculosis is to be found in almost every other house in our State and we cannot spend enough money for improving health in this land. We are hoping to have in the State some tuberculosis clinics which are sponsored by the Provincial Welfare Fund. I hope the Government will see that many more clinics of such a kind are opened.

"Sir, I think we talk such a lot about the food problem. Not only that, we have this great deficit in food, but the food we do get, namely, rice and wheat, is so terrible and though it has been so for such a long time, I am really surprised that we do not have more people in the hospitals entirely suffering for lack of this necessary and proper type of food. In this part of the work, I am surprised that the Government have declined to ask for the support of voluntary agencies at least to help the women in ration shops. As a matter of fact, one of the editors of the papers said, what are your voluntary agencies doing when there are people starving and women are experiencing difficulties in ration shops? But, how can we go and try to do something when the Government

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does not ask us to do such a thing? But, I would ask the Hon. Minister for Food to consider the question of the help of these voluntary agencies and let us do something for the women who have such a lot of trouble in the grain shops.

"Then, Sir, in regard to Harijan work, the hon. Speaker who spoke before me and I have different views. During my tours I have found in many places fine hostels run for our Harijan children, and these Harijan children, in their school work, are second to none. Recently, in Anantapur I have visited a hostel where there are 30 girls and I found that many of them have topped the list with 90 and 85 marks. Besides the duty of the Government, it is also the duty of every one interested in the matter to help this work. But, as the previous speaker said, it would be nice to see Harijan model villages. I would like a certain amount of attempt being made in this direction.

"Sir, I find the Hon. Minister for Transport is not here. It is stated in His Excellency's speech that the transport work is getting on fairly well and that the Government hope to extend it to other places. But is it really satisfactory. I would ask the Hon. Minister? We do know that this particular Hon. Minister is a young man with a wide vision and is going ahead and he does tackle things but if he has himself travelled in the buses and moves with the buses I am sure he will see that they are far from satisfactory."

MR. CHAIRMAN:—"Who is the youngman the hon. Member is referring?"

MRS. M. N. CLUBWALA:—"I mean the Hon. Gopala Reddi. (Laughter.) I suggest that the Ministers make surprise visits to these buses. But, Sir, there is a certain amount of warning before such surprise visits are made. I would therefore request many of the Hon. Ministers who are getting on with various things to really go *inognito* without any secretaries and without peons or in somebody else's motor cars and make surprise visits when they will certainly know many things."

MR. CHAIRMAN:—"They may even go properly disguised."

MRS. M. N. CLUBWALA:—"It will also be very good. After all ours is a democratic country and they have every right to travel as they like. I am sure if they travel this way, they will be able to know that things are not as satisfactory as they are put down to be. I know very often people who come for our meetings say, they are very sorry to be late. For example, the bus from Adyar runs once every 40 minutes or so and so they have to wait for another 40 minutes if they miss one bus. So, we do hope that this transport problem will be solved and there would be better results in this particular direction.

"Sir, Government do help voluntary agencies. I am always talking about this matter and perhaps I am a nuisance to the Government, but I do feel that the Government really have not got that appreciation of voluntary work that they should have.

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The speaker before me talked about the remarks that he heard when he travelled in other parts of India and when I travel in other parts of India they always feel very sorry that for such good work turned out by voluntary agencies and by so many people willing to do the work, the Government do not give us sufficient encouragement. I think, in some instances, we also have difficulties. I would ask the Government to realize that social workers, certainly do not have any ambition to have their names in the papers and there are many who work in hundreds of committees. They spend a lot of time and money because they are interested in the work they do. When they are made to do such a work, Government usually turn down their requests saying, no sufficient funds for this or that. I do feel that if the Government really want to appreciate their work, they will do well to do so. I hope even at this late hour in the days I may have some reward from the Government if they sanction some of our schemes."

*SRI K. NATARAJAN:—"Mr. Chairman, so far as the steps taken by the Government to check violence are concerned, we have really to thank the Government for the steps they have taken in this direction. Whatever might be said about the rebellious communists referred to by my hon. Friend, Mr. Narayanaswami Nayudu, in the Andhra parts, the troublous elements in our parts of the southern districts do not seem to possess arms, etc., with which they shoot others, but they are parading as people who are wedded to the cause of kisans and peasants and it is curious that there are Congress kisans and ordinary kisans, a division in which the borderland is very thin. Anyhow, I am very grateful to acknowledge on behalf of the southern districts, and especially of the Tanjore district, the care taken and the strenuous efforts taken by the Government in the suppression of violence and what was a hopeless state of affairs about six or seven months ago, is certainly a settled state of affairs now. It may be that in some cases innocent people have been made victims or are being tried to be made victims and it may also be on the converse side, is some solitary cases, where kisans have got in, the quiescent mirasdars are not able to cultivate the lands themselves even to-day. But taking in all together, thanks to the present officers there, the Collector, the Superintendent of Police and the other gentlemen concerned and, the initiative taken by the State Government, I think, I must agree that the state of affairs is very very hopeful there. At the same time, I suggest that there should be no relaxation of the efforts and that the State officials there must be always on the alert to keep down any attempt at resisting these.

"Sir, the most important grievances which loom large in the minds of the public there are two things and they are the food situation and the rise in prices. I fully agree that the food situation has been engaging the earnest attention of Minister after Minister for the last three or four years and it is not as if they have been sitting indifferent over the matter and are not formulating their plans for arresting food scarcity. You know the Hon. Dr. Rajan and the other Hon. Ministers have been at pains to

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understand and study the situation at the very spot and are trying to render as much assistance as possible for relieving the food situation. It was only recently that the Hon. Minister for Food went to the Tanjore district, stayed there for three or four days and he was successful enough to prevail upon some of the mirasdars, and in fact, many of the mirasdars, to give up some portion of what they at present possess. Although, he was originally under the impression that there has been some unnecessary storage of paddy with them; I venture to submit with all humility that it was an unfounded assumption, but still he has been successful in prevailing upon the mirasdars to part with what little, or as much as they can, for the purpose of easing the food situation. But, I think all that will not be of any use for the immediate present. It would have been noticed in the papers that the Tanjore District Food Committee has resolved and sent up a resolution to the Government that no further export of paddy from Tanjore district should be made because there is the fear that that district also would become a deficit district if something more was demanded of it. In fact, the procurement target has been exceeded . . ."

MR. CHAIRMAN:—"Cauvery is full now and I do not think the hon. Member need have any apprehensions in the matter."

SRI K. NATARAJAN:—"No doubt Cauvery is full now but there will be hope only as regards the samba harvest. As the Mettur water failed just in time for kuruvai to be ploughed and sown and water was available only 15 or 16 days later than the appointed time, ploughing operations for the first crop kuruvai had to be suspended and it is only now that they have been taken up and I feel very doubtful, whether some of the mirasdars of the district would be able to get enough kuruvai paddy to fulfil the requirement of procurement which is required just at the present time. But, if the present season continues and everything else continues favourably, we may be able to satisfy procurement at the time of samba which I think will be between February and March. I am bound to say in this connexion, and as usual I take credit for the generosity of the Tanjore public and for the fact that Tanjore has been leading in the matter of procurement . . ."

MR. CHAIRMAN:—"I was drawing your attention to the fact that at least now you have got the Cauvery flowing whereas in the Ceded districts and Rayalaseema there is not even a drop of water in the tanks."

SRI K. NATARAJAN:—"I thank Providence that Tanjore is in a better position now than other districts. I was referring to the fact that the kuruvai harvest is bound to be meagre compared with the previous years. Of course, the previous years also were lean years, but I hope the samba harvest may be appreciably better. That will not solve the present situation wherein we are receiving reports saying that ration shops have been closed, or there are stocks for two days only and business has to be suspended, reports regarding tamarind seeds, herbs and grass being taken as substitute for

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rice. For that purpose, I think the best solution in my humble opinion—I do not put it forward as an acceptable solution because many other members who come from the southern districts and Tanjore have given expression to their feelings about the question—I think the best solution will be to import paddy from outside—I understand that Burma rice is coming and Argentine wheat is coming to this country and I also find from the papers that U.P. or the Madhya Pradesh is contemplating sending ten thousand tons of paddy. I suggest that we can even go in for imports from other countries for the purpose of easing the situation and in order to avert ration shops being closed and people being faced with starvation and their complaining that they do not get even the six or seven ounces of ration. For getting that, as pointed out by my hon. Friend Dr. Lakshmanaswami Mudaliyar, we have to be at the mercy of the Central Government. Regarding the experiences of the Minister in charge of Food at the hands of the Central Government, I fully echo the strong feelings and sentiments expressed by Dr. Lakshmanaswami Mudaliyar and the question that faces is: What are we to do at present? We are in the hands of the Central Government and we cannot now say: We have nothing to do with you. As Mr. Uppi Sahib pointed out we cannot ignore the Central Government now, and we have to do our best in the circumstances. We have to go on as it were appealing to the generosity of the mirasdars; we have to go on appealing to the people to save one day from their ordinary meal; we have to put forward all these pleas, the cumulative effect of which would be felt later on and we cannot estimate its effect now, just as we cannot estimate the effects of the Vanamahotsavam now; it may be that it may look not so useful now but it may be useful some years hence. So, until our self-sufficiency schemes begin to bear fruit, imports alone will solve the situation and that will have to be done at any price. As my hon. Friend, Mr. Narayanaswami Navudu pointed out, we do not allow our children or the members of our family to die on account of want of funds, we beg or borrow of course we do not steal (laughter); so also we borrow and beg of the Central Government to import from abroad and give us what we require. I asked one Hon. Minister to-day whether we have got ourselves the right to import foodgrains from abroad and I understood him to say that he has not got such a right. Then, we should fight with the Central Government, whoever may happen to be the head of the Food Department the Minister for Food. He may be good, bad or indifferent to our needs. In this connexion, I was anxious to know what the Secretary for Food had to say about his visit to Delhi; but I am sorry that his answer as reported in the Press has been vague and at any rate he does not hold out any hopes so far as the Central Government is concerned. My suggestion is that we can fight next year or the year after when we could depend upon our own resources as by then we would have obtained some result out of our efforts; but now, the Central Government must be persuaded and humoured and kept in a mood to render us help. I place this suggestion before the Government for what it is worth. Along with that I would

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also suggest to the Hon. Ministers to go to the mirasdars and try to get from them all they can spare, not on the basis that they have enough or that they have secreted anything. To say that they have something with them would be a travesty of truth. The influence which they have and also their sense of generosity will make them yield up anything which they might spare. I feel that the persons in charge of the food administration have tried their level best; that must be said to their credit and I do not at all agree with the amendment which mentions categories after categories of failures on their part. Failure means that the Government have not taken steps which they should have. What are the things that were proposed to them which they did not try? I was waiting not only to-day but I have been waiting seeing the papers for any tangible alternative solution of the problem. I have been very carefully reading "The Mail," which has been giving some space to these questions and reporting things very truly. The position is no doubt very desperate and I wish to say that nothing that appeared in it is inaccurate. But what is the solution? Except that the Hon. Minister for Food has been misled or has not properly appreciated the situation, we do not see any solution by any gentleman whether he is a responsible official or not, or by any paper for easing the situation. If, on the other hand, some methods had been pointed out, and the mistakes of the present procedure had been brought to the notice of the Government and the Government or the Cabinet did not examine and adopt the suggestion, then it will be time enough for anyone to blame the Government.

"I do not for a moment agree with the Hon. Minister, Mr. Gopala Reddi, when a question was asked in the Legislative Assembly, namely: You say you are powerless; you are a sovereign Government but you say you are powerless; would you allow direct action. He replied—I do not know whether he bestowed full thought about the matter—that the Government would be passive spectators. If that policy were adopted, I should very respectfully say both to the gentleman who put forward that idea and to the Hon. Mr. Gopala Reddi that they should not encourage that kind of direct action as it will lead to violence and further trouble. So, I would suggest that there should be a drastic cut by means of legislation . . ."

MR. CHAIRMAN:—"What the Minister said was with reference to blackmarketers."

SRI K. NATARAJAN:—"Rise in prices has something to do with blackmarketing. The blackmarketer stores up and hoards something to be disposed of at fabulous prices, prices unfavourable to the consumer. Direct action at a time like this when we are having settled state of affairs would lead to all sorts of complications. Therefore, I suggest that, for the present, say for one year or two, just as has been done in the case of the Rent Control Act, for a temporary period, the prices of essential articles may be fixed and then if anybody violates, then they may be proceeded against

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and there may be better chances of success in dealing with them than what we have had hitherto though we had been making some effort in that direction. Let there be some legislation by which the prices will be lowered at least on paper so that some people may adopt and afterwards if there is any violation of the prices fixed, or any transgression of the provisions of the legislation, it must then be left to the executive Government to deal with the situation as it arises."

SRI N. VENKATACHALAMAJI :—"అధ్యక్ష, ఆహార పదార్థముల ధరలు రోజురోజునా వికారంగా పెరిచుకున్నవి. ఈ పెరుగుదలను అరికట్టటానికి ఎంతో ప్రయత్నములు జరుగుచున్నవో తెలియదు. సామాన్య ప్రజలు ఆహార పదార్థాలు సరఫరా చేసుకుంటుంటే ధరలకు లభ్యము కావలసినంత చాలా రాధలకు గురి కావలసివస్తోంది. ఎందుకంటే వివరీత పరిస్థితులు ఏర్పడుచున్నవో, ధరల పెరుగుదలకు కారణములేమో నాకు తెలియదు. ఈ హెచ్చు ధరలను ప్రభుత్వమువారు ఎందుకు అరికట్టలేక పోతున్నారో కూడా నాకు కారణం తెలియదు. పూర్వపు రోజులలో అయితే ఇటువంటి పరిస్థితులు ఏర్పడినప్పుడు ప్రజలే దోపియ్య చేస్తే మరో విధముగానో, వివరీత ధరలకు అన్యాయంగా ఆహార పదార్థాలను అమ్మేటట్లుగాని భయపెట్టి కొంతవరకు ధరలు పెరుగుతూ ఉండేవేమో. కాని ఈనాడు ఇటువంటి ఆకాశములు లేకుండా ఉన్నది. అందువల్ల కొంతమంది ఆహార పదార్థాలను దాచి వేసి వివరీతమైన ధరలకు ప్రజలకు అమ్ముచున్నారు. ఈ విధమే ఇటువంటి అన్యాయములను ఆరికట్టేటందుకు ఆకాశములులేకుండా ఉన్నవి. ప్రభుత్వవారి ఉద్యోగస్తులైన ఈ విషయంలో తగినంత శ్రద్ధతోనుకొనడంలేదు. ఈ విషయంలో ఒకటి రెండు విషయములను సూచి మునిచేస్తాను.

"పంచదార మా జిల్లాకు ఇతర ప్రాంతాలనుంచి ముఖ్యంగా ఉత్తర హిమాచలం లోని ప్రాంతాలనుంచి వచ్చిన సరుకులలోనుంచి సరఫరాచేయబడుచున్నది. మా విశాఖ జిల్లా జిల్లాలో మాడు, నాలుగు పంచదార ఫ్యాక్టరీలు ఉన్నాయి. ఈ ఫ్యాక్టరీలలో నాలుగు కాని బేటలుంటే పంచదార మా జిల్లాలోనే కాకుండా కొన్ని ఇతర జిల్లాలకు కూడా సరఫరాచేయటానికి సరిపోయినంత ఉంటుంది. అయినప్పటికీ మా జిల్లాలో తయారైన పంచదార నేల, మలచారు మొదలైన ఇతర జిల్లాలకు పంపించి మాకు ఉత్తరప్రదేశం (U.P.) నుంచి పంచదారను పంపిస్తున్నారు. ఇటువంటి దానివలన మా జిల్లా ప్రజలు చాలా ఎక్కువ ధరకు పంచదారను కొనుగోనవలసి వస్తుంది. U.P. నుంచి Parry & Co., Madras, వారికి పంచదార R.R. వస్తుంది. వారు అక్కడనుంచి మా జిల్లాకు బస్తాకు లాభం ఆ 4 లు, రూ. 1-8-0 లు sales-tax కుగాను యితర ఖర్చులకుగాను వైన వేసి wholesale dealers కు పంపిస్తున్నారు. ఈ wholesale dealers తిరిగి వారికి వచ్చే లాభం, sales-tax మొదలైనవి వారికి గట్టి ధరపై వేసి, జియవగరం wholesale dealers కు పంపిస్తున్నారు. ఈ wholesale dealers వారి వలయ లాభము, ఖర్చులు, sales-tax మరల వేసి, వారివల్ల నుంచి retailers కు పంపిస్తున్నారు. ఇన్నిచోట్ల లాభాలు, sales-tax ఖర్చులు అసలు ధరపై వేయడంవల్ల బస్తాకు మా విశాఖకు ప్రజలు, ఈ పంచదారమీద రూ 11.12 లు అదనంగా ఇవ్వవలసివస్తోంది. మా జిల్లాలోనే తగినంత పంచదార ఉత్పత్తి చేయబడుచున్నప్పుడు, మాకు ఆ పంచదారను supply చేయక, ఎక్కడనుంచో వచ్చిన పంచదారను మాకు ఎందుకు ఇప్పించవలసివస్తోందో గొడవమొకటి. మా జిల్లాలో తయారైన పంచదార మద్రాసు, మలచారు మొదలైన ప్రాంతాలకు బస్తాకు రూ 80

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చొప్పున కొని సరఫరాచేస్తూ, మా జిల్లా ప్రజలచేత ఎక్కడనుంచో వచ్చిన పంచదారకు బస్తా ఒకటికి రూ 94 లు, రూ 95 లు ఇప్పించడం న్యాయంగాలేదు. ఈ విషయాన్ని గమనించి మా జిల్లాలో తయారైన పంచదారను మాకు సరఫరాచేయవలసి ధరలకు పంపిణీచేయించే విధాలులు చేయించవలసినదని ప్రభుత్వమువారిని కోరుతున్నాను.

"అంతేకాకుండా ఈ మధ్య మన రాష్ట్రానికి ఉత్తర ప్రదేశం (U.P.) నుంచి వచ్చిన వియ్యాలికి మన ప్రభుత్వంవారు ఎంతో హెచ్చు ధర ఇవ్వవలసివచ్చినదని, అందుచేత మనకు చాలా నష్టమువచ్చినదని ప్రభుత్వమువారు అన్నారు. (U.P.) వారు 2 కే మునుగు బస్తా 1 కే రూ 40 ల చొప్పున ఇచ్చుట మనకు రూ 70 లకు supply చేసినందువల్ల ఇంత ఎక్కువ నష్టము వచ్చినట్లు తెలుస్తోంది. అంటే ఇతర రాష్ట్రాల వారు మనకు ఆహార పదార్థాలను ఎక్కువ ధరలకు అమ్మి లాభము సంపాదించుచున్నట్లున్నది. మనకు ఇతర రాష్ట్రాలనుంచి వియ్యాలి ఎక్కువ ధరలకు కొనుక్కొని, మన రాష్ట్రమునుంచి ఇతర ప్రాంతాలకు పోవుచున్న ఈ సరకులకు తక్కువ ధర తెచ్చు కొనవలసిన పరిస్థితులు ఏర్పడినవి. దీనికి ఉదాహరణముగా విశాఖకుట్టుం జిల్లానుంచి బెంగాలు మొదలైన ఇతర రాష్ట్రాలకు రవాణాచేయబడుచున్న నార విషయం మనవి చేస్తాను. గత సంవత్సరం 550 పానుల బేలు రూ 225 లు నుంచి రూ 280 ల వరకు ఖరీదు చేయబడింది. కాని ఈ సంవత్సరం ఆదే మార్కెట్ బేలు రూ 192 లకు అమ్మవలసివచ్చింది. ఈ విధంగా తక్కువ ధరకు నారను ఇతర రాష్ట్రాల వారికి అమ్మడంవలన మా జిల్లాలోని నారను పైరు చేసేటటువంటి రైతులకు 50 లక్షల రూపాయలవరకు నష్టం వచ్చింది. మా జిల్లాలో నుంచి బెంగాలు మొదలైన రాష్ట్రాలకు ప్రతి సంవత్సరం అయిదు, ఆరు కొట్ల రూపాయల విలువ గలిగినటువంటి నార ఎగుమతి అగుతుంది. ఈ సంవత్సరము ఇంకా ఎక్కువ నార రవాణా చేయబడవచ్చును. కాని గత సంవత్సరము ఇచ్చిన రేటుకన్న ఈ సంవత్సరం నిర్ణయించిన ధర తక్కువగా ఉండడంవల్ల రైతులకు అసంతృప్తి కలుగుతుంది. నిరుదు వచ్చిన ఆదాయముకన్న ఈ బేలు ఆదాయము తక్కువగా ఉండడంవల్ల మా జిల్లాలోని నార పండించే రైతులు 50 లక్షల రూపాయలవరకు నష్టపడి ఉన్నారని మనవిచేసియున్నాను. ఈ 50 లక్షల రూపాయల నష్టము ఒక్క విశాఖకుట్టుం జిల్లా వారిదే అని అనుకోకుండా యావత్ రాష్ట్రములోని ప్రజలందరిదీ అని ప్రభుత్వం వారు గమనించ గోరుతాను. అంతేకాకుండా ఈ మధ్య మన ప్రభుత్వంవారు ఇతర రాష్ట్రాలకు మన రాష్ట్రమునుంచి పంపబడే నారకు ధరను నిర్ణయించుటగాను చట్టమును (Fixation of Maximum Price of Jute Act) పాస్ చేసినారు. దీనివల్ల నార పండించే రైతులకు ఎంత ఉపకారము జరిగిందో నాకు అర్థం కావడంలేదు. బెంగాలులో మునుగు నార ఖరీదు 85 రూపాయల బే ధీమనిపట్టుం నార ధర మునుగు 1 కే రూ 28 లే నిర్ణయించినారు. అలాగా మన నార ఖరీదు బెంగాలు నారకన్న జులుగుకు రూ 7 లు తక్కువగా ఉన్నది. మన దగ్గర ఈ తక్కువ ధరకు నార కొని బెంగాలువారు అక్కడ సంచులు తయారుచేసి ఇతర కాలకు ఎగుమతి చేస్తారు. ఈ సంచులు ధరపై కంట్రోలు ఉన్నట్లు కన్పించదు. అలాగా బెంగాలులోని మిల్లల వారు మన రాష్ట్రములోని వేద రైతులకు నష్టమైనప్పటికీ తక్కువ ధరలకు నార తీసుకొని దానితో తయారుచేసిన సంచులను ఇతర దేశాలలో విక్రయించే లాభాలకు అమ్ముకొంటున్నారు. కాబట్టి నార ధర పెంచే విషయం ప్రభుత్వంవారు ఆలోచించాలి. లేదా నార రేటు కంట్రోలు తీసివేయవలెను.

[Sri N. Venkatachalamaji] [4th August 1950]

“అంతే కాకుండా ఈ మధ్యన 2, 3 నెలలలో చేనేత పట్టానికి ధాన్యం చేయబడినది. ఈ విధంగా ఎందుకు హెచ్చుచేయవలసి వచ్చిందో నాకు అర్థం కావడం లేదు. Handloom weavers' co-operative society వాళ్ళ ఈ విధంగా హెచ్చు చేశారు. ప్రజలకు వస్తాన్ని సరఫరా చేసే ధరలకు సరఫరా చేయడమే ఆశయమని వెప్పటటువంటి co-operative society వాళ్ళ ధరలు ఎంత పెట్టి ఎక్కువ చేస్తున్నారో నాకు తెలియడం లేదు. ఈ విషయంలో ప్రభుత్వంవారు శ్రద్ధ తీసుకొని వచ్చేటట్లు తక్కువ ధరలకు లభించేటట్లు చూడగోరుతాను.

“బియ్యము రేషనుగుంచి కొంత మన:చేస్తాను. ఈ మధ్యన ప్రజలకు ఇచ్చేటటువంటి బియ్యపు రేషను తగ్గిస్తూ ఈ కథమైన ప్రకటన చేశారు :

‘The Government were compelled to reduce the scale of rice ration from 8 oz. to 7 oz. per adult per day with effect from 2nd July 1950.’

“మొత్తం మొదటలో మనకు 16 బెన్సు బియ్యం రేషను ఇచ్చేవారు. ఈ 6 బెన్సులు 12 బెన్సులు తగ్గించారు. ఈ 12 బెన్సులు 8 బెన్సులైంది ఇప్పుడు 8 బెన్సులు 7 బెన్సులు చేశారు. ఈ 7 బెన్సులను కూడా తగ్గించి 6 బెన్సులు చేస్తారని కొందరు అనుకుంటున్నారు. ఈ విధంగా రేషను తగ్గించినప్పటికీ కూడా మనకు ఇంకా deficit అంటున్నారు. ఈ ఇబ్బందలను 7 బెన్సులు, 6 బెన్సులు కూడా గ్రామాలలో సరిగా ఇవ్వడం లేదు. 16 బెన్సులు ఇచ్చినప్పుడూ ఈ రాష్ట్రము బియ్యము విషయంలో deficit అన్నారు. అదేవిధంగా 12 బెన్సుల రేషనున్నప్పుడు deficit, 8 బెన్సులప్పుడూ deficit, 7 బెన్సులప్పుడూ deficit అంటున్నారు. ఈ deficit అనేదానికి అర్థం ఏమిటో చారణ మేయిటో వివిధంగా అయితే ఎన్ని బెన్సుల రేషను ఇస్తే మనకు ఈ deficit ను మార్చుకోగలమో నాకు అర్థం కావటంలేదు.

“అంతే కాకుండా ప్రభుత్వంవారు ఇచ్చేటటువంటి ఈ కొద్దిపాటి రేషను బియ్యం కూడా చాలా నాశనంగా ఉన్నది. మా విశాఖపట్నం జిల్లాకు ఈ మధ్యన ఓరిస్సా నుంచి 25 నేల బస్తాల ధాన్యం తెప్పించారు. ఈ ధాన్యాన్ని D.D.S.O. గారు స్వయంగా బస్తాల్ని వెళ్లి కొని తీసుకొచ్చారు. ఈ బియ్యం వనరులు తినటానికి కూడా పనికిరావు. చాలా నాశనం ఇటువంటి బియ్యాన్ని ration shops లో ఇప్పించడం అన్యాయం. ఇటువంటి బియ్యంయొక్క samples ను ఇంజనీర్లకూడా ఇక్కడ చూపించాను. ఇప్పుడు మా జిల్లాలో ఇప్పటివరకున్న బియ్యంయొక్క samples నాకో తీసుకోవచ్చాను. వాటిని ప్రభుత్వంవారు చూడగోరుతాను (అని శ్రీ వెంకటాచలమజీగారు తాము తెచ్చిన కొన్ని బియ్యము పొట్లాలను మచ్చులుగా చూడవలసినదని సభ్యులకు చూపించిరి).”

Mr. CHAIRMAN :—“ ఏ కొట్టానావి అవి.”

SRI N. VENKATACHALAMAJI :—“ ఈ బియ్యం మా విజయనగరం తాలూకా రేషను పావులలో ఇవ్వబడుతున్నది. ఈ సరుకును మా D.D.S.O. గారు స్వయంగా ఓరిస్సా వెళ్లి ఖరీదుచేసి తీసుకొని వచ్చినారు. వీటిని మనస్సులు తినడానికి అవకాశం లేదు. 6 బెన్సుల బియ్యాన్ని తీసుకొని వ. శత్రువరణంలో తినడానికి ఏకంగా 2 బెన్సుల బియ్యంయొక్క సే ఉంటుంది. ఈ విషయాన్ని మా district food committee లో కలెక్టరుగారికి మనవిచేస్తే వారు ప్రభుత్వంవారు ఇస్తున్న దీనికి సంతోషించవలసియన్నదని జవాబు చెప్పారు. ఇతర అధికారులతోనూడ విషయాలు

[4th August 1950] [Sri N. Venkatachalamaji]

చేసుకొంటే వారు మేమేమిచేస్తాము. మద్రాసులోపున్న మీ ప్రభుత్వంవారో order వేస్తున్నారు. వారి orders ప్రకారము మేము పనిచేస్తున్నాము. మీరుగూడా Madras నుండి అర్బులు తీసుకొనివచ్చి మంచి బియ్యము మాకు ఇప్పిస్తే ప్రజలకు ఇవ్వటానికి మాకేమి అభ్యంతరం అని చెబుతున్నారు. ఇటువంటి బియ్యాన్ని కనుక మనకు ప్రజలకున్నట్లుచేస్తే మనమీద వారికి ఎటువంటి అభిమానము ఉంటుందో గుర్తించ వలసినదని ప్రభుత్వంవారికి మనవి చేస్తున్నాను. ఈ మధ్యన మన కేంద్ర ప్రభుత్వంలోని ఆహార శాఖామంత్రియైన ప్రజలు వారానికోరోజు కాయగూరలు తినవలసిన సలహా ఇచ్చారు. ఇక్కడ మద్రాసులో నంకాయలు ఏక ఏ అణాలు అమ్ముతుంటే ఉండ వచ్చును కాని మా విశాఖపట్నంలో ఏక 12 అణాలకు తక్కువ ఉండదు. ఇంత ధరలు పెట్టి కాయగూరలు కొనుక్కొని ప్రజలు తినగలరా అను విషయం ప్రభుత్వం వారు చూడవలసినదని కోరుతాను.

“ఇదివరలో 12 బెన్సుల రేషను ఉన్నప్పుడు మారు బస్తాల ధాన్యము దిగు బడి 63 బస్తాల బియ్యముగా ఉండాలని నిర్ణయించారు. కాని ఇప్పుడు ration 7 బెన్సులకు తగ్గించినప్పటికీ 75 బస్తాలకు తక్కువగా ఉండటాడవని అన్నాను. ఈ విధంగా ration తగ్గించి బియ్యము దిగుబడి హెచ్చు చేసివచ్చుటకూడా ఇంకా deficit అంటుంటే ప్రజలు అర్థము చేసుకోలేకండ ఉంటున్నారు. ఇవి officer ల పారాపాటో, లేక ప్రజలు సరిగా procurement ఇవ్వటంలేదో తప్పు ఎక్కడుంటో Food Minister గారు కనిపెట్టవలసినదిగా కోరుతూ ఇంతటితో విరమిస్తున్నాను.”

SRI P. VEERABHADRASWAMI :—“ Mr. Chairman, Sir, while thanking His Excellency the Governor for his address, it is to be regretted that sufficient importance has not been given to the food shortage in the Province. To-day, stocks are very low in many districts, in some districts the stocks are sufficient only for a few days, while in some other districts, the stocks are sufficient only for a few weeks. Sir, Government no doubt are doing their best to move foodgrains to the deficit districts, and it is all a question of essence of time. All facilities should be given for quick movement of foodgrains to deficit areas. It depends on the attitude of the Central Government in the matter, and so it is but right that our Government should press upon the Central Government to make more allotment of rice, for our people in the province have been accustomed to take rice only and not wheat. Even wheat supplies are not adequate, and we find in many places, even the wheat portion of ration also is not being given. But, Sir, there is one good coming out of this evil. The present Food Minister in the Centre has realized one important point. There is no good procurement in the surplus provinces and the movement of food-grain from surplus provinces is not quick, and if the provincial government would press upon the Central Government to see that procurement and rationing are introduced in the surplus provinces also, and if that is done as efficiently as it is done here, I think, we can easily escape the danger we are passing through to-day.

“ Sir, there are many achievements, of which our Provincial Government can be proud of. Zamindari abolition has been effected in the case of some big estates, and rent reduction has been effected in almost all the zamindaris. The benefit which accrued to the tenants thereby has been immense. And there is one important

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point I wish to emphasize here. In the Vizianagram zamindari, there are a number of pensioners, and they have not been paid their pension for the last six or seven months. Some of them are receiving very low sums, and there will not be loss of service, but want of food due to want of money. So I would urge upon the Government to see that these pensioners are paid their dues. Then there is the question of retrenchment in that estate. People who have put in long service should not be sent but should be absorbed in some other department or in some other estate taken over. Sir, that is all I have to say."

* SRI C. VEERABHADRA RAO :—“అధ్యక్ష, ఆహార సమస్య చాలా ముఖ్యమైనదిగా ఉంది. ఈ ఆహార పరిస్థితి ప్రస్తుతము మన రాష్ట్రములో చాలా క్లిష్టముగా ఉన్నదన్న విషయము అందరికీ తెలిసినటువంటిది. ఇది నానాటికి ఎక్కువ క్లిష్టమగుచున్నది. అయితే, ఆహార పదార్థములు కావలసినంత లేవని ప్రభుత్వంవారు రోజురోజుకు బియ్యం ration తగ్గించడం చాలా శోచనీయమైన విషయం. మొట్టమొదట 16 టన్నులు ఇస్తూ ఉండిరి. మరల 12 టన్నులకు వచ్చెను. అటుతరువాత 12 టన్నులనుండి 8 టన్నులు, ఇప్పుడు 7 టన్నులకే వచ్చినది. ఇది కూడ మారవచ్చును. ఈనాటికి రోజురోజుకు మార్పుచేయి రation ఇస్తూ ఉండినందున, ఆహార సమస్య ఎట్లు సరిసిపోతుందో, మరియు ప్రజల ఆవసరములు ఎట్లు తీరగలవో ప్రభుత్వంవారు శ్రద్ధగా ఆలోచించవలయును. ఇట్లు దినదినానికి ration తగ్గించడంతో blackmarket ను పెంచుచు పోయినది. ప్రజలు తమకు కావలసినంత బియ్యము ration మూలకంగా కొరకకప్పుడు blackmarket లో పెద్ద ధరలతో కొనవలసివచ్చుచున్నది. Blackmarket వారు ముందేనుంచుకొని నిజముగా ఉన్నంత సరుకు బయటికి కనపడడంలేదు. కనుకనే ప్రభుత్వంవారు ration 7 టన్నులకు తగ్గించవలసివచ్చినది. ఈ 7 టన్నులు చాలకుండా పోవడంతో, ప్రజలు blackmarket లో కొనుగోని గవర్నమెంటువారికి కూడ తెలుసును. దీనినుండి ముఖ్యముగా వీడ ప్రజలు చాలా చెప్పినచున్నారు. పరిశీలన నిల్వ విడిచివేట్లైన ఇకముందు చాలా విషయించును. కనుక ఈ ration system ను తీసివేసి, దానికి బదులు relief shop లను పెట్టి, వాటిగుండా బియ్యమును అమ్మించివేట్లయితే చాలా కాగుంటుంది. మరల ఒక జిల్లానుండి ఇంకొక జిల్లాకు, ఒక రాష్ట్రమునుండి మరొక రాష్ట్రముకు బియ్యము సరిపరా చేయవచ్చును. కొంచెము ధరలు పెద్దవి అయినప్పటికీ ప్రజల కావలసినంత బియ్యము కొని తినడానికి వలగును. కనుక ఈ ration system తీసివేసి relief shop లు పెట్టవలెనని మనవిచేస్తున్నాను.

“ఇంక, వ్యవసాయము విషయంలో, ఒకవైపు ప్రభుత్వంవారు చాలా శ్రద్ధించుచున్నారు. దీనికి డబ్బు కూడ సహాయం చేస్తున్నారు. కాని ఈ బాటలు సరిగా త్రవ్వకున్నారా లేదా, వీటికొకట ప్రభుత్వం వారిచ్చిన డబ్బును సరిగా వినియోగించుకున్నారా లేదా, ఎక్కడెక్కడ బాటలు త్రవ్వించి వ్యవసాయమును పుష్టిచేయచున్నారు అను విషయములగురించి ప్రభుత్వంవారు సరిగా విచారించి తగు శ్రద్ధ తీసుకొనుట లేదు. Irrigation department ఒకటి ఏర్పాటు చేసినారు. ఈ department ను ఇంకా పుష్టి చేస్తున్నారు. కాని ఈ department వారు ఎంతమట్టుకు పనులు సక్రమంగా జరుగుతున్నాయో తెలుసుకోవడంలేదు. వారు చేసే estimate లు అన్ని గూడ కాగిత రూపమున సేసిన కాగిత రూపమునగాదు. ఇంకా, Food Production Committee ల విషయంలో, ఇదిగో ఈ స్కీము తీసుకోవడం

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వస్తున్నాము, రెక్కలు వేస్తున్నాము, వీటిని sanction చే Government కు మంజూరు అని అంటూ ఉంటారే కాని పనులేమీ జరుగవు. వారి స్కీములు గవర్నమెంటుకు పోయి, వారు sanction చేయడానికి చాలా ఆలస్యమౌతూ ఉంటుంది. కనుక ఈ లోపాలన్ని సరి దిద్దవలయునని ప్రభుత్వంవారిని కోరుచున్నాను.

“తరువాత procurement పద్ధతిగూడ విమోచము సరిగా న్యాయముగ జరగడంలేదు. Procurement officers కేవలము వీడల ఇండ్లకు వెళ్లి అక్కడ ఉండి ఏ కొద్ది ధాన్యాన్నో procure చేస్తున్నారే కాని గొప్పపాండ్ల ఇండ్లకు వెళ్లడంలేదు. నాకు తెలిసినంతమట్టుకు మా జిల్లాలో ఇది పూర్తి నిజము. ఎంతమంది గొప్ప రైతుల ఇండ్లలోను, Legislature Members ఇండ్లలోను ఎంతెంత ధాన్యమును procure చేసినారని గవర్నమెంటువారు సరిగా విచారించినట్లుయితే తెలుసుకోగలరు. కనుక ఈ Procurement officers అందరి ఇండ్లకు సహజముగా వెళ్లి, వారికి ఎంత ధాన్యము వందీసినది విచారించి, సరిగా procurement చేయునట్లు చూడవలసినదని ప్రభుత్వంవారిని మనవిచేస్తున్నాను.

“పిచ్చుట, leprosy, tuberculosis వ్యాధులు నిరోధించుటకు ప్రభుత్వంవారు పెద్ద శ్రద్ధ తీసుకొంటూ ఉన్నామని అక్కడక్కడ clinics నిర్మించుచున్నామని, ఈ విషయంలో ఒక scheme ను తయారుచేసినామని చెప్పినారు. కాని మా ఆంధ్ర జిల్లాలో ఎక్కడగూడ అలాటి పరిస్థితి కనపడడంలేదు. Leprosy కి గాను Government వారు ఎక్కువ ధనము ఖర్చుపెట్టజాలరని కనుక ప్రజలను దీని వసూలు చేయవలసియుండునని చెప్పియున్నారు. ప్రజలనుండి కాక, అభీసరనుండి వసూలుచేసి నట్లుయితే వ్యాధిముగడుండునని చెప్పుచున్నారు. ఎందుకనగా ఇదివరకే అనేక కార్యాలనిమిత్తం ప్రజలనుండి డబ్బు వసూలుచేసినారు. కనుక దీనికి Government officer లనుండి వసూలుచేసిన బాగుండునని మనవిచేయుచున్నాను.

“ఇంక, Harijan uplift విషయంలో డా. లక్ష్మణస్వామి మొదలయినవారు విశేషముగా చెప్పియున్నారు. వారు చెప్పినట్లు ఒక Harijan colony గూడ ఎక్కడ కనిపించదు. నెలకు ఒక రోజు Harijan Day observe చేయమని అన్నారు. దేవాలయములలో హరిజనులకు ప్రవేశపెట్టవలయునని చెప్పియున్నారు. ఇది ముఖ్యముగా పల్లెటూళ్లలో విమోచము జరుగుచుండలేదు. ఇందుకు ఉదాహరణంగా, విశాఖ పట్టణంజిల్లాలో సాంపేటలో ఒక పర్యాయం Harijan Day observe చేసినారు. అప్పుడు ఊరిలోని నూతులలో హరిజనులు నిద్రించిపోయిరి. తక్షణ ప్రజలు అభ్యంతరపరచి తిరుగుతూ ఉండిరి. ఈ విషయంలో హరిజనుల ప్రభుత్వాధికారులకు ఒక తాఖీదు మంజూరుచేసినారు. కనుక ఈ హరిజనుల అభివృద్ధి విషయంలో అభీసర, ప్రభుత్వంవారు తగు శ్రద్ధవహించి వారికి కావలసిన సహాయముచేసి సౌకర్యాలను ఏర్పాటుచేయవలసినదని కోరుచున్నాను.

“తరువాత prohibition పెట్టడములో ప్రభుత్వంవారి ఉద్దేశ్యము చాలామంచిదే. కనుక prohibition ఉండవలసినదే. కాని ఇది సరిగా నడుస్తున్నదా లేదా అని అడిగివేట్లయితే, సరిగా నడవడములేకనే చెప్పవలసియున్నది. దీని ఫలితంగా ప్రభుత్వంవారు loans కూడ తీసుకొనవలసివస్తుంటుంది పరిస్థితి ఏర్పడినది. ఇందులో తప్పి మిలేదు. కాని prohibition విషయంలో చాలా అక్రమాలు జరుగుచున్నవి. ఇక నిషేధం వలన ప్రజలకు సౌలభ్యముగా యావజ్జముక్రిందనే జరుగుచున్నది. D.S.P. ముదలను, ఊరినుండి అభీసరగూడ రిపోర్టుచేసినప్పటికీ సరియైన వరకు తీసుకోవడంలేదు.”

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5 p.m. MR. CHAIRMAN :— “ దానికి ఏమి చేయమంటారు. ”

SRI C. VEERABHADRA RAO :— “ పోలీసువారే ఈ ఆక్రమకార్యాల్లో చేరుకొని, వీటికి ప్రాత్యాహుమివ్వడమంటే ఇది ఓర్వరానిది. కనుక సరియైన C.I.D. వారైనా ఆయాచోట్లకు పంపించి పరిస్థితులను కనుగొనవలెను. ”

MR. CHAIRMAN :— “ అప్పుచేయవలసిన పరిస్థితి ఏర్పడినదంటారే, దానికి గవర్నమెంటువారు ఏమిచేయవలెను. ”

SRI C. VEERABHADRA RAO :— “ అప్పుచేయటమూడవది నేను చెప్పడములేదు. అయితే prohibition సరిగా అమలుజరుపబడునట్లు చూడవలయును. ఇందుకుగాను కొంతమంది ఎక్కువ మైనటువంటివారిని congress workers ను నియమించి, అక్రమాలు జరుగుకుండా prohibition సక్రమంగా పడచేటట్లు చూడవలయును. ”

“ గవర్నరుగారి speech లో labour గురించి ఏమి చెప్పబడిలేదు. కార్మికుల విషయం ముఖ్యమైయుంటుంది. మా విశాఖపట్నం జిల్లాలో jute mills, shipyards, sugar mills ఉన్నవి. ఇవన్నీ కార్మికులతో జరుగవలసియుంటుంది. వీటిలో పనిచేయచున్న కార్మికుల కష్టముఖములు సరిగా విచారించుటలేదు. వారు చాలకష్టపడుచున్నారు. వారి పనివిషయంలోను జీతాలవిషయంలోను చిట్టివలస జాబ్ మిల్లు మేనేజమెంటువారు చాల తొందరపెట్టుచున్నారు. ప్రస్తుతం చిట్టివలలో లాకవుటు కూడ చేసివున్నారు. బేలింగు కర్కణలో ఈ విషయం Law Minister గారు ఏమీకనరు వారితోకూడ చెప్పినారు. కనుక ఈ labour విషయంలో సరియైన legislation చేసి ఆ ప్రకారము managements ఎవరైనా సరిగా అమలుజరుపునట్లు చూడవలసిందని మనవిచేస్తూ ఇంతటితో విరమించుచున్నాను. ”

MR. CHAIRMAN :— “ I now adjourn the House to meet again at 5-30 p.m. after tea. ”

The House re-assembled after tea at 5-35 p.m.

* SRI R. SURYANARAYANA RAO :— “ As I sat listening to the speeches from the members who belong to the party in power, I wondered if they were supporting or opposing the Government motion. They indulged in criticisms of the policy of Government which could have been appropriately made by the members of the Opposition. Sir, I feel it is essential that a convention should be set up by which those who speak for the formal motion on behalf of the Government should refrain from making criticisms of the policy of the Government. They should try to answer the criticisms made by Members from the other side of the House rather than indulge in criticisms themselves. ”

“ The food situation has become suddenly very grave. How is it that it has become so grave when only a few days back it appeared to be fairly rosy? That is a thing which I cannot understand. On 1st May, the Government had a stock of 277,000 tons of rice. They anticipated imports to the extent of 110,000 tons and procurement to the extent of 697,000 tons for the period commencing from May 1950 to the end of December 1950. Thus, the total availability at the end of December was estimated at 1,084,000 tons. The off take during the period was expected to be 1,155,000 tons. The four weeks supply as buffer stocks required

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at the end of December was estimated to be 130,000 tons. Thus the total estimated requirement was 1,285,000 tons. There was thus a net deficit of 201,000 tons. We were told that we would be getting some grain in the shape of wheat or milo or even rice towards this deficit. I would like the Hon. Food Minister to examine how the stock of rice which stood at 277,000 tons on 1st May dwindled to 143,000 tons during the month ended 15th July. Is it the information of the Government that is wrong or is it a case of the anticipated imports and procurement *pro rata* between May and July not having been realized and, if so, what are the causes? I want the Government to examine the position. The figures I have quoted were furnished by the Food and Agriculture Department and their correctness cannot be questioned. What happened to the anticipated imports? Were there any imports from other States like Madhya Pradesh and Uttar Pradesh. The Government of India undertook to supply 110,000 tons between May and December 1950. If the imports *pro rata* had not come, what have the Government done to replace the imports? Have any representations been made to the Government of India and what is their reply? In the procurement anticipated for the period between May and December, has there been a *pro rata* procurement between May and July? These figures must make the Government examine why there has been such a sudden fall in procurement as we see from the latest reports besides finding out why the anticipated imports have not come. If the anticipated procurement and imports *pro rata* had been realized and with the stock on hand of 270,000 tons, the food situation would not have become so grave as it is to-day. There must be something wrong somewhere. I would like that point to be examined.

“ As regards the movement of grains, there has been a bottle-neck. Did not the Government anticipate the present precarious position from the reports that they were receiving from the Collectors? In this connection I must say that the Collectors of Districts have been very outspoken. They have taken the Food Committees into their confidence and have told them time and again how the stocks were being depleted, how they had made representations to the Board of Revenue time and again and how the supplies had not come. It is seen from the Press reports that special trains are being run from Tadepalligudem and other parts along the meter gauge line to bring supplies to the southern districts. Did not the Government anticipate that the stocks in southern districts were going down? Why were not arrangements made to move the stocks earlier? We read in the papers that an officer of the Government of India connected with movements came down and whipped up the railways. For a few days some special trains were run from Tanjore and also from the Circars to move the stocks that were lying. Again there was a lull. Why was not the tempo of movement kept up? Who is responsible for this movement? Why have they failed? The Collectors have been reporting to Government week after week that the stocks are going down. The Government knew that there were stocks in places like Tadepalligudem

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which they are now moving. If these movements had taken place earlier, there would not have been the panic that we see now. As far as one can see the food situation is not so bad as this panic makes us understand. If the movement had been regular and the tempo kept up since the time the Movement Officer of the Government of India came, perhaps there would not have been this panic. It should have been possible for the Civil Supplies Department and the Food Ministry to see what stocks there were in the different places at the end of each week and take immediate steps to move foodgrains from places where there were stocks to places where there were no stocks. Even steamers are being engaged. This is not a new feature which happens in deficit areas. It has happened often in the past. But the quickness with which action was taken saved the situation many a time. I would draw the attention of the Government to the fact that the movement of foodgrains is an even more difficult task than procurement. I would like to see that in future at least there is no bottleneck in the movement and that there is regularity of movement of grains from surplus to deficit areas.

"Time and again we have suggested that there should be complete rationing throughout the State, irrespective of the fact whether an area is surplus or deficit. But for some reason the Government are not anxious to introduce rationing in surplus districts. People in deficit districts are given six or seven ounces of rice, whereas people in surplus districts get the full quota of twelve ounces or even 1 lb. and more. We want that the sacrifice should be as equitably distributed as possible throughout the State and time and again we have requested that the Government should not make a distinction between surplus and deficit areas. In the interests of deficit districts, rationing should be introduced in surplus districts also. Our cry was not heard. From reports I understand that there has been a breakdown in rationing. I hope the reports are incorrect. But if they are correct, the position is very alarming. The breakdown has been not only in informal rationing but also in statutory rationing. The Government undertake the moral responsibility of providing ration in statutorily rationed areas. Once statutory rationing fails, the Government's prestige is gone. It is not a plaything; it is not a thing on which any government can sleep over and look on with equanimity. If statutory rationing is going to fail, as it is reported it has already failed, I warn the Government of the grave consequences.

"I understand there has been some change in the procurement policy. All these years procurement officials were allowed first to ask the ryots who had surplus grains to deliver the surplus. If they failed, they were empowered even to enter the houses and collect the grain by coercive processes. Is it a fact that this Government have some time ago issued an order that no coercive processes should be employed in procurement operations? Is it not one of the causes why procurement has failed? My Friend from Visakhapatnam (Sri C. Veerabhadra Rao) asked how many

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of the pattadars, especially among the M.L.As. and M.L.Cs., who had surplus grains had delivered their surplus to the Government. He wanted a statement to be prepared. Evidently he has informed that responsible persons who are expected to honour and uphold the authority of Government have failed to rise equal to the occasion. In this connexion I would like to draw the attention of the Government, especially the Hon. Minister for Food, to the report on Bengal Famine, Volume I, wherein methods of procurement have been dealt with. The authors prefer procurement by Government agents and say that the procurement organization established by Government must in the last resort depend on coercion. Having set up an organization for procurement to enable it to discharge its duties satisfactorily, it must not be tied down by instructions issued by Government preventing the officers from entering houses. I know on occasions when procurement officers had even to summon the aid of the Reserve Police when they knew that a man had surplus grains which he was not willing to hand over. In times such as this, meticulous regard for the feelings of anti-social elements should not be the concern of the State. It should be the concern of the State to obtain every grain that is available which a surplus holder is bound to hand over to the Government. I say coercion must be employed when soft words cannot bring out the hoarded grains. When scarcity conditions are prevailing, people will like to hoard grains. It is human nature and I do not blame any one. The policy adopted by the Government, especially the Hon. Minister for Food, of going to Tanjore and appealing to the mirasidars to hand over their surplus grains is a very good thing. I remember a similar situation occurred when Sri O. P. Ramaswami Reddiar was the Chief Minister. I know how the Ministers then went about the country from door to door asking people to hand over their surplus grains. Why should not now our Ministers use the influence and authority they possess for this good purpose? Why should not they go about for this sole purpose as the Ministers did in 1947 or 1948 and get all the available surplus by coaxing, by threatening and by all other possible means to save the people of this State, especially the poor, from starvation? If the present conditions continue as they are, I warn the Government that the Bengal famine will be repeated in this State and this City will be the first victim. Already the population of the City is increasing, especially the beggar population coming from surrounding districts where there has been failure of rain. If there are no ration shops in villages which give at least two ounces, what can the poor villagers do except to flock to towns where they think ration is maintained and seek alms at the hands of charitable people. That will lead to a serious problem to which attention has been drawn in the Bengal Famine Report, Volume I. I would like all Hon. Members on the Treasury Bench to read it because it gives a good analysis of the conditions that prevailed in Bengal, where a Government procurement organization did not exist. But here there is a Government organization. If, in spite of that, there is failure of rationing, statutory as well as informal, the consequences will be graver than what they were in Bengal.

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P.M.

"Then I come to education. A great deal has been said about the extra liability of Rs. 50 lakhs towards grant to local bodies for the spread of elementary education. His Excellency thinks that a great deal has been done by this provision. Evidently he was not apprised of the great need for the spread of elementary education and the efforts needed in that direction. Therefore, Sir, the extra liability of Rs. 50 lakhs due to the provisions of a Bill that will come up for consideration in the House, is nothing if we remember that the directive principle of State policy enjoins upon the State that within a period of ten years, it must introduce free and compulsory primary education throughout the State. It is only a drop in the ocean and much credit need not be taken by the Government for that.

"Sir, what about adult education? On adult education, a grand sum of Rs. 3.14 lakhs was spent in 1949-50 and it is proposed to spend about Rs. 6.86 lakhs this year. What is this amount when we take into consideration the number of adults that have got to be educated in order to enable them to exercise their franchise under the new Constitution? It is also nothing. We need not take much pride that we have provided this amount for adult education. Sir, the problem of adult education will become much more serious when owing to the absence of adequate provision for primary education, more adults remain illiterate. So there will be more adults to be made literate later on, if we fail to tackle the question of primary education even from now.

"Sir, I wish that the Hon. Minister for Education were present here. My hon. Friend Dr. A. Lakshmanaswami Mudaliar rightly paid a compliment to the Hon. Minister for Education for having solved, in a way, the very ticklish problem relating to languages. I am not sure whether it is going to be a permanent solution of the problem, because, as we find in this very House, my hon. Friend, Mr. Narayana Menon, was very vehemently pleading that Hindi should be made compulsory. There may be other members in this House and outside belonging to the party in power, who would urge that Hindi should be made compulsory. Therefore, I do not think we are yet out of the woods in regard to this question. We have sown the wind and we have to reap the whirlwind. This problem of language has been raised and brought up to such a high pitch, both in public discussion and in the press, that any solution offered for it, would not please either the one or the other group belonging to this or that school of thought. I am sure, Sir, that my hon. Friend, Mr. Madhava Menon, will not stick to one idea alone and say, 'This is the permanent solution of the problem.' Sir, ideas about education change very quickly and very frequently. One Member of Parliament recently in a discussion on the Educational Budget said apparently jocularly, 'There are three things in life not worth running after, and they are, a bus, a woman and a new educational idea, because there is one running behind the other in a minute.' That is to say, education is making so quick and so rapid a progress, that educational ideas are changing either in regard to language or the contents or the method, and things are moving so fast that perhaps

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in India we are not able to keep pace with them. But sooner or later, India, which forms a part of one world, will be subject to the same influences that exist in the world, therefore we cannot say that this is going to be a permanent solution of even the language problem in this State. There is a tendency on the part of the Education Department in this State to publish certain definite syllabuses in the Gazette and to compel the teachers and institutions to follow only those syllabuses and to set apart so many periods for this subject and so many for that subject. Thus the liberty of the teaching profession to be free to adjust the courses of studies to suit modern trends and modern developments has been taken away. In fact, the Education Department is becoming more and more an autocratic body and is trying to impose its will and its views on the teaching profession. How far they are competent to do so, is a matter, on which I have my own doubts. As I have said just now, educational ideas change, but our Education Department is least affected by such changes. It is perhaps the last body to yield to influence and change however desirable and necessary it may be.

"Then Sir, as you are aware, I have been pleading many a time in this House for the improvement of the status and emoluments of teachers. Not a word has been mentioned regarding these poorly-paid teachers in His Excellency's Address. I remember that the Hon. Minister for Education used to say, 'I have every sympathy for these poorly-paid teachers and the aspiration of the teaching profession, but only finance stands in the way of any reform'. Of course the Finance department is there as a check against the vagaries of the various departments, but it is for the Minister for Education to convince them that a stage has been reached when no longer the teaching profession would be satisfied with the emoluments that the teachers are paid and that it would lead to a complete breakdown in the educational system as a whole. Sir, this is not peculiar to this country alone. In spite of what are known as Burnham Scales, which is in vogue in England, the problem of raising the status and emoluments of teachers is as much a live issue there as it is here. That is why, in the course of a discussion the other day in Parliament, one Member got up and said, 'The teacher is required to have the patience of Job, the courage of Daniel, the wisdom of Solomon and the understanding of the saint; for all this, he receives the reward of a beggar'. This description of a teacher in England is equally applicable to a teacher in this country also. What is it that we pay the teachers and what is it that we expect of them? We expect them to possess all the qualifications that the Member of Parliament has mentioned, but at the same time we tell them, 'Yours is a noble profession and therefore please be content with what we give you, the reward of a beggar'. But we do not say the same thing in the case of any other profession, which is perhaps considered equally noble. We want the teachers alone to be satisfied with the mere pittance that we give them. A lawyer is not pleased with a small fee, although he follows a noble profession. He demands more fees, because the cost of living has increased. Similarly is the doctor. But in the case of teachers

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alone, whatever may be the increasing cost of living, we refuse to increase their emoluments, on the plea that finances do not permit us to do so, and ask them to be content with the pittance we give in order to maintain themselves and their families.

"Sir, I now come to my last point and that is with regard to the next elections. It is true that a day is going to be allotted for the discussion of this subject. But however, let me take this opportunity of drawing the attention of the Government to only one point. Why should not this Government appoint a Committee of both the Houses of Legislature and ask them to do the spade work and to submit a report to the Government for their consideration? Let the Government formulate their own proposals or their recommendations. What harm is there in appointing a Delimitation Committee to make their proposals? The United Provinces Government have appointed a Committee consisting of Members of both Houses of Legislature, and that Committee has submitted its report, on the basis of which the Government are framing their proposals. May I submit, Sir, that our Ministers have too many things to attend to and that they would have no time to go through the details of the delimitation of constituencies and other matters connected with the coming elections."

MR. CHAIRMAN:—"I think the hon. Member may reserve his remarks for that discussion, when it takes place."

SRI R. SURYANARAYANA RAO:—"Sir, the Government have already made up their proposals and we are also very eager to know how the Government's proposals would ensure free and fair election. That is a matter on which I should like to have further information. Perhaps when that discussion comes up before the House, I am sure, the Government will be able to enlighten us on that point."

"Now, Sir, I have only one point more to say and that is with regard to the Malabar Tenancy Bill. My hon. Friend, Mr. Narayana Menon, referred to it in the course of his speech. Sir, I may say for the information of the Members of the House, that I have made a study of that question and I am one of those who feel that if anybody deserves to be protected, it is the Verumpattamdar, that is, the cultivating tenant. The problems that are to be dealt with by the Malabar Tenancy Legislation, will, in many respects and in a greater degree, be engaging the attention of the Land Reforms Committee. What is the hurry for my hon. Friend, the Minister for Law, Mr. Madhava Menon, to rush through this legislation before that Committee has made its report? Are you going to perpetuate intermediaries like the Kanamdars or landlords, like jenmies in Malabar, when we are trying to remove all the intermediaries in ryotwari areas? This Bill seeks to give them permanency of tenure. Who are these kanamdars and jenmies? They are intermediaries and absentee landlords, mostly belonging to professional classes. I do not know with what idea my hon. Friend, Mr. Narayana Menon, took objection to the introduction of this Bill. Whether he is a jenmi or a kanamdar, I do not know probably because the jenami's interests are affected."

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MR. CHAIRMAN:—"The hon. Member may deal with these points in detail when the Bill comes before this House."

SRI R. SURYANARAYANA RAO:—"Sir, the Government have been introducing certain legislation based on certain principles. Why should the Government be anxious to push through this legislation, when an expert committee has been appointed to go into these questions? Why should a particular kind of tenancy alone be perpetuated in a particular area of this State? Our object is to evolve a common system of land tenure throughout the State. Anyhow, Sir, I leave it to the hon. Minister and to his judgment."

"In conclusion, Sir, I once again beg the Hon. Minister for Food to examine the points I have raised just now and if we rectify them now, perhaps we may not have to go through another food crisis in the future."

THE HON. DR. T. S. S. RAJAN:—"Mr. Chairman, Sir, I am indeed thankful that our very interesting discussion has come to an end. In discussing these subjects, which are various in their nature and multifarious in their concepts, it would indeed be very difficult for me to touch upon all the points raised and to reply to them in detail. However much we may be criticised for not mentioning certain facts or certain activities of the Government in an Address by His Excellency, I must say that it is physically impossible for the Government to cover the whole ground of all Governmental activities, in a brief Governor's Address like this. The Governor's Address is meant mainly to touch upon the most salient features of the administration and to give an idea of what the Government intend to do in the near future and what legislations are proposed to be brought before the next session of the Legislature. If hon. Members would only look at this Address from that point of view, I am sure they would have noticed that not a single item of any importance or interest has been omitted. It is, I submit, Sir, impossible to expect a Governor's Address to be an exhaustive summary of the various activities of the Government, something like an administration report of the various Government departments. Therefore it is impossible to expect a Governor's Address to be an exhaustive summary or something in the nature of a budget speech, which would cover all the activities for all the year round. It cannot be done. The Cabinet spent hours on the subject of presenting this Address, and in passing it they knew fully well that many more things could be stated, and that for want of time all could not be stated. Many things have been brought to the notice of the Government with facts and figures, and they have been very rapidly developed. We could only give a brief summary of the position, and we have given expression to what the Government have done and are intending to do, and we have also stated the legislative work for this meeting. This has been well said and as compactly as possible in His Excellency's Address. Though it has given rise to a good deal of criticism, and some feelings and sentiments have been expressed,

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I am glad to know that that amount of response has been drawn out by the Address, and we did not also expect anything more either. But it is a pity that it is not of the shape or pattern of big speeches in the States and Parliaments, to which some of us are used. I quite agree with some hon. Friends who remarked that those who moved the vote of thanks and those who seconded the motion have strayed away from the facts and that they have not kept in conformity to the point of view on which they should have concentrated their whole attention. That is because a good many of us are not experienced legislators in the sense that we do not know what is being done in all legislatures, and it must be granted that those of the Members who spoke, particularly those who moved the resolution, and those who seconded it, went, to a certain extent, beyond their limits in their criticism. I also agree that the criticism by the Members of the Government should be more or less in the true spirit of the Address, and that is the correct way. But in a discussion which was so desultory, and so vehement, it was not possible to correlate what has been done, and, therefore, we dissipated our energies and attention that we should devote to this subject. Even so, two days' debate in the Assembly and a full day's debate in a small House of this sort, is certainly preferable and is worth having. I am very thankful to all the hon. Members who have devoted their thought and attention on important questions like food, education, transport, and other things. And I am sure their suggestions will be taken note of, and such advice as has been tendered will be considered, and will also be put into practice. In the matter of food, one hon. Member wanted to reveal the fact that the figures of procurement have not been thoroughly scrutinised or at least as correctly scrutinised as to forewarn us as to what will happen. We do not yet know what will come. At least as far as I am concerned, I do not yet know the full facts of food shortage that we are passing through. It may be that many other considerations will come to our help. In the meantime food ships may arrive from other countries. Other considerations that we do not anticipate might prevail, and might be at work. In that way we might even be able to escape this threatened catastrophe. But it does not make us less anxious on that account. Those of us who are responsible and who have worked for the maintenance of the food level in this Province know full well that we have got really a difficult time to go through. In fact even in the past the whole country passed through a threatening crisis in regard to food. One thing we should not forget. That is, for three long and consecutive years, our monsoons have failed us. It should be something superhuman on the part of any individual or Government to say that they have successfully tackled it. Rains are not at our bidding, and by a strange fate, three successive monsoons have, one after another, failed us. He must be a bold man who says that he has tackled the food problem very satisfactorily. We, the Government, do not say that. We do maintain that we have made every effort possible to secure as much of food material as was available, and

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if further efforts are necessary, they are being taken. I would draw the attention of the House to the note of the Food Secretary who has returned from Delhi this morning. It gives us certainly a more encouraging report than what we have heard in both the Houses to-day and yesterday. That the food position is desperate enough, we grant. But it is not so hopelessly bad as to make us lose our balance of judgment in this matter and get into a fright, and lose what we should possess, particularly at a critical time like this. It has always been my pride when I was in charge of Food that we of this Province were very clever with regard to our procurement of grains. I thought always that we did much better than any other Province. Even such an able organiser and administrator like the President of our Indian Union personally told me that our procurement arrangements had been absolutely unique. They viewed the position in their own way, and stated that the action we took was the correct one, and perhaps worthy of being copied by other States. This was yeras ago. But things had now changed, because three successive famine years have repeatedly drawn out our resources to such an extent that we are now almost on the verge of despair. But I do believe the season of this trial is fast being got over. Rains are promising. With rains in this season and in the season that is following, I am fairly certain that this crisis would be got over if only we work with a little vigour in the procurement of grains which we badly require. The Government are anxious to go and secure as much grains as are available or could be had. Therein of course lies a very great difficulty. Because the fear in which the people are pursued for the delivery of grains has naturally a reaction of its own, and as some hon. Members remarked, it has instilled an unnecessary fear and fright in the minds of the public. But then it is no use of having no food. We must make more efforts than what we made before. Some hon. Members reminded us that in previous years when we met with something like the present crisis, we rushed to the Houses of producers of food, and implored them to give of every thing they had. Such a thing will be repeated, and will be repeated again and again, and I hope with great success. It does not deserve any mention. We are bound to do it, and I am sure also that our people are bound to respond responsively to the appeal that we make. Even so, the time and factor of the season are such that they do not put strength and courage in the minds of the producers. In fact, I was rather distressed to hear that the people of Tanjore did not want to export their rice to other districts of this State. It is a tragedy if they should so make up their minds. For the last so many years Tanjore has been our food granary, and they have unstintedly given to the last of their grain. I do not think that that attitude of safety prompted by narrow-mindedness will save either them or us. I would earnestly appeal to all people who produce grains to do all their best to surrender as much as they possibly can, and do all that is necessary.

"The Food Minister is now engaged in finding out alternative food or additional food to our people. Fish is the one on which he is concentrating. He expects greater production provided

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facilities are placed by the Government to catch the fish that are so plentifully available in the sea round about us. If we can possibly try and work more vigorously, I am hopeful that fish in the form of food will be readily available to us. After all, as a food, fish is incomparably superior to many grains that we are trying to get. It is a nourishing and strength-giving food, and a food which will be easily available within the resources of the poor. I know it for a fact, and I can speak with the authority of a medical man that fish is a nourishing food. I am sure the Government are going to provide facilities for catching fish, and with the means of transport helping us, we can tide over the crisis. But I for one do not want to be in the false belief. I would like every citizen in this State to come forward and give us the help that is absolutely necessary in this food campaign.

“ I was rather surprised to hear criticisms about our transport service. That has been the victim of criticism by the Members of this House, by the public and by speakers on the platform. But we do not realise the amount of service that the Government are doing to the public of the Province by our transport service. We have made our transport worthy of travelling in. That is a thing which many people yet do not understand. Our transport vehicles are good and well constructed. They are bearing a good deal of wear and tear on our roads. What is more? It is not such a desperate financial proposition as people once spoke about it. It is going to add to the resources of the State, provided they are well managed as they are being done to-day. It is no doubt true that the transport problem is going to be solved in one way or another, and it is going to be extended to a few other districts. I am already having a warning ‘do not go out of Madras; stick to Madras and remain here alone’. That is what those people seem to tell me. If we are worthy and deserving of our transport system, we should extend the luxury of transport to the extreme parts, to all those who are needy and to the extent that the Government could render service. We have made up our mind to slowly, carefully and progressively develop the transport system as a comfort for our citizens and also indirectly as a source of revenue for the State. In the light of experience we have had so far we shall extend it and that experience really encourages us to proceed further.

“ With regard to many other things that were mentioned, I have nothing more to add except that in whatever we may do you may rest assured that we shall not rush any new scheme of things without taking into consideration every factor that conduces to the well-being and good service of the people, and whether in the field of education, food, medicine or public health, we always take great care to go by experience, by practice and by our own observations, so that we may be assured that the step we take is the right one and is meant for our progress and development. All of us who have presented this address to His Excellency the Governor know full well that all of us have the interests of the free citizens of the State in our hearts and in doing so we spare no pains to do what we can while at the same time we open our eyes to every

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well-meaning criticisms made by people who love their country and we will always be ready to serve them and the country to the best of our ability. After all, our State is nothing if we do not give it our best and that in the right spirit. We who have come forward to serve are trying to serve and get the trust and confidence of the people of the State.

“ Unfortunately to-day there has been a bit of overenthusiasm and a little stiffness in the speeches of some of the Members of this House from whom I did not expect that kind of criticism. It seemed to them that Northern India was at-arms against Southern India. It is absolutely an imaginary fear, not warranted by facts. To-day North India is as much as South India and we have to serve one India to-day realizing that we have to fight in the battle of food and of everything that we could possibly imagine. It is in that spirit that we have to fight and not in the spirit of war of the North against the South. It may be that the Food Minister to-day is a North Indian but to-morrow some one of us may be the Food Minister and a man of the South. It is not the distinction between the South and the North that has got to be brought about in a Parliamentary or in a Legislative discussion altogether. It is unfortunate that some such sentiments were expressed to-day by responsible people from whom I did not expect them. We are struggling together in an infant democracy, in a new independent nation, to pull our strength and to gather our strength in everything that we do, in the act of service to the people, in the act of securing all that is good for us and in every other effort leading to the welfare of the people. We shall not give place to disruptive tendencies which have for long kept us slaves in the past. I hereby warn this House that no room shall be given to such sentiments and to the development of such sentiments.

“ I was pained to hear the remarks about the imparting of religious instruction in schools made by one of our legislators to-day. I am not against it but it is left to each community or to such of those who are interested in it to make arrangements for such instruction as is possible and certainly the State will give them every help. But you make it a duty of the State. It is certainly too much to expect of a democratic State to impart religious instruction in schools. But in so far as religious education goes, I do not think that the State can ever stand in the way when it has declared openly that it can be given to anybody.

“ With regard to communism and communalism, a lot of things has been said. The Communist menace was not brought by anybody into this State. We have got to face it because it is there and when it is there we are employing all means at our disposal to control and combat the evil. Our police have certainly done well and so have our Government. To-day one of the legislators said that the police beat some of the Communists. I can say it is wrong if it were true. Since it has been brought to our notice, I can assure you that we shall go into the matter and if it

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is true we shall not hesitate to take such action as may be necessary. Having said that, I do feel that we have fought communism to such an extent that even the Communists themselves have found that it is not wise to adopt the policy of looting, murder and inflaming the public mind against themselves. They have found that they cannot do any longer such things as they have done in the past. To that extent we are glad but it does not allow us to breathe freely until we know exactly that the propaganda of violence promulgated by a body of people as an ideology and as an ideal of their own so different from ours has been given up. Therefore, it is that we have made mention of in the Address given to the House by His Excellency the Governor just to show that we are aware of the menace and that we are taking every step to see that it does not develop to an uncontrollable degree. In this work we have got to face very great risks. We want the co-operation of every well-wisher of the State, of every citizen of the land, of every man and woman, villager or townsman. We should not allow this mushroom evil to develop to the hindrance of the society and to the hindrance of the people. Communism is fast spreading in many other countries, but we at least in India constituted as we are should endeavour not to become victims of these avalanche waves. We do hope to have an orderly Government even if it be by a change of formula or change of doctrine but it shall not be to the disgrace of our nation as such. Unlike other countries we have lived as a nation by spiritual instincts which have gone into the very life of the people, and institutions have grown just making us strong and strong enough to resist all sorts of evils created by malicious people. It is good to notice that their initial enthusiasm has fallen. We shall hereafter with our strength see that that evil does not raise its dangerous head much more than it has done in the past. It is only in that spirit that we have asked the Governor to tell the country what we feel and I suppose he has said it very clearly without any doubt in the matter.

"Of course, I can speak a good deal about many other things that have been talked about but it is not my intention to take up more time of the House. It will be a big voluminous talk, quite out of place and not meant as a reply to the speeches made here. The discussions have practically covered the whole subject of administration, from beginning to end and it is impossible to go into them fully. But I would only like to say that we as a Government who are responsible for the production of the report through His Excellency the Governor are fully aware of all the happenings and with the co-operation of the public we will tide over the difficulties. We shall lay our cards on the table, not hide our actions, but tell our people what we hope to do and enlist their co-operation. This is the purpose for which this debate has been arranged.

"I am very thankful to the Governor for his Address. He has always been a very good and nice gentleman and has shown himself keenly aware of his responsibility towards the big State and both the Houses of the Legislature.

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"I do hope that the Resolution of thanks to the Governor moved by a Member of this Party, though not very ably worded but which expresses what we mean, will be acceptable to the House."

MR. CHAIRMAN:—"Is the Leader of the Opposition pressing his amendment?"

JANAB ABDUL LATIF FAROOKHI:—"Yes, Sir, I press the amendment."

Then the amendment of Mr. Farookhi was put to the vote and lost.

Janab K. M. Uppi withdrew his amendment, with the leave of the House. Sri B. Narayanaswami Nayudu was not in his seat and it was deemed that his amendment was not pressed.

MR. CHAIRMAN:—"I now put the main motion to the vote of the House. The motion reads as follows:—

"That an humble Address be presented to His Excellency as follows:

• May it please Your Excellency.

We, the Members of the Madras Legislative Council, beg leave to thank Your Excellency for the Address delivered to both the Houses of the Legislature."

The motion was carried.

IV.—GOVERNMENT BILLS.

THE MADRAS BUILDINGS (LEASE AND RENT CONTROL) AMENDMENT BILL 1950.

THE HON. SRI N. SANJEEVI REDDI:—"Sir, I am seeking permission to introduce the Madras Buildings (Lease and Rent Control) Amendment* Bill, 1950, and to move that the Bill be taken into consideration at once.

"This is a simple amending Bill. This only extends the life of the present Act by one year. The other Bill containing the amendments proposed by the Select Committee will be before the House at a later stage. Meanwhile I want the present Act to be extended for a period of one year so that it may get the assent of the President before the time expires, that is, the 30th September 1950. So, I ask your permission to move that the Bill be taken into consideration at once."

MR. CHAIRMAN:—"The question is—

'That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1950, be taken into consideration at once'."

SRI R. SURYANARAYANA RAO:—"Sir, I have great pleasure in supporting the motion."

The motion was then put and carried.

Clauses 2 and 1 and the preamble were put one after the other and carried.

* Published in Fort St. George Gazette, dated 18th July 1950.

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THE HON. SRI N. SANJEEVA REDDI:—"Sir, I move—
'That the Madras Buildings (Lease and Rent Control
Amendment Bill, 1950, be passed into law'."

MR. CHAIRMAN:—"The question is—
'That the Madras Buildings (Lease and Rent Control
Amendment Bill, 1950, be passed into law'."

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

The House then adjourned till 11 a.m. on the 7th August 1950.

V.—PAPERS LAID DOWN ON THE TABLE OF THE HOUSE.

1. *The Madras Entertainments Tax (Amendment) Amending Ordinance 1950 (Madras Ordinance I of 1950).*

2. G.O. No. 1832, Public (Services), dated 12th April 1950 issuing the regulation under Article 320 (3) of the Constitution of India regarding Madras Criminal Judicial Service.

3. G.O. No. 2031, Public (Services), dated 1st May 1950 issuing the regulation under Article 320 (3) of the Constitution of India regarding Madras General Service—Assistant Secretary Central Road Traffic Board.

4. G.O. No. 357, Finance, dated 27th March 1950, relating to the Appropriation Accounts, 1946-47—Schedule of excess grants as authenticated by His Excellency the Governor.

5. Notification appended to G.O. No. 672, L.A., dated 28th March 1950, regarding the inclusion of area constituting Pudukkottai State within the jurisdiction of the Tiruchirappalli District Board.

6. Notification appended to G.O. No. 808, L.A., dated 6th April 1950, regarding the inclusion of the area constituting the Banganapalle State within the jurisdiction of Kurnool District Board.

7. G.O. No. 509, L.A., dated 8th March 1950, confirming the inclusion of certain area within the municipal limits of Srivilliputhur Municipality.

8. G.O. No. 412, L.A., dated 24th February 1950, confirming the inclusion of certain area within the municipal limits of Pollachi Municipality.

9. Home Department U.O. Note No. 43360-Tr. -III/50 dated 9th June 1950, regarding Motor Vehicles—Government Bus Service, Madras City—Report of the Three-Man Committee.

10. Notification appended to G.O. No. 980, L.A., dated 4 May 1950, regarding the inclusion of 37 villages transferred from the Polliavaram taluk within the jurisdiction of the West Godavari District Board.

11. Notification appended to G.O. No. 1066, L.A., dated 1 May 1950, regarding the inclusion of Polavaram village including certain hamlets within the jurisdiction of the West Godavari District Board.

12. Statements containing particulars, etc., of Education Tax

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MADRAS LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

MONDAY, 7TH AUGUST 1950

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THE MADRAS LEGISLATIVE COUNCIL.

Monday, the 7th August 1950.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Allegations against some ministers.

* 1 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Chief Minister be pleased to state—

(a) whether an enquiry into certain allegations against certain past and present ministers was held by him, and if so, whether he held it of his own accord or at the instance of any higher authority;

(b) whether any person or persons were associated with him in this enquiry;

(c) what the allegations are;

(d) whether the person or persons associated with him had access to certain files, even confidential ones;

(e) whether in the course of the enquiry certain officers also were examined;

(f) under what provision of law or procedure either access to files or examination of officers was permitted;

(g) whether any report of the enquiry was submitted to any higher authority;

(h) what the findings of the enquiry were; and

(i) whether the Government will lay on the table of the House all the relevant papers including the findings of the enquiry?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Chief Minister):—“(a) No enquiry was held by the Chief Minister.

“(b) to (i) Does not arise.”

SRI R. SURYANARAYANA RAO:—“Sir, are the Government prepared to say that no enquiry was held and all the reports that appeared in the Press are false?”

THE HON. DR. T. S. S. RAJAN:—“I cannot express any opinion about what appeared in the Press. I know what information I can give on the matter and it is that no enquiry was held.”

SRI R. SURYANARAYANA RAO:—“Are the Government prepared to deny that certain persons were associated in a kind of informal enquiry at least when the Hon. Chief Minister enquired into the conduct of the Ministers?”

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

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JANAB ABDUL LATIF FAROOKHI :—" May I know whether the Government propose to hold any enquiry, Sir? "

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

Issue of Press Notes and Communiqués by the Director of Information and Publicity.

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

(a) whether the Government have perused the judgment of the High Court in the Contempt of Court proceedings in which the Director of Information and Publicity was involved;

(b) what the procedure adopted is in regard to issue of Press Notes and Communiqués by the Director of Information and Publicity;

(c) whether the Director of Information and Publicity is entitled to exercise his discretion either in issuing or withholding publication of the Press Notes and Communiqués prepared by the Departments of the Government; and

(d) whether, in view of the remarks of the Hon. Judges of the High Court in the Contempt of Court proceedings referred to, the Government propose to devise ways to secure immunity to the Director of Information and Publicity in respect of Press Notes prepared by other Departments of Government?

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

" (b) Press Communiqués and Press Notes are drafted by Departments of the Secretariat and are issued by the Director of Information and Publicity after they are approved in circulation to the concerned Hon. Minister, Hon. Minister for Public Works, and Hon. Chief Minister. Secretaries to Government are responsible for the contents of Press Communiqués and Press Notes and the Director of Information and Publicity is responsible for the manner of presentation of the information.

" (c) No.

" (d) The suggestion is being examined."

SRI R. SURYANARAYANA RAO :—" Sir, in view of the judgment of the High Court, will the Director of Publicity be allowed to use his discretion to withhold a portion or the whole of the Communiqué if he finds it is not in public interest and he will be coming within the ambit of law if such a publication is made? "

THE HON. SRI M. BHAKTAVATSALAM :—" The Director of Publicity will have that discretion and he will exercise that discretion in consultation with the Department and the Hon. Minister concerned."

SRI R. SURYANARAYANA RAO :—" May I know, whether in this present case such a discretion was exercised? "

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THE HON. SRI M. BHAKTAVATSALAM :—" Here, however, the Director of Information was not aware of the proceedings and therefore there was no occasion for him to exercise that discretion."

SRI R. SURYANARAYANA RAO :—" Sir, in a serious matter like this where an officer of the Government, the head of a department, is practically held guilty of contempt of court, will the Government see that the Director of Publicity is given the discretion or else let the Department themselves undertake to publish it, instead of making the Director of Publicity a scape-goat? "

THE HON. SRI M. BHAKTAVATSALAM :—" I have already said that the situation arising out of this judgment is under examination."

SRI R. SURYANARAYANA RAO :—" Is the Director of Publicity now competent to consult the Legal Department if he finds that any Press Communiqué or Press Note prepared by any department, in his opinion, infringes the law? "

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

Appointment of Honorary Magistrates.

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

(a) what the procedure adopted in regard to the appointment of Honorary Magistrates of all classes in the City and the State was;

(b) whether there has recently been any change in the system and if so, what it is; and

(c) whether in the districts where the separation of the Judiciary from the Executive has been effected, the Collectors continue to be the recommending authorities?

THE HON. SRI K. MADHAVA MENON :—" (a) The procedure adopted in regard to the selection of persons for appointment as Honorary Magistrates prior to July 1949 is indicated in the appendix extracted from the relevant Government Orders.

" (b) The following changes have been made in the procedure :—

City—

- (1) the Mayor of Madras is not a member of the selection committee.
- (2) There is only one Member of the Legislature on the committee instead of one M.L.A. and one M.L.C.
- (3) A non-official member has been included in the selection committee.

Mufassal—A non-official member has been included in the selection committee.

" (c) The answer is in the affirmative.

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City.

When vacancies arise, the Collector of Madras and the Chief Presidency Magistrate will prepare a list of suitable persons. This list should be placed before a selection committee consisting of—

- (1) the Collector of Madras,
- (2) the Chief Presidency Magistrate,
- (3) the Commissioner of Police,
- (4) the Mayor of Madras,
- (5) one member of the Legislative Assembly to be nominated by the Government, and
- (6) one member of the Legislative Council to be nominated by the Government.

The Committee will consider the names in the list and may suggest other persons whom it considers suitable. The Collector of Madras, the Chief Presidency Magistrate and the Commissioner of Police will consider the committee's views and draw up, for the consideration of Government, a list of those persons who, in their opinion, are suitable for appointment or re-appointment, in order of preference if they wish to do so.

Mufussal.

When vacancies arise, a selection committee consisting of the Subdivisional Magistrate, the Assistant or Deputy Superintendent of Police, or, in areas under his direct charge, the District Superintendent of Police and one member of the Legislative Assembly or Council to be nominated by the Government will, either at a meeting or in circulation, prepare a list of suitable persons; the Subdivisional Magistrate will submit the list to the District Magistrate with his own remarks, and the District Magistrate will recommend to Government one or more persons whom he considers suitable from the list; he is at liberty to recommend any persons who do not appear in the list but are, within his own knowledge suitable.

The procedure in the preceding paragraph will not apply to the appointment of honorary magistrates sitting singly which is a matter for the District Magistrate himself.

This is the old rule, Sir."

SRI R. SURYANARAYANA RAO :—" The Hon. Minister says that it is the old rule, but the present rule is"

THE HON. SRI K. MADHAVA MENON :—" I also said that in the City the Mayor of Madras is not a member of the selection committee and in the mufassal, a non-official member has been included in the selection committee."

SRI R. SURYANARAYANA RAO :—" What is the circumstance that necessitated this change in the composition of the committee of selection? "

THE HON. SRI K. MADHAVA MENON :—" The committee was found too unwieldy."

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SRI R. SURYANARAYANA RAO :—" Does the presence of a Member of the Legislative Council and of the Legislative Assembly, make the committee unwieldy in the opinion of the Government? "

THE HON. SRI K. MADHAVA MENON :—" Even under the old rule in regard to the mufassal there was only one member of the Legislative Assembly or of the Legislative Council. We did not want to make any difference in the City or in the mufassal in regard to this matter."

SRI R. SURYANARAYANA RAO :—" Sir, what was the necessity to nominate an outsider to be a member of the committee, instead of a Member of the Legislature? "

THE HON. SRI K. MADHAVA MENON :—" There is a Member of the Legislature and there is also a non-official gentleman who is not a member of the Legislature in the present Committee."

SRI R. SURYANARAYANA RAO :—" Why has the Legislative Council been deprived of representation under the new rule? "

THE HON. SRI K. MADHAVA MENON :—" No, Sir, it can be a member of the Legislative Council or the Legislative Assembly. In many cases members of the Legislature have also been nominated."

SRI R. SURYANARAYANA RAO :—" In view of the fact that it is the District Magistrate that is responsible for the proper conduct of cases before these honorary magistrates, what is the necessity to take away the discretion of the District Magistrate in recommending persons either before or now? "

THE HON. SRI K. MADHAVA MENON :—" I do not know whether the hon. Member refers to clause (c) of the question."

SRI R. SURYANARAYANA RAO :—" I mean in general."

THE HON. SRI K. MADHAVA MENON :—" These committees are only recommendatory committees. The District Magistrate sends the proceedings of the committee with his own recommendation where he approves or makes alternative suggestions."

SRI R. SURYANARAYANA RAO :—" Sir, in regard to the answer to clause (c) may I take it that in districts where the separation of the judiciary from the executive has taken place, the Collectors continue to be the recommending authority without these selection committees? "

THE HON. SRI K. MADHAVA MENON :—" No, there the Collectors continue to be the recommendatory authority in consultation with the selection committees."

JANAB ABDUL LATIF FAROOKHI :—" May I know, Sir, what are the directions that have been given by the Government for the selection of honorary magistrates, either in the City or in the mufassal? "

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THE HON. SRI K. MADHAVA MENON :—" No directions at all. They have to select proper persons who in their opinion are qualified by their honesty, integrity and reputation."

JANAB ABDUL LATIF FAROOKHI :—" Can officials who are still in office and are on leave preparatory to retirement, be nominated as honorary magistrates before their term of office expires? "

THE HON. SRI K. MADHAVA MENON :—" If the hon. Member means those who are in Government service, they cannot be, Sir."

JANAB ABDUL LATIF FAROOKHI :—" Will the Government enquire into cases of persons who are about to retire and who have been appointed or nominated as honorary magistrates? "

THE HON. SRI K. MADHAVA MENON :—" I think I can say with certainty that no person in service who is drawing pay from the Government can be appointed as an honorary magistrate and if any person has been appointed from a date on which he may retire, then he cannot be considered as having been appointed before retirement."

SRI R. SURYANARAYANA RAO :—" May I know whether these selection committees invite applications or the Chief Presidency Magistrate or the District Magistrates invite applications? "

THE HON. SRI K. MADHAVA MENON :—" Certainly I know they do not advertise, but I know a number of applications come to the Government and such applications must have also been sent to these selection committees."

JANAB ABDUL LATIF FAROOKHI :—" Can an official who is still in office be appointed as an honorary magistrate from a particular date after his retirement? Can such appointments be made while a person is still in Government service? "

THE HON. SRI K. MADHAVA MENON :—" An official can be appointed, for instance, in many cases sub-registrars and sub-magistrates are the presidents of bench courts. The president of such courts is appointed by the Collector and he can be an official."

JANAB ABDUL LATIF FAROOKHI :—" From the term 'honorary magistrates' generally people understand that means, people who are not in Government service. So, can people who are in Government service be appointed as honorary magistrates? "

THE HON. SRI K. MADHAVA MENON :—" As every one knows, persons who do not get any remuneration for the work they do as magistrates are called honorary magistrates. As I said, Government servants who are in service can be presidents of bench courts and it is a matter known to hon. Members that in the mufassal sub-magistrates sub-registrars in certain cases are presidents of bench courts."

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SRI R. SURYANARAYANA RAO :—" Why did the Government think it necessary to omit the Mayor of Madras, the first citizen of the City, from the selection committee? "

THE HON. SRI K. MADHAVA MENON :—" We did not want the Mayor to be entangled in the various applications that may come and in the recommendations in regard to these matters. Again, the Corporation is one of the bodies which sends the largest amount of work to bench courts and it was thought better that the Mayor was not made a party for the selection of persons who are to sit in judgment and decide those matters."

MRS. M. N. CLUBWALA :—" Will the Hon. Minister be pleased to enquire into the unfair propaganda carried on against juvenile courts magistrates and if so, what steps he proposes to take to redeem the honour of the juvenile court magistrates who, as far as I know, are not being treated fairly? "

MR. CHAIRMAN :—" I do not know whether the Hon. Minister will be prepared to answer the question."

THE HON. SRI K. MADHAVA MENON :—" There is no unfair comment so far as I know about these juvenile courts. But, I can say, they are now doing splendid work and it will be in the interests of everybody if the hon. Member herself tries to do propaganda against false rumours."

MRS. M. N. CLUBWALA :—" I beg your pardon, Sir. It was in papers and the Hon. Minister might have read it. Already there was a deputation to the Chief Presidency Magistrate expressing our resentment at the great deal of unfair propaganda which, we can prove, is being carried on by people who have no idea of the work the juvenile court magistrates are turning out? "

THE HON. SRI K. MADHAVA MENON :—" Unfair propaganda is going on not only regarding the good work of the juvenile court magistrates but many others who have good work to their credit."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, if the committee is also selecting juvenile court magistrates? "

THE HON. SRI K. MADHAVA MENON :—" Yes, Sir. They are also honorary magistrates and the presidency magistrate allots them to the juvenile court."

Starting of Fruit Farms attached to each Research Station.

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

(a) whether the proposal to start fruit farms attached to each Research Station has been given effect to; and

(b) if the answer to (a) is in the affirmative, what the Research Stations are where fruit farms have been started and when such farms can be expected to come into existence in the remaining Research Stations?

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THE HON. SRI A. B. SHETTY :—“(a) & (b) It is presumed the hon. Member refers to the fruit farms ordered to be started during 1948–49 at the following Agricultural Research Stations :—

- (1) Siruguppa, Bellary district.
- (2) Tirurkuppam, Chingleput district.
- (3) Tindivanam, South Arcot district.
- (4) Palur, South Arcot district.
- (5) Aduthurai, Tanjore district.
- (6) Gudiyatham, North Arcot district.
- (7) Pattambi, Malabar district.

The scheme was not actually started. After the sites were selected for the proposed farms, the possible value of those small centres in influencing the fruit cultivation was re-examined by the Director of Agriculture and it has been found that ideal sites and soils were not available at the Agricultural Research Stations and that the purpose in view would be better served by the establishment of model orchard-cum-nurseries in different centres of the State. A scheme for starting model orchard-cum-nurseries at Rajahmundry, Mathurai, Mangalore, Salem and Chittoor has since been sanctioned by Government in March 1950. The establishment of fruit farms at the Agricultural Research Stations mentioned above has therefore been abandoned.”

Provincial Town-Planning Committee.

* 5 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Health be pleased to state whether the Government have considered the recommendations of the Provincial Town-Planning Committee and if so, what the action proposed on the various recommendations is?

THE HON. DR. T. S. S. RAJAN :—“The Government have examined the recommendations of the Provincial Town-Planning Enquiry Committee and have passed orders on them. A copy of G.O. No. 1097, Health, dated 25th March 1950 is laid on the table of the House.”

The Madras Central Land Mortgage Bank.

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

- (a) the rates at which the Madras Central Land Mortgage Bank has been floating their debentures recently;
- (b) the rates at which loans are made available by the Central Land Mortgage Bank to Primary Land Mortgage Banks;
- (c) the rates charged to the ultimate borrower by the Primary Land Mortgage Banks;
- (d) the rate at which loans are granted by Government under the Agriculturists' Loans Act, and the Land Improvement Loans Act; and

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(e) whether the Government have at any time considered the suggestion to subsidise the Land Mortgage Banks to the extent of the difference between the economic rate of interest on loans chargeable by them and the rate of interest at which individual agriculturists can obtain loans from the Government?

THE HON. SRI K. CHANDRAMOULI :—“(a) 3 per cent.

“(b) $4\frac{1}{2}$ per cent.

“(c) $5\frac{1}{2}$ per cent.

“(d) $4\frac{1}{2}$ per cent (provisional).”

“(e) The Government have not considered the suggestion referred to in the question.”

[Hon. Minister read replies (a) to (d) and the first sentence of (e).]

MR. CHAIRMAN :—“There is yet a lot more in the answer.”

SRI R. SURYANARAYANA RAO :—“If the answer furnished to you, Sir, is more than what the Hon. Minister has read out to the House, I think, Sir, we have every right to ask him to read out the whole thing.”

THE HON. SRI K. CHANDRAMOULI :—“If a supplementary question is raised, I shall answer it. The other things, Sir, I submit are not relevant to the question.”

MR. CHAIRMAN :—“Then, why did you give it to me; you ought not to have given it to me. In so far as it has been given, it must be read.”

THE HON. SRI K. CHANDRAMOULI :—“I have no objection.”

MR. CHAIRMAN :—“Then please do.”

THE HON. SRI K. CHANDRAMOULI :—“But the rate of interest charged by land mortgage banks depends on the rate of interest at which the Madras Co-operative Central Land Mortgage Bank, Limited, is able to float debentures among the public. A margin of $2\frac{1}{2}$ per cent between the rate of interest paid on debentures and the rate of interest charged to the ultimate borrowers has got to be maintained to meet the requirements of the Central and the primary land mortgage banks. With a view to providing cheap long-term credit to the agriculturists in the Rayalaseema, the Government are subsidizing the Madras Co-operative Central Land Mortgage Bank, Limited, at $1\frac{1}{2}$ per cent on all loans to be issued by it during the next five years in that area for the full period of 20 years during which the loans are repayable so that the ultimate borrowers may get their loans at 1 per cent, instead of at $5\frac{1}{2}$ per cent. The total subsidy payable on this account is estimated at Rs. 6.75 lakhs spread over a period of 24 years.”

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SRI R. SURYANARAYANA RAO :—" In view of the disparity which exists between the rate at which the Government give to the ryots under the Agriculturists' Loans Act and the Land improvements Loans Act on the one hand and the Primary Land Mortgage Bank on the other, may I know, Sir, why the Government have not considered the question of treating the difference, in order to give assistance to the ryots, as a subsidy in the case of places other than Rayalaseema? "

THE HON. SRI K. CHANDRAMOULI :—" Because of the backwardness of the Rayalaseema area the question has been taken up and it is in the initial stages and the hon. Member knows that the Government have made very good beginning now and it may be extended to other areas as and when financial position and other circumstances are favourable."

SRI R. SURYANARAYANA RAO :—" The Hon. Minister for Local Administration announced somewhere that they are going to make a representation to the Government of India to make good the difference between the lending rate of the Primary Land Mortgage Bank and the rate at which the Government gives loans? "

THE HON. SRI K. CHANDRAMOULI :—" I have previously represented to the India Government."

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

II.—MESSAGE FROM THE ASSEMBLY.

MR. CHAIRMAN :—" I have to announce to the House that Messages have been received from the Hon. Speaker of the Madras Legislative Assembly, transmitting copies of the following Bills as passed by the Assembly in accordance with Rule 99 of the Madras Legislative Assembly Rules on the 5th August 1950 and signed by him for the concurrence of the Council :—

(1) The Madras Weights and Measures (Amendment) Bill, 1950 (L.A. Bill No. 13 of 1950);

(2) The Dangerous Drugs (Madras Amendment) Bill, 1950 (L.A. Bill No. 14 of 1950);

(3) The Andhra University (Amendment) Bill, 1950 (L.A. Bill No. 16 of 1950); and

(4) The Indian Criminal Law (Madras Amendment) Bill, 1950 (L.A. Bill No. 17 of 1950).

A copy of the Legal Practitioners (Madras Amendment) Bill, 1950 (L.A. Bill No. 15 of 1950), as passed by the Assembly and transmitted to the Council for their consideration with a certificate from the Speaker that the Bill is a money Bill.

" I have also received a Message from the Hon. the Speaker transmitting a copy of the motion passed by the Assembly desiring to obtain the concurrence of the Council in setting up a Joint

[7th August 1950]

[Mr. Chairman]

Select Committee of the two Houses to consider the Madras Buildings (Lease and Rent Control) Second Amendment Bill, 1950 (L.A. Bill No. 18 of 1950) and that the following members of the Assembly be nominated as members of the Joint Select Committee—

(1) The Hon. Sri N. Sanjeeva Reddi.

(2) Sri K. R. Karanth.

(3) „ K. Bhashyam.

(4) „ K. T. Kosalram.

(5) Janab Abdul Hameed Khan.

(6) „ Muhammad Raza Khan."

III.—STATEMENT RE PROVISION OF ONLY ONE MEMBER TO THE SOUTH INDIAN RAILWAY LOCAL ADVISORY COMMITTEE.

THE HON. DR. T. S. S. RAJAN :—" Sir, under the provisions of the Constitution of the South Indian Railway Local Advisory Committee, two seats were allotted to the Madras Legislature, one for the representative of the Madras Legislative Assembly and the other for the representative of the Legislative Council. Accordingly Sri L. S. Karayalar, M.L.A. and Sri S. B. Adityan, M.L.C., were elected to represent the Madras Legislature for a period of two years from 1st November 1949. The Government of India have now decided to reduce the number elected and sent by the Madras Legislature from two to one in order to give representation to the Travancore-Cochin State Legislature on the Committee and to constitute a new Committee on that basis from the 1st June 1950. With reference to this decision of the Government of India, the General Manager of the South Indian Railway requested this Government to communicate to him the name of a member to represent the Legislature on the new Committee. The Government have decided that this representative should be from the Assembly and that Sri L. S. Karayalar may continue to hold office for the term for which he was elected originally by the Assembly.

" This is what I have to inform the House. As far as this House is concerned, the representation goes and only one member has to be given by the Assembly and that is retained by Sri L. S. Karayalar, M.L.A."

JANAB ABDUL LATIF FAROOKHI :—" Is that to be taken to mean that this House loses representation for all time? "

THE HON. DR. T. S. S. RAJAN :—" There is no such thing as that, Sir. There is only one member given for the two Houses of Legislature; the Assembly is the bigger House and already one member of it continues to be there. This House for the time has no representative of its own there but the Legislature is represented by one member, namely, Sri L. S. Karayalar."

JANAB ABDUL LATIF FAROOKHI :—" May I make a suggestion to the Hon. the Leader of the House for the consideration of the Government that alternate chances should be given to this House? "

[7th August 1950]

THE HON. DR. T. S. S. RAJAN :—" That will certainly be considered when the term of Mr. Karayalar is over."

MR. CHAIRMAN :—" And perhaps most of us will not be here in the Council then."

IV.—ELECTION OF A MEMBER TO THE MADRAS PROVINCIAL LIBRARY COMMITTEE.

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

' That in pursuance of rule 2 (1)(v) of the Madras Public Libraries Rules, 1950, this Council do proceed on a date to be fixed by the Hon. the Chairman to elect one person to the Provincial Library Committee constituted under section 3 of the Madras Public Libraries Act, 1948 (Madras Act XXIV of 1948) '."

MR. CHAIRMAN :—" The question is—

' That in pursuance of rule 2 (1) (v) of the Madras Public Libraries Rules, 1950, this Council do proceed on a date to be fixed by the Hon. the Chairman to elect one person to the Provincial Library Committee constituted under section 3 of the Madras Public Libraries Act, 1948 (Madras Act XXIV of 1948) '."

The motion was carried.

MR. CHAIRMAN :—" With reference to the motion of the Hon. Minister for Education and Law regarding the election of one Member of this Council to the Provincial Library Committee, I am to state that the nomination should be handed over to the Secretary before 12 noon on Tuesday, the 8th August 1950. The nomination forms can be obtained from the Secretary."

" There will be an election, between 3 and 5 p.m. on the same day, if the number of candidates nominated exceeds one. The election will be by the ordinary method and not according to the method of single transferable vote."

V.—GOVERNMENT BILLS.

(1) THE MADRAS WEIGHTS AND MEASURES (AMENDMENT) BILL *, 1950 (L.A. BILL NO. 13 OF 1950).

* THE HON. SRI A. B. SHETTY :—" Mr. Chairman, Sir, I move—

' That the Madras Weights and Measures (Amendment) Bill, 1950, as passed by the Assembly, be taken into consideration.'

" The need for this amending Bill has been explained in the Statement of Objects and Reasons. The Southern India Chamber of Commerce has represented to the Government that the entire

[7th August 1950] [Sri A. B. Shetty]

business in gold and silver in South India is done only in ' Pagoda ' weights and that great hardship would be caused to the jewellery trade in this part of the country on account of the non-inclusion of the ' Pagoda ' weight in the schedule to the Madras Weights and Measures Act, 1948. The Chamber has requested that the Madras Act should be amended so as to include the ' Pagoda ' as a recognized weight. But this cannot be done. The establishment of standards of weight and measure is a subject in the Union list. The standard weights specified in the Standards of Weight Act, 1939 of the Central Government and their integral multiples or sub-multiples alone can be recognized weights for the purposes of the Madras Act. Pagoda cannot be regarded as a standard weight as it is not an integral multiple or sub-multiple of any of the standard weights mentioned in the Central Act. It is considered desirable to allow some time for the trade to change over to the new weights in Tola. This Bill, therefore, seeks to amend sections 8, 9 and 20 of the 1948 Act with a view to exempt the use of the Pagoda weight from the penal provisions of the Act for a period of two years from the date of notification of the enforcement of the 1948 Act."

MR. CHAIRMAN :—" The motion is—

' That the Madras Weights and Measures (Amendment) Bill, 1950 (L.A. Bill No. 13 of 1950), as passed by the Assembly, be taken into consideration '." 11-30 a.m.

* SRI R. SURYANARAYANA RAO :—" Mr. Chairman, Sir, I do not understand why the Hon. Minister for Agriculture thinks that we have no power to effect the change requested by the South Indian Chamber of Commerce. Sir, we are now amending the Madras Weights and Measures Act, and so, cannot we have the power to effect the change that is asked for? That is my point. Sir, I looked into the lists in the Constitution Act. It is true, Sir, in the Union List, No. 50 is Establishment of standards of weights and measures. But, Sir, there is also in the State List No. 29. Weights and measures except establishment of standards. I am not aware why we cannot accept the request of the South Indian Chamber of Commerce for the amendment of the Madras Weights and Measures Act and introduce the local weight that is being used in the State. How we will be violating the powers of the Union Government I am not able to understand. In that case, Sir, the whole of the Madras Weights and Measures Act becomes null and void."

THE HON. SRI K. MADHAVA MENON :—" My friend, Mr. Suryanarayana Rao is under a misapprehension. There is already an Act passed by the Central Legislature called Standard of Weights and Measures Act, in which the Central Government have fixed certain weights and measures. Of course the Local Government have power to regulate the weights and measures; but they have to use the standards fixed in the Central Act, and they have no power to give exemption with regard to certain weights and

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measures. And that is why the Hon. Minister for Agriculture has said that the request of the South Indian Chamber of Commerce cannot be conceded."

* SRI R. SURYANARAYANA RAO :—" If perhaps the Local Government think that they have no power or are not competent to make this change, may I ask them why they give only two years' time? Is it their intention to approach the Government of India to recognize this pagoda as a weight to be included in their Act? "

MR. CHAIRMAN :—" I do not think it is the idea of the South Indian Chamber of Commerce to make the pagoda a weight. They want only the pagoda to be continued as a weight in Madras."

THE HON. SRI K. MADHAVA MENON :—" It is not a standard weight. We can only have a weight as a standard that is mentioned in the Central Act."

MR. CHAIRMAN :—" But we have been accustomed to a weight for a long time. So that too can be equally a standard weight. What is the objection? "

THE HON. SRI K. MADHAVA MENON :—" No transaction can be done except according to the standard weight mentioned in the Central Act."

* SRI R. SURYANARAYANA RAO :—" May I ask, Sir, is it the intention of the Madras Government to approach the Central Government to make a change in their Act, or is it their idea that within two years, our province must get used to the standard weight mentioned in the Central Act. Sir, for centuries, pagoda has been used as a weight in the case of bullion, and so, how is it possible within two years for people to switch over. I am sure the South Indian Chamber of Commerce will not be satisfied with this two years' limit. I would like pagoda to be recognized as a permanent weight in regard to dealings in silver and gold. I do not know whether this organization representing trade and commerce were invited to express their opinion on this two years' limit whether they will be satisfied with it for the time being. I wish Government—I thank the Hon. Minister for Law for having explained to us the legal position in the matter—assure this House that they intend approaching the Central Government to include pagoda as a standard weight."

* THE HON. SRI A. B. SHETTY :—" The Government of India have already been requested to take steps to recognise pagoda as a standard weight, but they are not inclined to accept the proposal. So far as the period allowed to give exemption to the use of pagoda is concerned, it was first proposed to give a period of five years, but then it was considered that two years would be sufficient for the trade to change over to the new weight. That is why two years' period has been fixed. Sir, I have already explained why it is not possible for us to make pagoda a recognised

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weight; for, the establishment of standard weight and measure is a matter for the Central Government. So I hope this House will accept the amendments proposed in the Bill."

MR. CHAIRMAN :—" Has the Hon. Minister for Agriculture got a copy of the Weights and Measures Act with him."

THE HON. SRI A. B. SHETTY :—" Yes."

MR. CHAIRMAN :—" May I request him to read section 8? "

THE HON. SRI A. B. SHETTY :—" 8. If an Inspector has reason to believe that any weight or measure—

(a) is not a recognised weight or measure which has been stamped as required by section 5, or

(b) is a recognised weight or measure which is incorrect, the Inspector shall seize it and produce it before a Magistrate who shall, if he finds that the weight or measure is not a recognised weight or measure or that it is incorrect, order it to be forfeited to His Majesty or destroyed."

MR. CHAIRMAN :—" Is a recognized weight defined? "

THE HON. SRI A. B. SHETTY :—" The weights are given in the schedule."

THE HON. SRI K. MADHAVA MENON :—" Recognized weight is the weight mentioned in the Standard Weights and Measures Act."

MR. CHAIRMAN :—" Yes, that is what I want to know."

THE HON. SRI K. MADHAVA MENON :—" Section 2 (3) defines what a recognized weight or measure is, and what those recognized weights and measures are is given in section 3."

MR. CHAIRMAN :—" Yes, that is alright. The question is—

That the Madras Weights and Measures (Amendment) Bill, 1950 (L.A. Bill No. 13 of 1950), as passed by the Assembly, be taken into consideration."

The motion was carried.

Clause 2 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

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

That the Madras Weights and Measures (Amendment) Bill, 1950 (L.A. Bill No. 13 of 1950), as passed by the Assembly, be passed into law."

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

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(2) THE DANGEROUS DRUGS (MADRAS AMENDMENT) BILL^a, 1950
(L.A. BILL NO. 14 OF 1950).

THE HON. SRI N. SANJEEVA REDDI :—" Mr. Chairman, Sir, I beg to move—

' That the Dangerous Drugs (Madras Amendment) Bill, 1950 (L.A. Bill No. 14 of 1950), as passed by the Assembly, be taken into consideration.'

" Sir, this is a very simple amendment, which authorises the Prohibition Department authorities to investigate into offences under this Act. Hitherto they had the authority as excise officers. But now, their name is changed from Excise to Prohibition Officers. Hence this amending Bill is necessitated."

MR. CHAIRMAN :—" The question is—

' That the Dangerous Drugs (Madras Amendment) Bill, 1950 (L.A. Bill No. 14 of 1950), as passed by the Assembly, be taken into consideration.'

The motion was carried.

Clause 2 was put and carried.

Clause 1 was put and carried.

The preamble was put and carried.

THE HON. SRI N. SANJEEVA REDDI :—" Sir, I move—

' That the Dangerous Drugs (Madras Amendment) Bill, 1950 (L.A. Bill No. 14 of 1950), as passed by the Assembly, be passed into law.'

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

(3) THE ANDHRA UNIVERSITY (AMENDMENT) BILL^b, 1950 (L.A. BILL NO. 16 OF 1950).

THE HON. SRI K. MADHAVA MENON :—" Mr. Chairman, Sir, I beg to move—

' That the Andhra University (Amendment) Bill, 1950 (L.A. Bill No. 16 of 1950), as passed by the Assembly be taken into consideration.'

" Sir, the Maharaja of Jeypore, who was the most munificent donor for that University, as pro-Chancellor, had the right to nominate one member to the Syndicate. In 1944, as he promised to contribute one lakh of rupees every year, in view of his munificent donation, the Senate unanimously recommended to Government that the Maharajah may be allowed to nominate two members to the Syndicate instead of one. So during the Advisers' regime, in 1944, an Act was passed which enabled him to nominate two

^a Printed as Appendix II on pages 159 infra.

^b Printed as Appendix III on page 160 infra.

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members instead of one. When the Advisers Act was re-enacted in 1948, the number of nominees of the Maharaja to the Syndicate was reduced from two to one. The Senate of the Andhra University has again unanimously recommended to restore the number to two in fairness to the Maharaja who has been and continues to be the biggest donor of the University. The Government think that there is much force in the unanimous recommendation of the Senate and have brought forward this Bill to restore the number of the Maharaja's nominees to the Syndicate to two." 11-45 a.m.

MR. CHAIRMAN :—" The question is—

' That the Andhra University (Amendment) Bill, 1950 (L.A. Bill No. 16 of 1950), as passed by the Assembly, be taken into consideration.'

The motion was carried.

Clauses 2 and 1 and the preamble were put and carried.

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

' That the Bill be passed into law.'

MR. CHAIRMAN :—" The questions is—

' That the Andhra University (Amendment) Bill, 1950 (L.A. Bill No. 16 of 1950), as passed by the Assembly, be passed into law.'

The motion was carried.

(4) THE INDIAN CRIMINAL LAW (MADRAS) AMENDMENT BILL^a, 1950
(L.A. BILL NO. 17 OF 1950).

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

' That the Indian Criminal Law (Madras) Amendment Bill, 1950 (L.A. Bill No. 17 of 1950), as passed by the Assembly, be taken into consideration.'

" The Criminal Law Amendment Act was a much-hated Act during the time of the British regime. It was very sparingly used subsequent to the attainment of independence. Certain circumstances in the country necessitated the use of the Act. Hon. Members know that the Communist Party and the various organizations which owed allegiance to it were banned under the Act. One of the arrested persons moved in the Supreme Court that certain sections of the Criminal Law Amendment Act were *ultra vires* of the Fundamental Rights guaranteed in the Constitution of India. The Supreme Court did not give any decision, as the question raised there was disposed of on a technical ground. We examined whether any sections of the Act contravened or were inconsistent with the Constitution. Apart from the question whether they were inconsistent with the Constitution or not, the Government themselves felt it necessary to liberalize certain sections in the interests of natural justice. With that idea, we

^a Printed as Appendix IV on page 160 infra.

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have proposed amendments to sections 15 and 16 of the Criminal Law Amendment Act. Under section 15 as it stands, the Government can declare an association to be unlawful on the basis of their mere opinion that it is indulging in subversive activities without mentioning the grounds for the declaration and the association has no right to question the order of the Government. The amendments that I propose are that the declaration of an association to be unlawful should be on specific grounds and those grounds must be specified in the order. The grounds on which an association could be declared unlawful are mentioned in Article 19 of the Constitution of India. The amendment to section 16 gives an opportunity to any member or other person interested in a notified association to make a representation against the issue of the notification. The case shall be reviewed by an Advisory Board consisting of three persons who are, or have been, or are qualified to be appointed as Judges of the High Court. The Advisory Board is entitled to call for any information on the matter from the Government and its decision shall be binding on the Government. These are the two amendments proposed. The other amendments are consequential. These amendments, in the words of a Member of the other House, make the provisions more humane than what they are now."

"The validity of certain sections of the Criminal Law Amendment Act has been questioned and the matter is pending before the Supreme Court. We wanted to make amendments so that any ambiguity or doubt about the matter may be settled. That is the object of the amendments."

MR. CHAIRMAN :—"The motion is—

'That the Indian Criminal Law (Madras) Amendment Bill, 1950 (L.A. Bill No. 17 of 1950), as passed by the Assembly, be taken into consideration.'

* SRI R. SURYANARAYANA RAO :—"Mr. Chairman, Sir, I would like to have some information from the Hon. Minister for Law. In regard to the notification of an association as unlawful, it is proposed to submit the case to an advisory board that is to be created. But if a notification is issued in respect of any place, the aggrieved person is asked to go to a court. I cannot understand why this distinction is made between an association and a place."

"The proposed clause 16 (2) says—

'Nothing in sub-section (1) shall require the State Government to disclose any facts which it considers to be against the public interest.'

At the same time clause 16 (1) says that the notification shall specify the ground on which it is issued. How can the ground be framed unless facts are put forward to show the circumstances under the notification had to be issued? The circumstances which necessitated the Government to notify an association or place should be clearly given. Otherwise it is unfair either for the advisory body or for the court to decide whether the notification is correct or not."

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I do not know how the Hon. Minister for Law proposes to distinguish between grounds and facts. To suppress facts which lead to the grounds specified is not fair. I do not know how the grounds can be framed without facts to support them."

THE HON. SRI K. MADHAVA MENON :—"The High Court judgment makes a distinction."

* SRI R. SURYANARAYANA RAO :—"I think the facts should be placed in fairness to the notified association or place so that the body entrusted with the task of giving a decision may be enabled to come to a proper judgment."

"While giving a privilege, the Government grudge to allow the person affected by a notification to appear before the advisory board either in person or through a lawyer under clause 16-A (5). What is the object in withholding this elementary privilege? It looks like giving a privilege with one hand and taking it away with the other. I do not know why we should fight shy of lawyers or why we should fight shy of the aggrieved party himself appearing before the advisory body and making representation. I do not think the Bill is so liberal as is claimed. I think it has been brought forward just to get over a possibility of the decision of the Supreme Court. This is not at all a generous gesture towards the notified bodies. I am not speaking in favour of unlawful associations. If there are unlawful associations, let them be declared unlawful. But let them be given an opportunity to say that they are not engaged in unlawful activities. This is possible only if the aggrieved person is allowed to appear and plead before the body which reviews the case either personally or through a lawyer."

"It is not quite clear whether the Government are going to submit to the advisory board all notifications including those in respect of which there is no representation and obtain its decision. If an association is declared unlawful, it is just possible that its members may go underground and they cannot make any representation at all. Even in those cases, will the Government be generous enough to place the notifications before the advisory board?"

THE HON. SRI K. MADHAVA MENON :—"They are bound to under clause 16-A."

SRI R. SURYANARAYANA RAO :—"It looks like that. Another point on which I would like to ask for information from the Government is this. When an association is declared unlawful, all its members become members of an unlawful association. They are liable to arrest unless they declare that they do not belong to the association. Will they be at liberty to make representations? Is it not a fact that during the War, when the Congress was declared an unlawful body, every member of the Congress was liable to arrest at any time? Where is the occasion or opportunity for a member of an unlawful association to make representation, as he would not like to be apprehended by the police? What I am pointing out is that the Government have

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introduced this Bill to get over some legal difficulty and not because they want to give an opportunity for defence to a notified association or place."

MR. CHAIRMAN :—" What is the hon. Member's point? "

* SRI R. SURYANARAYANA RAO :—" As soon as an association is declared unlawful, every member of it will go underground. If he is out, he is likely to be apprehended by the Police.

" Sir, an association, when once it has been declared unlawful, ceases to function and its members are either arrested and taken into custody or they go underground and very often they go underground. Then there are no members of the association at all, because, they would be in jails or would have gone underground. How could they make their representations before the advisory boards when they are underground? Under Section 16-A (3) the advisory board will consider all the materials placed before them and call for any information from the State Government, before submitting their report to the Government. The State Government will only place the grounds on which they have declared that association as unlawful and not place the facts before them."

MR. CHAIRMAN :—" The advisory board can call for any further information from the Government. Section 16-A (3) says—

'The advisory board shall, after considering the materials placed before it, and if necessary, after calling for such further information as it may deem fit from the State Government or from any office-bearer or member of the association concerned or any other person, submit its report to the State Government.'

Therefore the advisory board can call for any information they want from the Government. What is the point of the hon. Member? Does he want that there should be a right of appeal to the party against the decision of the advisory board? "

SRI R. SURYANARAYANA RAO :—" What I am saying is, that the Government are trying to get over legal difficulties by providing an advisory board, and there too the Government will only place the grounds on which such a declaration was made and not the facts on which they have come to that decision. There is, as you know, Sir, vast difference between the term 'ground' and 'facts'.

" Now, Sir, if you read section 16 (2) you will see that the State Government are not obliged to disclose any facts. It states—

'Nothing in sub-section (1) shall require the State Government to disclose any facts which it considers to be against the public interest to disclose.'

" Again, Sir, the proceedings of the advisory board will be held only *in camera* and they are not subject to scrutiny in a regular court of law. Therefore, I submit the Government are not giving any special right or privilege to the person affected, whereas, in the other section, the Government have provided for the party to take the matter to a court of law, if the place had been notified as being used for the purposes of an unlawful association."

MR. CHAIRMAN :—" The hon. Member's point seems to be that the members of the association should be enabled to go before

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a court of law, and the Government should place all the facts before the court, so as to enable the court to decide whether the Government were justified in declaring the association unlawful. Is it not? "

SRI R. SURYANARAYANA RAO :—" Yes, Sir."

THE HON. SRI K. MADHAVA MENON :—" Mr. Chairman, I am sorry, Sir, I did not explain the provisions of the Bill more fully even in my opening speech introducing the Bill in this House, because identically same points were raised by some of the members in the other House and I took it for granted that the replies which I had given to them there would have satisfied hon. Members of this House also. Sir, in the case of an association, we have clearly specified in clause 2 of this Bill, which is an amendment to Section 15 of the Criminal Law Amendment Act, what the ingredients are that go to make up an unlawful association. According to this section, an unlawful association means—

(a) an association which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts; or

(b) which has been declared by the State Government by notification to be unlawful on the ground that such association—

(i) constitutes a danger to the public peace, or

(ii) has interfered or interferes with the maintenance of public order or has interference for its object, or

(iii) has interfered or interferes with the administration of law or has such interference for its object.

Here, there is no question of properties involved. The question is, that if an association comes within any of the categories of offences, it will be declared unlawful.

" But section 17-A of this Act deals with places which are used by such associations for unlawful activities. In such cases, the question of property is involved. An unlawful association may have its own buildings and may have funds also. It is here that we have provided for any dispute being taken before a court of law."

MR. CHAIRMAN :—" It may be that the place may be owned by a different person, who may be unconnected with the unlawful association. Is he to appear before the court? "

THE HON. SRI K. MADHAVA MENON :—" It may be, Sir, that he has to go before a court in case of dispute. There may be civil disputes over the rights to that property, and that is why, Sir, provision has been made in clause 4 of this Bill for taking such disputes to the civil court. That is my explanation, Sir, so far as the difference between the place of an association and the members of the association is concerned. I am not sure whether my hon. Friend Mr. Suryanarayana Rao is satisfied with this explanation."

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MR. CHAIRMAN :—“ In clause 4, which deals with the place of an unlawful association, I think it is not even the association, but the real owner of the property, who may not be a member of that association at all, who will have to go before the court, is it not? ”

THE HON. SRI K. MADHAVA MENON :—“ That is the position, Sir, as I have already stated. Sometimes the place might belong to the association, but might have been leased out. Various points of dispute might arise over the question of place or property.”

“ Then again, Sir, my hon. Friend Mr. Suryanarayana Reddy wanted to know the difference between ‘ grounds ’ and ‘ facts ’ which are to be placed before the advisory board by the Government. He asked, why should the grounds alone be placed before the advisory board and not the facts leading to those grounds. Let me just give an example, Sir, showing the difference between these two. Suppose an association issues a circular to its members as to how to carry out an act of sabotage; suppose it gives directions how to pull out the railway lines, in order to derail a train at a particular place; or suppose it gives instructions to its members how to manufacture a country bomb. These detailed directions and instructions are facts and these cannot be revealed to the public or placed before the advisory board. Only the ground on which it is declared unlawful, namely, that it has issued a circular instructing its members to indulge in acts of sabotage in order to paralyse the railway administration, will be given to the association or office-bearer. Suppose, in this case, we give the entire circular with grounds, then it will be giving out the information to the public and it would be a source of public danger and people who do not know how to manufacture bombs or commit acts of sabotage, will learn to do such things. That is why we have said that the grounds based on such facts alone should be given. Sir, we have come across many instances like these, where circulars have been issued by Communist leaders to their friends as to the particular method of doing things. That is why we have made this discrimination between grounds and facts leading to such grounds. Sometimes, such facts may not be dangerous to public peace if placed before the board. In such cases, we have no objection to do so. At the same time, I may point out that under sub-section 16-A (3) it is open to the Advisory Board to ask us to give them any further facts on the basis of which, they have to submit their report to the State Government. That is why, we have said in sub-section (5) that ‘ Nothing in this section shall entitle any person to attend in person or to appear by any legal representative in any matter connected with the reference to the advisory board, and the proceedings of the advisory board and its report, excepting that part thereof in which its opinion or that of the majority of its members is specified, shall be confidential.’ There is no purpose in allowing lawyers to appear before the advisory board on behalf of the unlawful associations. Here we are not dealing with individuals, but with associations. As I said, the advisory board has got the right to call for further information if necessary. But in the case of

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individuals we have copied exactly the provision of the Preventive Detention Act of the Government of India which was passed in February 1950. Section 20 of that Act deals with the procedure of advisory boards and section 23 (3) says :—

‘ Nothing in this section shall entitle any person against whom an order has been made to attend in person or to appear by any legal representative in any matter connected with reference to the advisory board and its report, except that part of the report on which the opinion of the advisory board is specified shall be confidential.’

In this Act, we have made the decision of the advisory board binding on the Government. I submit, Sir, that we have been generous enough in dealing with these unlawful associations, but if we want to be more generous, we should have no Criminal Law Amendment Act at all on the statute book. It is not our intention to be so generous as to do away with that Act. Sir, you may remember that even when Mahatma Gandhi was assassinated, and when subversive activities of certain communal parties were at their highest, we did not ban the Communist Party or any communal organization, but that it was only last year that we banned that party because of certain particular reasons. But, I must, however, admit, Sir, that this Act is somewhat drastic. But we have made it less drastic by these amendments. One hon. Member mentioned in the other House that we have humanized it by 80 per cent. But, as far as this Government is concerned, we have made it 100 per cent human and that is all that we can do under the circumstances.

“ Sir, my hon. Friend, Mr. Suryanarayana Rao, asked me, ‘ Suppose you declare an association to be an unlawful one, then, the members belonging to that association would either go underground or would be arrested and put in jails. How would the persons underground be able to make their representation before the advisory board.’ Sir, we are not concerned with the persons who had gone underground. But so far as the arrested persons are concerned, they are exactly on the same footing as any accused person in a criminal case. Suppose a man had committed theft. The case goes before the magistrate and he is given a chance to put forth his plea. Similarly, the affected body will be asked to put forth their plea before the advisory board. This is a cognizable offence and they will have every opportunity to have their say before the board. I do not see any particular difficulty in this matter at all.”

MR. CHAIRMAN :—“ The question is—

‘ That the Bill further to amend the Indian Criminal Law Amendment Act, 1908, in its application to the State of Madras (L.A. Bill No. 17 of 1950), as passed by the Legislative Assembly, be taken into consideration.’ ”

The motion was carried.

The Bill was taken up, clause by clause.

Clauses 2 to 6 were put separately and carried.

Clause 1 was put and carried.

The preamble was put and carried.

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

MR. CHAIRMAN :—" The question is—

'That the Bill further to amend the Indian Criminal Law Amendment Act, 1908, in its application to the State of Madras, be passed into law'."

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

(5) THE MADRAS BUILDINGS (LEASE AND RENT CONTROL) SECOND AMENDMENT BILL, 1950 (L.A. BILL NO. 18 OF 1950).

THE HON. SRI N. SANJEEVA REDDI :—" Mr. Chairman, Sir, I beg to move—

'That this House concurs in setting up a Joint Select Committee of the two Houses consisting of nine Members (six Members from the Assembly and three Members from the Council) to consider the Madras Buildings (Lease and Rent Control) Second Amendment Bill, 1950, and that the following members of this House be nominated to the said Joint Select Committee :—

- (1) The Hon. Sri K. Madhava Menon.
- (2) Sri H. M. Jagannatham.
- (3) Sri P. R. K. Sarma.'

" Sir, this Act has been in force for the last few years and we have been finding some practical difficulties in administering it and therefore we wanted to amend the Act and a Select Committee was constituted to go into the question and they suggested certain changes. But in the meanwhile, the High Court and the Federal Court judgments came invalidating the whole Act. Therefore the changes proposed by the Select Committee also became invalid and the whole work was rendered infructuous. Then we had to enact an ordinance in order to keep the Act in force. Now we feel some difficulties in administering the Act and so we have brought this Amending Bill and we have proposed to constitute a Select Committee of both Houses to go through it and suggest any changes, if necessary.

12-15 P.m. " To remedy those defects, we are now setting up a small Joint Select Committee so that we may go through all the amendments proposed previously, and also make changes wherever necessary. I have proposed the names of six Members from the Assembly and three Members from the Council. Sir, I move."

MR. CHAIRMAN :—" The question is—

'That this House concurs in setting up a Joint Select Committee of the two Houses consisting of nine Members (six Members from the Assembly and three Members from the Council) to consider the Madras Buildings (Lease and Rent Control) Second Amendment Bill, 1950, and that the following Members of this House be nominated to the said Joint Select Committee :—

- (1) The Hon. Sri K. Madhava Menon.
- (2) Sri H. M. Jagannatham.
- (3) Sri P. R. K. Sarma.'"

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* DR. A. LAKSHMANASWAMI MUDALIYAR :—" Mr. Chairman, Sir, it is no doubt true that it is stated that this Act is to be extended for a period of one year. (Interruption.) Sir, the present Bill has made certain amendments which, in spite of repeated representations, has not taken into consideration the difficulties experienced by landlords. I am all for the protection of the tenant, and I am also quite in accord with the Government that where a landlord proves to be obnoxious or where he tries to interfere with the legitimate rights of tenants or where in certain cases, as in other cities, he gets an exorbitant amount by way of pugree or such indefensible payment, there should be no quarter given to such landlords. On the other hand, when we are trying to pass a measure of this kind . . ."

MR. CHAIRMAN :—" May I know what is the hon. Member's point? "

* DR. A. LAKSHMANASWAMI MUDALIYAR :—" My point is that before the Joint Select Committee takes into consideration this Bill, certain views expressed by hon. Members of this House should be placed before the Members of the Joint Select Committee. As far as I can see, the Joint Select Committee has been constituted in such a manner that I feel—I hope I am wrong—that it is not likely that a certain shade of opinion will receive the consideration that is due to it. I am not criticising the appointment of the Joint Select Committee, nor certainly the personnel of the Joint Select Committee. And I do not stand here as a representative of the landlords. But I claim that I can speak with an amount of authority as to what should be justice in every case. There has been a tendency, Sir, on the part of the Government in this and other States to take some measures which a certain section of the public, at any rate, are forced to confess, are expropriatory measures. I feel that in the matter of rent control also there have been certain expropriatory measures incorporated into this Act which will certainly go against the ordinary means of securing justice, whether it be to the tenant or to the landlord.

" I refer only to a few of the points. This Act does not in any sense take note of the fact that there are poor landlords who know nothing of the Act itself even after it is passed, and who may not be in a position to comply with all the conditions that have been laid down in this Act. I say, for instance, that this Bill provides at present that the rent that may be demanded should be reduced to Rs. 15 for the compliance of all the provisions of this Act. Sir, if the Government were only to take a census of all those landlords or landladies who have houses which fetch only a rent of Rs. 15, they will find that it is the poor middle class, the widows who have been left without sustenance whatsoever, or orphans who can claim this particular privilege. The Government expect this class of people, who are in a large measure illiterate—thanks to the enlightened policy of the past, or of even the present Government to a certain extent—to know the rules that are published in the Fort St. George Gazette. How many

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people are able to get at the *Fort St. George Gazette*? Members of the Legislature get it. I happen to get it for the privilege of being a Member of the Legislature. The Government expect a landlord getting a rental of Rs. 15 to know the rules that are published in the *Fort St. George Gazette*, and be in a position to comply with all these rules.

“Sub-section (3) of section 17 says—

“(3) All rules made under this section shall be published in the *Fort St. George Gazette*, and upon such publication shall have effect as if enacted in this Act.”

Certain of the changes that have been contemplated are also changes which, in my opinion, are dominated by a spirit of expropriation. Let me take, for instance, the existing section 3 (2). It says—

“If within a week of the receipt of a notice under sub-section (1) by the Controller, the State Government or any officer empowered by them in that behalf does not intimate to the landlord in writing that the building is required by them for any governmental purposes or for use by any public institution under Government control or any officer of the Government, the landlord shall be at liberty to lease the building to any tenant.”

The change contemplated is—

“If, within ten days of the receipt by the authorized officer . . .

(The authorized officer has nicely changed the week into ten days, so that he may have more time, and which I do not grudge.)

“of a notice under sub-section (1) or sub-section (2), the State Government or the authorized officer does not intimate to the landlord in writing that the building is required for the purposes of the State . . .

(It is not for ‘Governmental purposes’, a very elaborate expression which may mean anything or nothing.)

“or of the Central Government or of any local authority or of any public institution under Government control or for the occupation of any officer of any such Government, the landlord shall be at liberty . . . and so on.

There are two things that have been interpolated in this particular clause. One is, as I said, ‘for the purpose of the State’ which is far more elaborate than ‘Governmental purposes’. Secondly, local bodies also have been included in the powers that will be vested in the Government to secure accommodation. Sir, I ask, what has the Government done since 1946 to ensure that more accommodation is available to its own Government servants. I am not asking them to look after the comforts of anybody else. The Government sits quiet and does not worry about it, and then says ‘we want accommodation for our Government servants, and, therefore, give us the premises that you have got’. Then, Sir, there is one other point that has to be taken into consideration. The relationship between the landlord and the tenant should be always happy. Here the Government becomes the tenant, and forces on the landlord any tenant whom he may be in a position to find suitable for the accommodation that is required of him though he is exceedingly unsuitable. All the time the impression has been created that the landlord is the villain

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of the piece. I am prepared to concede that he may be the villain of the piece, but I am not prepared to concede that there are not other villains of the piece too. Landlords are afraid of tenants who are influential persons. They take hold of this Act and use the house in a manner so prejudicial to the interests of the landlord that when they vacate it after a year or two, the amount of expenditure that the landlord has to meet to rehabilitate the house is considerable. I know of a particular landlady (a widow landlady) who let her house to the Government of India in the Military Department. It was taken by an officer. Without her knowledge another man was inducted into that house. It was an upstairs house. Not only was he inducted into that house, but the upstairs also was used as kitchen. I wrote a very strong protest to the Government of India officer concerned, and I am yet awaiting a reply as to what steps have been taken. A very sweet and reasonable letter came that the officer will enquire into the whole matter. It is six months now, and the landlady is powerless. When this tenant disappears conveniently, the Government of India is the tenant. We know the powers, whether it be of the Government of India or of the local Government, to make any reasonable compensation for the landlady.

“Let me point out another case. I know of a case where the tenant came in with very sweet promises that he would certainly see that everything was done as desired by the landlord, in this case also it was a landlady. In this particular case, he wanted to make certain changes in the house. Without realizing what they are, the landlady gave her consent. The result of it was that he made extravagant changes in the whole house, spent Rs. 20,000 on the changes, and then stated that these changes were made in the interests of the landlady, and therefore this amount should be paid by the landlady. Or he was entitled to have the rent deducted from Rs. 20,000 that he had spent. The landlady had to go to the court of law and had to incur a great deal of expenditure, and after all that inconvenience did not receive a pie for several months as rent. The court finally said that she would get a compensation of Rs. 5,000.

“Sir, the Government believe that the officers they set up as Controllers are persons with extraordinary capacity, extraordinary principles of justice and extraordinary methods of deciding the issue. The officer is a Revenue Divisional Officer, an Executive Engineer, and a District Judge, all combined into one. It is this super-excellent person that can discharge the duties of these three persons. He has to fix the fair rent. You and I, I venture to submit, know how difficult it is to fix what is fair rent. The officer sees the neighbouring building, and fixes the fair rent. This particular building may have all the amenities which the neighbouring building may not have although the accommodation may be exactly the same—may be paved with tiles, and it may have extraordinary comforts so far as the sanitary conveniences are concerned. In spite of that, the Rent Controller has got to fix the fair rent taking into consideration the fair rent in the

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neighbouring house. Can any one say that it will be possible for him so easily to fix fair rent? Very well; having fixed the fair rent, what does he do? Clause 5 (1) says—

‘When the fair rent of building has been fixed under this Act, no further increase in such fair rent shall be permissible except in cases where some additional improvement or alteration has been carried out at the landlord’s expense and if the building is then in the occupation of a tenant, at his request’

I give you a case where sanitary conveniences are now asked by the Corporation to be provided for by the landlord. It may seem absurd but the case is relevant. The landlord says ‘I have to provide sanitary conveniences so that they may be of a permanent nature’. He undertakes certain measures to provide these conveniences. The tenant however says ‘I do not want these conveniences; I can manage without them.’ The clause says ‘... at his own request’. The sanitary conveniences may cost about Rs. 3,000 to Rs. 4,000 in the case of a building. The landlord has no right to enhance the rent if the tenant does not consent to it. That is the simple position.

“ Sub-clause (2) of clause 5 says—

‘Where, after the fair rent of a building has been fixed under this Act, there is a decrease or diminution in the accommodation or amenities provided, the tenant may claim a reduction in the fair rent as so fixed.’

I agree that if there is decrease in accommodation, and if the landlord cuts off a portion and tries to sub-let it, there should be reduction in rent. But who is to define the term ‘amenities’? I mean a building with a large number of little, nice flower pots. I got them and looked after them. The tenant comes and he thinks that he cannot afford to pour water to them. The whole thing is starved. They dry up. If it is considered then that reasonable amenities are not provided, or a subsequent tenant comes into that house, and says ‘these are the amenities that I expect’, what is to be done? The word ‘amenities’ lends itself to a great deal of divergence of opinion. What are the proper amenities to be provided? The meaning given in the dictionary for the word ‘amenities’ is far more complex than probably the Hon. Minister realizes. It is quite true that if amenities such as electric power supply or sanitary conveniences are cut off, there should be no question whatsoever that the landlord should be made to re-establish those amenities for the sake of the tenant. But I am suggesting that in an Act like this, unless the definition is much more specific, there are undoubtedly opportunities for a great deal of mischief to be done by the tenant.

“ Then again, Sir, there is a clause here which says—

‘Provided that where before the determination of the fair rent, rent has been paid in excess thereof, the refund or adjustment shall be limited to the amount paid in excess for a period of one year immediately before such determination.’

“ I think that is an improvement. Although it leads to a great deal of ill-feeling between the landlord and the tenant, it certainly is something which is a change for the better. In

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a Select Committee on a previous occasion a question arose in regard to the repairs that were to be carried out to a building. The old provision was that whatever might be the repairs that might be needed by the tenant, if they are approved by the Rent Controller, they must be carried out. I then stated that there was a limit fixed in the Bombay Act that the cost of such repairs should not exceed a month’s rent of the building in a year. I am grateful that that particular provision has been incorporated in this Bill.

“ As I said, what are the changes that are changes for the better, I must point out what the changes are that are for the worse. There is one new clause which says—

‘If the tenant satisfies the Controller that the amenities were cut off or withheld with a view to compel him to vacate the building or to pay an enhanced rent, the Controller may pass an interim order, directing the landlord to restore the amenities immediately, pending the inquiry referred to in sub-section (3).’

This is a change for the worse. In the old Act it was put down as follows:—

‘A tenant in occupation of a building may, if the landlord has contravened the provisions of this section, make an application to the Controller complaining of such contravention.’

If the Controller on inquiry finds that the tenant has been in enjoyment of the amenities and that they were cut off or withheld by the landlord without just or sufficient cause, he shall make an order directing the landlord to restore such amenities.’

These are the provisions under the old Act. The present Act gives the power to the Controller without any inquiry, without even asking the landlord to come and pay homage to the gentleman and without listening to him, summarily to order that such and such a thing should be done. Do you realize what it means? A tenant may come and say that some amenities were cut off and it may be due to a fault of his own. I know of a particular case where the tenant who did not even know how to use the sanitary conveniences, used them for other purposes; the whole thing was clogged and the whole of the sanitary fittings right up to the outlet had to be repaired. The tenant may come and say, ‘My amenities have been cut off.’ The Controller does not want to enquire into the matter. Summarily he passes an order. As I said, he is a trinity in himself—the divisional officer, the District Judge and the executive engineer—sitting in his chair somewhere surrounded with so many other duties that the Government are now every day imposing upon him reposing superabundant confidence in his super-natural virtues and powers. This gentleman is the gentleman to decide without any question whatsoever . . .

MR. CHAIRMAN:—“ It is only for a temporary period until the enquiry is completed. This is only an interim order.”

* DR. A. LAKSHMANASWAMI MUDALIYAR:—“ But the order is made. The inquiry may take three months.

“ Then again, the Explanation is more interesting. ‘An interim order may be passed under this sub-section without

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giving notice to the landlord.' I hope that does not mean that even the order is not to be given notice of to the landlord. I hope it only means that without giving any notice to the landlord, he can pass an interim order which should be communicated to the landlord."

MR. CHAIRMAN :—" I have seen a similar provision in the Civil Procedure Code. Perhaps this provision follows it."

* DR. A. LAKSHMANASWAMI MUDALIYAR :—" I am sorry I am not so familiar with that Code. I am trying to learn a good deal but my education is very incomplete. The Bills are coming in such rapid succession that I have not got the time honestly to study them. I plead guilty to that charge."

" Then again, it is put down here, ' The Controller may in his discretion direct that compensation not exceeding fifty rupees be paid . . . ' I do not mind that although it is a heavy thing. Still, let him have the discretion."

" Then, I come to section 9. There it is said, ' Every order made under section 7 or section 8 and every order passed on appeal under section 12 . . . shall be executed . . . By whom? ' in the City of Madras, by the Principal Judge of the Madras City Civil Court and during the vacation of that Court by the Vacation Judge of the Court of Small Causes, Madras . . . ' This is an old provision no doubt. But I want to ask you whether it is fair that our judicial authorities should be asked to execute orders passed by a non-judicial person in exercise of his autocratic powers. Will you not bring the judiciary into contempt? How will an ordinary person who gets Rs. 15 of rent a month realize who it is that is doing this? The Controller's orders are not appealable except to an appellate authority prescribed by the Government. The judiciary have nothing to do with these things. But you want the Subordinate Judge or if there are more than one Subordinate Judge, the Principal Subordinate Judge having original jurisdiction over the area in which the building is situated or, if there is no such Subordinate Judge, the District Judge having jurisdiction, for executing the order in the mufassal. You want these judicial functionaries to carry out the behests of a Controller who is not a judicial officer or even an appellate authority or who may have no sense of judicial functions at all. This is the best way in which you can bring the judiciary into contempt. I am surprised that when an Act is amended such things are not taken note of. I hope and pray that the Select Committee may take note of this particular."

MR. CHAIRMAN :—" It seems that the object is to safeguard the interests of the person concerned. If it is a judicial authority, there are certain safeguards provided by the Act. I think that is the reason why a judicial authority has been asked to execute the order."

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* DR. A. LAKSHMANASWAMI MUDALIYAR :—" Will the judiciary have any power to scrutinize the order? "

MR. CHAIRMAN :—" Not the order, but the method of execution might be scrutinized. I think that is the idea."

* DR. A. LAKSHMANASWAMI MUDALIYAR :—" I am grateful to you, Sir. Whether it will be so in actual practice or not is another matter."

" Then, Sir, ' If a landlord fails to make the necessary repairs to the building within a reasonable time after notice is given by the tenant . . . ' I have already said that I am grateful to the Government for amending the Act in such a way that the cost of repairs shall not exceed one month's rent."

" Now, I come to another question. Section 12 (4) says--

' The decision of the appellate authority, and subject to such decision, an order of the Controller shall be final and shall not be liable to be called in question in any Court of law, except as provided in section 12-B. '

This, of course, is a familiar expression in all legislations that have been passed by this Government for the past several years. The judicial authorities should have very little discretion and all these are to be considered executive functions. Let there not be any misunderstanding that I am here to appeal on behalf of the landlord or to protect the interests of the landlord. As has been already said and I repeat it, nobody is interested in protecting the interests of the landlord who does not behave as an ordinary citizen of the State ought to behave. To that extent, I entirely agree that certain provisions are necessary. On the other hand, in the whole of this Act, there is no mention of the tenant's vagaries which have got to be controlled and against which the landlord is entitled to claim some protection. If the Act is to work satisfactorily and if the Government really intend that the Act should be worked in the spirit in which the Constitution has been framed where certain rights have been given to every citizen in regard to property, etc., this thing should be suitably amended so that it may not conflict with the provisions of the Constitution. I would also beg of the Government and plead that when they take these extraordinary powers to requisition houses for the purposes of the State or for any of their offices, it does not in the least remove the liability that they have and which they have not discharged for many many decades of providing suitable houses for their own servants."

" One word more, Sir. When a house falls vacant, the Government may need it. The tenant that is forced on the landlord must not be a tenant with whom the landlord may not be completely in agreement. When I say that, I do not want that the landlord should pick and choose. But there should be reasonable chance for him also to see that the tenant who occupies his house is a person who knows how to utilize the conveniences provided. There are various sorts of houses taken up and there are various sorts of tenants also. It is not merely a question of the income derived or the rent that should be paid but it is also a question of fitness of the

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person to utilize the house in a proper manner. I request the Government to take note of that and to see that the interests of the landlord are not jeopardized in such a manner that he feels that his duty is only to supply houses. If this Bill is passed without any amendment and without those reasonable provisions which I consider are necessary, the chances are that landlords will not be overwilling to construct houses. After all, let me say that the yields of rent from houses constructed by landlords are not any more than what they can reasonably expect, by the provisions that the Government make, in putting that amount in either Government promissory notes or any other investments. They make this investment because of the impression in most cases that it will be a sort of permanent legacy to the family, to their children, which they cannot easily do away with, so that it might stand them in good stead. The Government are not worried if a landlord dies suddenly leaving no penny. They do not go to the rescue of his family. There is no such thing as destitute allowance given by the Government. There is no such thing as old age pension given by the Government. Yet, all that they want is to have more and more powers just to carry on their life freeing themselves from those responsibilities which any civilized Government ought to face and declaring themselves to be protectors of the poor when they are really trying to impede them in their progress."

JANAB K. T. M. AHAMED IBRAHIM :—" Mr. Chairman, Sir, since the Bill is to be discussed in detail when it emerges from the Select Committee, I shall confine myself to one or two suggestions in addition to those which have been made by my hon. Friend Dr. Lakshmanaswami Mudaliyar. It seems from a reading of this Bill that whatever house falls vacant, it is intended for Government servants. What is the percentage of the Government servants in the City to the entire population of the City? It is true that people suffer from want of accommodation. But according to this Bill, in respect of the houses that fall vacant, priority is given to the Government and their officers. Now priority is intended even in respect of houses the monthly rent of which exceeds Rs. 15. Already people are suffering a great deal to get accommodation. Whenever any house falls vacant, it is at once taken over by the Government for officers, and lakhs of people who are in need of accommodation are thrown into distress. Now if even houses whose rent exceeds Rs. 15 a month are to be taken over by the Government, what will happen to these people? Only labourers will live in houses whose rent is Rs. 15 a month. Even they have to notify to the Government whenever a house falls vacant. As Mr. Lakshmanaswami Mudaliyar said, how are these tenants to know of the intricacies of the procedure prescribed for notifying to the Government? Even if these small huts—I would call them only huts—are to be taken over by the Government, what about those ordinary labourers who have to live in some place or other in the City of Madras? Are they to be thrown into the streets? So, I would suggest that the change made to reduce it to Rs. 15 . . . "

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THE HON. SRI N. SANJEEVA REDDI :—" It is only to help the poor people that it has been reduced to Rs. 15."

JANAB K. T. M. AHAMED IBRAHIM :—" It is only for Government servants, not for labourers."

THE HON. SRI N. SANJEEVA REDDI :—" Labourers cannot be landlords of so many houses."

JANAB K. T. M. AHAMED IBRAHIM :—" What is the percentage of the Government servants to the entire population of the City? I will not go into details on this matter."

" I come to sub-clause (7) of clause 3. There it is mentioned that 'Where a landlord has two or more residential buildings in the same city, town or village which have not been let by him subsequent to the 30th September 1946 then, . . . the landlord may choose any one of such buildings for his own occupation and shall give notice to the authorized officer that every building not so chosen is vacant . . . Suppose the landlord is in possession of more than one building. In one of them the landlord himself resides. In another his son or a relative of his or a friend of his lives. In such cases, the landlord might have asked somebody, a friend or a relative to live in a particular house. This cannot be taken as letting out, but it is only a question of giving a licence. Even in such cases where the landlord might have given licence to somebody to live in a particular house, those occupants cannot be evicted if a landlord wants the house.' "

MR. CHAIRMAN :—" What is the clause to which the hon. Member is referring? "

JANAB K. T. M. AHAMED IBRAHIM :—" It is sub-clause (7) of clause 3, Sir. Whatever may be the size of his family, the landlord cannot have more than one house. He can be a owner of a big palatial house. Of course all are not like that. (Interruption.) Leaving apart whether he has got four wives or two, what I want to say is that this clause may be all right in the case of owners of big houses, but this will be very hard on those who own only very small houses. Such a man may have a wife, and 15 children and grandchildren and the first house that he may have been occupying will be too small for him. So he may want to live in another house. At present he is prohibited from owning more than one house, whatever may be the size of his family. This seems to be very ridiculous and some provision must be made to allow him to have more than one house."

" As I said, there will be difficulty, I mean practical difficulty in dealing with cases where the landlord might have given permission to some members of his family or friends to live in one of his houses. These cannot be taken as leases as they are only licences. This aspect should also be borne in mind."

" It is very often said that the real litigation begins only after a decree is passed and we find here that there is a ban on appeals

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against orders passed in execution. I think it will be very difficult and hard on both parties if there is no appeal against orders of execution. I do not know why this new provision should have been included, in section 9. On one thing I must congratulate the present Minister. When this Bill came before the House on the last occasion, we proposed certain amendments. As the other House was closed then, those amendments were not accepted. However, I am glad to find that one or two suggestions we made on the floor of the House have been incorporated in this Bill. I would refer to section 7 according to which a landlord can requisition a residential or non-residential building for business which he may like to commence himself. As a matter of fact, I have suggested this amendment, but it was thrown out as it was thought unnecessary then. I am glad to note that they have found it necessary and included such an amendment in the present Bill. I would, however, appeal to the Government and to the members of the Select Committee to take these facts and the practical difficulties into consideration and make such amendments as may be necessary and which have been pointed out on the floor of this House."

SRI S. B. ADITYAN :—" Mr. Chairman, Sir, in supporting the motion for referring the Bill to a Joint Select Committee, I wish to refer to one aspect and I hope the Joint Select Committee will keep that in mind. The main source of friction between the landlord and a tenant is the question of repairs. I believe that it is the most important source of litigation between the landlord and tenant. I suppose that it has given more cause for quarrel between a landlord and tenant than any other single cause. While this Bill was being considered in the Joint Select Committee on the last occasion, reference was made to this and it was, I believe, generally agreed that we must have a provision similar to what is contained in the Bombay Act. As the Bill now stands and taking into consideration the amendments also, a tenant, if he requires to effect even a small repair, has got to go to the Controller, make an application, serve notice on the other side, appear on the day of hearing and get an order. The repair may be very small. In cases where the repairs are major and substantial ones, it is understandable that the tenant should apply to a Controller and get his order. But ordinarily, a tenant has to meet only small repairs year after year and not substantial repairs. There may be a small leaky roof here or a small crack in the door there. The cost of undertaking such repairs may not be more than five or ten rupees. Even according to the present Bill and the amendments proposed, for effecting a repair costing only Rs. 2 or 5, a tenant has got to go to the Controller, go through all the process of litigation before he can have the repair done by the landlord. Of course, if the landlord does the repairs of his own accord, there is no quarrel. What the Bombay Act provides is, in cases of minor repairs, a tenant can give notice to the landlord and if the landlord does not carry out the repairs within 15 days, then the tenant can, without going to a Court, have the repairs effected, provided the cost of repair does not exceed a month's

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rent in a year. The Bill as it now stands with the amendments is worse than the original Bill. Because in the original Bill, when the repairs have accumulated to a substantial degree requiring large amounts, the Controller had the discretion of ordering any amount to be spent on repairs. But in the present Bill, the Controller's discretion is limited to one month's rent. I feel that it is really worse than the original Bill, looked at from the tenant's point of view. I submit that the whole provision of the Bombay Act should be incorporated into our Act and I suppose that this matter will be considered at the Joint Select Committee stage. When the same question was considered at the last Committee meeting, I thought that the feeling was unanimous that there should be a similar provision, but there was a technical difficulty, because there was no amendment to the particular provision in the original Bill. Therefore that Committee could not consider a clause to which there was no amendment. I think there could be no such objection now. I request the Hon. Minister to look more carefully into that matter and to have the whole of this clause—I think it is section 11—word for word taken from the Bombay Act, so that a tenant who has got a house which requires only small repairs, need not go to the Controller's court and take all the legal proceedings, but can effect the necessary repairs himself to the extent of a month's rent after giving due notice to the landlord. With these words, I support the motion."

* SRI R. SURYANARAYANA RAO :—" Mr. Chairman, Sir, I thought that this Bill would be referred to a Joint Select Committee without any speeches. Because, this Bill is nothing but a reproduction of a Bill that was passed in this House with certain amendments which the Government feel should be carried out in order to make it workable as a result of experience gained by them and as a result of certain decisions of the Courts. I was somewhat surprised that the landlords have found such a great advocate for their cause in Dr. Lakshmanaswami Mudaliyar (hear, hear). I should think that Dr. Mudaliyar is not in touch with those unfortunates who happen to be tenants. Perhaps he owns his own house and therefore not a tenant, or perhaps his landlord may be a good and generous gentleman. Sir, he pleaded on behalf of the landlords that their ignorance prevents them from knowing the various rules and regulations that are published in the Gazette. May I also point out to him that the number of tenants who are more ignorant of these rules and regulations is larger than the number of landlords and for everything the tenant has got to go to a Court to get redress. So, there is no question of ignorance either on the part of the landlord or tenant. My friend need not therefore plead for mercy towards the landlords. Ignorance prevails all over the country and ignorance of law is no excuse, be they tenants or landlords."

* DR. A. LAKSHMANASWAMI MUDALIYAR :—" Sir, by way of personal explanation, may I point out that when I was

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speaking of landlords' ignorance, I definitely referred to those whose rental income was Rs. 15. If the hon. Member thinks that they are enlightened people and are literates, then I wish him joy in this sort of hallucination."

* SRI R. SURYANARAYANA RAO :—" I hope my hon. Friend, Dr. Mudaliyar, would also realize that there is a large number of tenants who are paying a rental between Rs. 15 and 30. I would like to mention that their number is much more than the landlords getting an income of Rs. 15 by way of rent."

* DR. A. LAKSHMANASWAMI MUDALIYAR :—" I am sorry to interrupt the hon. Member again. Can he quote one instance where a tenant was made liable to undergo three months' imprisonment and pay a fine of a thousand rupees? Has it not been the monopoly of the landlord to suffer imprisonment and pay that fine? "

* SRI R. SURYANARAYANA RAO :—" Another point that Dr. Mudaliyar raised was about the amenities cut off by the landlord. The new provision is that, if amenities are cut off by a landlord, the Court is empowered to pass an interim order to give immediate relief to the tenant without going into the grounds which compelled the landlord to cut off the amenities. Sir, there are scores of cases in this City, where the tenants have been the victims of their landlords where amenities have been cut off and the only way in which they could be restored is for the tenant to go to a Court and to the Rent Controller, plead before him, establish his case and then get back the amenities cut off by the landlord. All this involves delay and unnecessary inconvenience. It is very necessary that the officer entrusted with the administration of this Act should have powers to restore immediately the amenities and later on go into the case and give his decision on the merits of the case. I think this provision should have been introduced even in the earlier stages. I may be pardoned if I mention that I was the author of a Bill on Rent Control and I gave notice of it. At that time, Mr. Prakasam was the Chief Minister. The Government said that the Government themselves were bringing forward a Bill and I might withdraw the same. So I withdrew my Bill. When the Government Bill came up for discussion on the floor of the House, I moved a larger number of amendments, and if I remember right, the restoration of amenities cut off by the landlord is one of them. But I was defeated, as you know, no amendments were accepted at the time in this House. The purpose of this Bill is to protect a large section of population who are forced to be tenants from the vagaries of the landlords. If the landlords are reasonable, there is no trouble at all between them and the tenants, and there is no need for any of them to go to a Court of Law. Sir, I was myself a victim of an eviction order."

* DR. A. LAKSHMANASWAMI MUDALIYAR :—" I am now able to sympathise with the hon. Member! "

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SRI R. SURYANARAYANA RAO :—" I had to approach the Controller and then appeal to the Collector. I proved to the Court that the landlord had another house which he was occupying himself. I am mentioning this as Mr. Ibrahim raised the point of landlord's personal occupation. The landlord also said that his family had become big and so he wanted that I should be evicted. But the Court held that as the landlord was already in possession of a house, he was not entitled to evict the tenant. That is what is usually done. I have heard of cases where people want more than one house on the plea that some of the members of the family want to live separate. Already we find that the case of persons having two wives has been raised. Again, there are persons asking for eviction of the tenants saying that their wives want to live separately. How can the Court agree to such cases which are coming before the Rent Controller? I wish the Controllers are examined by the Joint Select Committee to know the vagaries of these landlords."

MR. CHAIRMAN :—" Why not sympathise with such men whose wives want to live apart? " (Laughter.)

* SRI R. SURYANARAYANA RAO :—" What I am trying to point out is, here is a large section of the population with insufficient housing accommodation and which is at the mercy of the landlords who constitute a very small section. The law of supply and demand can be allowed to operate without control when there is no housing shortage. But when the demand is greater than supply, naturally the rents will rise very high, the difficulty of getting accommodation will increase and many other problems will crop up. It is, therefore, but right that the Government stepped in at the right time to control letting of houses and rents as in the case of many other things. This Bill has been in force for the past three years and the Courts have decided many cases. Those decisions have exposed certain defects in the Act and the Government have thought fit to rectify them. As my hon. Friend, Mr. Adityan, pointed out, if only my friend Dr. Mudaliyar reads the Bombay Act, I do not know what he would think of it. That Act gives so many privileges to the tenant. I call them 'privileges' because I know that in the Bombay City the tenants are at the mercy of the landlords to a much larger extent than those in the Madras City. 1 p.m.

" As regards repairs, I am afraid the procedure is circuitous. In fact I cannot ask my landlord to make any repairs at all directly. I have to go to the Rent Controller, file a petition and say that certain repairs have not been effected. Then the landlord will give a counter-petition and I must rebut it. Thus the matter will drag on endlessly for months, a good deal of time being wasted in Courts. Sir, this is one of the most contentious points which should be thoroughly examined. Again, what do the landlords do? When they pay the property tax, they are very anxious to have

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the repair charges deducted for purposes of assessment. How many landlords even to-day insist on receipts being made out for sums lower than the actual rent they are getting? If the tenants do not agree to this condition, then the landlords would not carry out the repairs at all.

"Dr. Lakshmanaswami Mudaliyar spoke about tenants. I admit there are bad tenants. That may be a small number. I have no objection to provision being made to protect the landlords if it is intended for ensuring the safety of their property. By all means provide for it. I cannot say who is bad. It may be a tenant or a landlord. But to say that this is an expropriatory measure designed only to help the tenants is not fair. I think other controls are also in a way expropriatory. You take away the liberty of certain persons to do as they like; but all these are only temporary.

"Then Dr. Mudaliyar raised the point that the Government should take all steps to build houses for their employees. If this is done much of this problem of house accommodation will be solved in the City. I join issue with him . . ."

MR. CHAIRMAN :—"Why does the hon. Member join issue when he actually agrees with what Dr. Lakshmanaswami Mudaliyar has said?"

SRI R. SURYANARAYANA RAO :—"I am sorry, Sir, I agree with his views on this matter. We have a Housing Committee report which stated that the Government should undertake to provide houses for their employees. Its recommendations must be fully implemented. Section 3 of the Act which is sought to be amended provides a rental limit of Rs. 30. The amendment is to the effect that it will apply to those houses or portions of houses fetching Rs. 15 and above. This is good in that it will give protection to low-paid Government employees. But it will not give all relief. I am sorry that this Government have not moved an inch in providing housing accommodation to their servants whose number is ever increasing so that no private individual in the City can hope to get a house. One of the suggestions I made to the previous Joint Select Committee was that if a person managed to find a house, agreed to the rent and obtained a letter of consent from the landlord . . ."

MR. CHAIRMAN :—"On payment of due consideration."
(Laughter.)

SRI R. SURYANARAYANA RAO :—"It is not so. There are friends who may oblige and who would oblige. In such a case I suggested that the Accommodation Officer should allow the tenant to occupy the house. But the Government, I find, are still against it because they want all the vacant houses to be in their possession for their offices, officers and servants. This places the poor ordinary citizen at a very great disadvantage. He is not able to secure

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the house even if the landlord is willing because the Accommodation Officer would not allow it. This is the reason why Mr. Adityan moved in the Select Committee that members of the Legislature should be treated as essential servants. Evidently he had occasion to experience such difficulties."

MR. CHAIRMAN :—"The idea is that the notice of vacancy is to be given to the Controller so that he may allot them to Government servants. It is only a case of priority being given to Government servants and it is not as if the Government is going to take away the houses for all time."

* SRI R. SURYANARAYANA RAO :—"There are so many Government offices in the City. They are on the increase and there is hardly a building for occupation by a private citizen . . ."

THE HON. SRI N. SANJEEVA REDDI :—"I may tell the hon. Member that only a very small number of vacancies is brought to the notice of the Accommodation Controller.

* SRI R. SURYANARAYANA RAO :—"That is due to lack of vigilance on the part of the staff. On the whole, Sir, there is nothing wrong in the Government regulating letting out of houses. There are of course certain hardships which generally all controls impose. But the hardship caused to a few landlords cannot be helped as the Act is intended to secure justice to the large number of people who happen to be tenants. On this score, we need not express so much sympathy for the landlord. I wish Dr. Mudaliyar had realized the plight of the large number of tenants in this City, who are wandering about without a house to live in. The City is over-crowded. As the Hon. the Minister has said, without the knowledge of anyone houses are sub-let, portions are sub-let. Over-crowding has been the reason for this and it will be much more if this Bill is not on the anvil."

MR. CHAIRMAN :—"I suppose this is a matter on which much can be said on both sides. We can only hope that proper safeguards will be provided for both the landlord and the tenant."

* THE HON. SRI N. SANJEEVA REDDI :—"Mr. Chairman, Sir, I thank the hon. Members for the useful suggestions that they have made. I may tell them that those suggestions will certainly be borne in mind and the Select Committee will try to do its best to improve the Act. The points raised by Dr. Lakshmanaswami Mudaliyar have mostly been met by Mr. Suryanarayana Rao and yet there are a few things which I must say. I do not fully agree with either Dr. Mudaliyar or with Mr. Suryanarayana Rao. While Mr. Suryanarayana Rao is for bringing down the limit from Rs. 30 to Rs. 15, Dr. Mudaliyar takes objection to it. I must tell him that we have to face the difficulties as they come. For instance, the owner of a house whose rental value is Rs. 100, in order to circumvent the law, divides his house into several portions and charges

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Rs. 29 as rent for a two-room portion, as the limit is Rs. 30. Likewise many houses are sub-let to families numbering three and four so that none of the portions can come within the purview of the Act. The Government cannot take possession of the house as it is split up into small bits. Secondly they charge very heavy rents but issue receipts for sums lower than what they actually take. It is with a view to removing these anomalies and also providing accommodation to the poor Government employees that the rent limit has been lowered to Rs. 15. Again families are subdivided and shown as separate tenants in order to lower the rental limit. Such things must be controlled. Of course there are houses where we find a number of families living with decent accommodation and on reasonable rent. But I am talking of small 'bits' into which a house is divided and unless we reduce the level to Rs. 15 we will not be able to provide accommodation to the poor. I have seen very many people who remain without a home. There is every justification to reduce the level still further, i.e., below Rs. 15. The peons are also Government employees and still we have not provided them with houses suitable to them to manage.

"Dr. Lakshmanaswami Mudaliyar took objection to the Corporation and other institutions being included in the list of allottees. Sir, this was specifically done on the recommendation of the previous Joint Select Committee of which Dr. Mudaliyar was also a member. Several of the amendments we have proposed now were agreed to by the then Joint Select Committee. This provision is absolutely necessary in order to help the Corporation and other aided institutions for whose development the Government are already contributing large sums. They are helpless in the matter of securing accommodation for their offices. By making this provisions I do not think we will be working any hardship on the landlord.

"Sir, there is then the question of fixing fair rent. For fixing fair rent, the rental value of the neighbouring buildings can be taken into account. Also we can take into consideration the tax payable to the Corporation or other municipal authorities. There are of course very many other ways of determining the fair rent. But we may err if we go by other calculations than these two which are the safest.

"Dr. Mudaliyar and Mr. Suryanarayana Rao spoke about amenities. If the landlord provides a garden or places a few flower pots in the garden, no one will object to it. In fact, even the Rent Controller would be happy. But that is not the kind of amenities we have in mind. We think of water-supply, electricity supply, sanitation, etc. I have known instances where these ordinary amenities have been denied. If the Government allot a building to a Government officer and if the landlord wants it for some other purpose of his own, he would not pay the electricity charges or water-supply charges so that when the officer occupies it the connexions will be cut off. It is in such cases that the Rent

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Controller is empowered to see that normal amenities are restored. If he is not empowered as such, then the tenant will have to send a notice to the landlord, the landlord will not receive it and the tenant must send a registered notice, this also the landlord will refuse to take. Thus it will take some months before the amenities, minimum amenities, are restored if there are no provision as is now proposed . . . "

SRI N. VENKATACHALAMAJI:—"Why not the tenant pay and recover it later?"

THE HON. SRI N. SANJEEVA REDDI:—"He can pay but with the permission of the Rent Controller. I know the case of a Collector who as soon as he got into an allotted house paid the electricity and Municipal charges. But he was not allowed to get it back on the ground that he did not take the permission of the Accommodation Officer. If they pay without the Accommodation Officer's permission, they are not entitled to a refund. For that reason, power is given to the Accommodation Controller so that he may immediately restore the minimum amenities like water and electricity. We are not putting in a tahsildar or a revenue inspector as the Accommodation Controller; we are putting in a sub-judge. We feel that he will certainly look into the difficulties not only of the tenant but also of the landlord. In reasonable cases, if a landlord wants the house for his own family, if he has a married son or a married daughter who wants to live separately, we have been trying to accommodate them. But in some cases silly applications are put in, that his brother's son is studying in some college and that he wants to live in a separate house. I do not think such students should live in separate houses even if they can afford to do it. They should either live with their parents or live in a hostel. If such silly claims are put in, the Government would not concede them. But if one wants to live in his own house, and if the case is reasonable, the Government would certainly consider the request and release the house. But when it is not absolutely necessary and when a man has got 2 or 3 houses and he wants to live in a luxurious way the Government would not agree to it, especially when the accommodation position is bad and when the whole population is suffering from lack of accommodation. I have instances where some people who can afford it have kept some houses locked. One house is locked in Triplicane, another house in Mylapore and a third in Tyagarayanagar. They say that some friend might come from Delhi at some time and some other friend from Bombay and for their accommodation they have kept them locked. Under the present Act we cannot control such houses. That is the reason why we are trying to amend it. If a person has three or four houses, he should not certainly keep them locked expecting some friend from distant places like Bombay or Delhi to turn up."

JANAB K. T. M. AHAMED IBRAHIM:—"Even when it is occupied by some friend, will he be evicted?"

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THE HON. SRI N. SANJEEVA REDDI :—“ Certainly we will not evict the person when the house is actually occupied. There is no provision in the Act by which we can evict the tenant if the house has been given to him by the owner and if he is in actual occupation. We certainly cannot evict him unless the landlord has disobeyed the law and given the house to the friend when the Controller has given him a notice that he wants the house for Governmental purposes. When the landlord has disobeyed the law, the Government can certainly evict the tenant.

“ Sir, the hon. Member Dr. Lakshmanaswami Mudaliyar spoke about the vagaries of the tenants. I do agree that there are some people who do most illegal things such as breaking the lights and so on. If such things are brought to the notice of the Government we can easily punish the offenders, because most of them are Government servants. It is not everybody who would do such things. It is only once in a way that we get a bad tenant like that. If it is brought to the notice of the Controller, it is quite easy to control such a tenant, because invariably he is a Government servant. We are not allotting accommodation to anybody except Government servants. The Government can certainly compensate for the loss and see that things are done better.

“ Sir, Dr. Lakshmanaswami Mudaliyar said that if controls were going to continue for long, he was afraid that new houses would not come up and nobody would invest capital on building new houses. Sir, we are not controlling new houses. New houses are being let out at high rents. They have been constructed at great cost. The houses that have been constructed at Gandhinagar and other places are not controlled; they are being let out at high rents. There are not very many people who go and live in such houses and many of the houses are vacant. Their rents are not controlled and there is therefore no fear of new houses not coming up.”

MR. CHAIRMAN :—“ Why are new houses not controlled by the Act? ”

THE HON. SRI N. SANJEEVA REDDI :—“ Because they have been constructed at great cost.”

THE HON. SRI K. MADHAVA MENON :—“ The first letting of the house will not come under the Act. The vacancy arises only after the first letting.”

THE HON. SRI N. SANJEEVA REDDI :—“ The rents of new houses are not controlled.

“ The hon. Member Mr. Adityan said that it will cause great inconvenience and difficulty to the landlords if, in the case of houses fetching a rental of Rs. 15 the tenant spent Rs. 5 or Rs. 10 a month on repairs. As we have allowed one month's rent in a year towards the expenses of repair, it will serve the purpose. For making any repair, the tenant should take the permission of the Accommodation Controller. But if the house

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is leaking, it is difficult for the tenant to run to the Accommodation Controller and take his permission for small repairs costing Re. 1 or Rs. 2. For such small repairs, it is not absolutely necessary that the tenant should think of recovering one or two rupees from the owner. If it is a minor repair, the tenant himself may attend to it. If it is not a permanent repair, the tenant must be able to attend to small things. If it is really anything expensive, he can apply to the Accommodation Controller and adjust one month's rent towards the repairs.

“ Sir, I have nothing more to add except my assurance that we would certainly bear these things in mind and place the facts before the Joint Select Committee and try to do what best we can, taking all the difficulties into consideration and also the defects in the Act pointed out by hon. Members of this House.”

MR. CHAIRMAN :—“ The question is—

‘ That this House concurs in setting up a Joint Select Committee of the two Houses consisting of nine members (six members from the Assembly and three members from the Council) to consider the Madras Buildings (Lease and Rent Control) Second Amendment Bill, 1950, and that the following members of this House be nominated to the said Joint Select Committee :—

- (1) The Hon. Sri K. Madhava Menon.
- (2) Sri H. M. Jagannatham.
- (3) Sri P. R. K. Sarma.’ ”

The question was put and carried.

(6) THE LEGAL PRACTITIONERS (MADRAS AMENDMENT) BILL* 1950
(L.A. BILL NO. 15 OF 1950).

THE HON. SRI K. MADHAVA MENON :—“ Sir, I beg to move—

‘ That the Legal Practitioners (Madras Amendment) Bill, 1950 (L.A. Bill No. 15 of 1950), as passed by the Legislative Assembly and transmitted to the Council, be taken into consideration.’ ”

Sir, this is only a very minor amendment enabling the pleaders in Pudukottah who had got themselves enrolled as life pleaders while the Pudukottah Durbar was there to continue as pleaders in this State without paying any additional stamp fee. They have to take a renewal, but they need not pay Rs. 25 since they have already paid a consolidated fee of Rs. 350 to the Pudukottah Durbar and got themselves enrolled as pleaders for life. They will be ordinary pleaders entitled to practise in three districts. They have to apply for renewal only but they need not pay Rs. 25. That is the amendment that is now proposed.”

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MR. CHAIRMAN :—" The question is—

' That the Legal Practitioners (Madras Amendment) Bill, 1950 (L.A. Bill No. 15 of 1950), as passed by the Legislative Assembly and transmitted to the Council, be taken into consideration '."

The question was put to the House and carried.

Clauses 2, 1 and the Preamble were then put to the House one by one and carried.

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

' That the House recommends to the Assembly that it approves of the Bill.'

" As this is a Money Bill, there must be a recommendation back to the Assembly. There is some difficulty about the position, since this a Money Bill."

MR. CHAIRMAN :—" There is no difficulty at all. All the difficulties have been resolved. I have stated my considered views and circulated them to the Speakers and Presidents of the various Legislatures including the Speaker of the Central Assembly. I have got their opinions . . ."

THE HON. SRI K. MADHAVA MENON :—" I only came to know of it after the Speaker had certified that it was a Money Bill."

MR. CHAIRMAN :—" The predominant opinion is that even a Money Bill should go through all the three stages."

THE HON. SRI K. MADHAVA MENON :—" What is the final stage? "

MR. CHAIRMAN :—" If we make any amendments here, we send the Bill back with the amendments. We do not call them ' amendments ' ; we call them ' recommendations ' . If we make any changes here, we call them ' recommendations ' and send the Bill back to the Assembly. If we have no recommendations to make, we simply pass the Bill and inform the other House that we have passed the Bill. The Hon. Minister may move that the Bill be passed."

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

' That the Bill be passed '."

MR. CHAIRMAN :—" With reference to the other Bills, the form of the motion ' that the Bill be passed into law ' is a misnomer and has no meaning. If the Bill comes here from the other House, it does not become law unless it is assented to by His Excellency. If it is taken up here for the first time, it does not become law unless it is accepted by the other House and assented to by His Excellency. As it is done in other countries, the form of the motion should be ' that the Bill be read a third time ' or

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that the Bill be passed', because it does not become law *ipso facto*. I have got all the information about this and I will circulate it to Members. Anyway, the question now before the House is that the Bill be passed without any recommendations."

The question was put to the House and carried.

VI.—GOVERNMENT RESOLUTION.

DELIMITATION OF CONSTITUENCIES AND THE CONDUCT OF ELECTIONS TO LEGISLATURES.

THE HON. SRI B. GOPALA REDDI :—" I move, Sir—

' That this Council requests the Government to convey to the Government of India the following as the recommendations of this Council in regard to the delimitation of the constituencies of, and the conduct of elections to, (a) the Legislature of this State and (b) the House of the People :—

I. Delimitation of Constituencies.

- (1) Legislative Assembly of this State and the House of the People.—Seats for Scheduled Castes and Scheduled Tribes should be reserved in plural-member constituencies with two seats each, one general and the other reserved for Scheduled Castes or Scheduled Tribes. All other constituencies should be single-member constituencies.
- (2) Legislative Council of this State.—There should be not less than two seats in each constituency, with proportional representation with transferable vote.

II. Conduct of Elections.

- (1) The coloured box system should be adopted.
- (2) The boxes for the General and Reserved seats in plural-member constituencies should be kept in separate compartments in each polling booth.
- (3) Watchers need not be appointed."

That is the resolution that I want to move. I want to explain the ~~many~~ behind the various proposals and the recommendations of the Government and the instructions of the Government of India. All these matters I want to deal with a little exhaustively in the afternoon. I may be permitted to begin my speech in the afternoon."

MR. CHAIRMAN :—" How much time would the Hon. Minister like to take? "

THE HON. SRI B. GOPALA REDDI :—" About 45 to 60 minutes."

MR. CHAIRMAN :—" Are there a large number of speakers who want to take part in the debate? "

DR. A. LAKSHMANASWAMI MUDALIYAR :—" It will depend on what the Hon. Minister says."

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MR. CHAIRMAN :—" I am just trying to see whether it is necessary to sit to-morrow also, because we are scheduled to sit to-morrow afternoon also if we do not finish this to-day. There will be a simultaneous sitting of the other House also. If we finish to-day, it will be all right. The House will now adjourn and reassemble at 2-30 p.m."

The House adjourned for lunch.

(After lunch—2-30 p.m.)

JANAB ABDUL LATIF FAROOKHI :—" Sir, before the Hon. Finance Minister proceeds to speak on the resolution, I should like to make one request on behalf of the Opposition. This is quite a new subject to us and we want to hear him and understand him. He has promised to be very exhaustive and he has been pleased to promise so. We request that we may be allowed to give notice of amendments to the resolution, after we have heard his speech."

MR. CHAIRMAN :—" Well, we shall see."

THE HON. SRI B. GOPALA REDDI :—" Mr. Chairman, Sir . . ."

MR. CHAIRMAN :—" I may inform hon. Members that Mr. Ibrahim has already given notice of an amendment asking for plural constituencies. That amendment is coming before you now, I have asked it to be roneoed and circulated to you now."

THE HON. SRI B. GOPALA REDDI :—" Who has given notice, Sir?"

MR. CHAIRMAN :—" Mr. Ibrahim."

THE HON. SRI B. GOPALA REDDI :—" Sir, this is indeed a very important proposition that I am moving, and I will explain what has been done by the Government. Our proposals are being sent to the Election Commissioner who, according to newspaper reports and the advice he has sent us, will publish them and invite public opinion. Perhaps a second opportunity will be given to each House of the Legislature to discuss the actual delimitation, how each taluk or each district has been delimited."

MR. CHAIRMAN :—" So, Mr. Sen will publish?"

THE HON. SRI B. GOPALA REDDI :—" Yes, he will publish and invite public opinion."

MR. CHAIRMAN :—" The details of the delimitation also?"

THE HON. SRI B. GOPALA REDDI :—" Yes. At present the delimitation proposals are not being made available to hon. Members but only the general principles of delimitation are being discussed. I shall explain the scheme of things which is being forwarded to the Election Commissioner, and this is just the time, if the House wants to make any representations to the Government

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of India and the Election Commissioner, to do so, so that they may in good time modify their proposals and ask us for alternative schemes.

" Sir, on the 26th January this year, we gave to ourselves this Constitution of India, and we have declared in the Preamble itself that our Constitution shall be based on the Sovereign Democratic Republic, and to secure to all its citizens justice, liberty, equality, etc. It is, therefore, a sovereign democratic republic; indeed it is a democracy, and it is up to us and to the various parties to make this democracy a success. We are still in our infant stage of democracy, of our own rule, and yet we have the experience of various other countries, and we have also been benefited by their experiences.

" Sir, democracy means people's rule: but it is not that all the five crores of people in this State can rule themselves. Necessarily, democracy must imply representative government; and when it comes to the question of sending representatives, there again the whole country cannot be one constituency. It has to be delimited and divided, so that there may be a manageable constituency, there may be direct contact between the candidate and the electors, so that the candidate may feel that he is voicing the wishes and aspirations of the people. Sir, as I said, some of the countries have adopted this representative system of government. There was a time when Mussolini was in power in Italy. He also thought he was administering the country in the name of democracy and he used to prepare a list of 400 and odd members and put it to the people 'Do you approve of the list? If so, vote aye, otherwise you vote no'. That was how he was conducting his periodical national elections. He himself, as the supreme head of the State, perhaps as the Prime Minister under the King, used to prepare a long list of candidates and put it before the electorate. That is not the system we are going to adopt. But, as I said, Sir, we must have some manageable constituencies, and we must divide the districts and taluks so that we may have constituencies, whether single or plural.

" Then, Sir, for the first time in the history of our country, we are embarking upon this new bold experiment of adult franchise. Article 326 of the Constitution lays down that all our elections must be based on adult franchise. Adult franchise means very nearly 50 per cent of our voters on the rolls going to the polls, choosing their representatives and trying to give vent to their aspirations through their representatives. Since all of them cannot be in the Legislatures and enact laws, they act through their representatives. We have also traversed a long ground right from the year 1920 since we had the first experience of these elections. I do not know myself, of course, except what I read in some books, what used to be the nature of elections prior to 1920; but we have a fairly intimate knowledge of what transpired after 1920 since the inauguration of the Montague-Chelmsford Reforms. I think from 1920 to 1937 we had only 3 per cent of the people on the electoral rolls and the Ministers who used to manage the affairs of

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Government in the name of the people under the diarchical system were returned only by a 3 per cent of the electorate. Later on, in 1937 when we had Provincial Autonomy under the Government of India Constitution of 1935, to start with we had only 14 per cent of the people on the electoral rolls. Later on, I think, as a larger number of people with literacy qualification came to be enumerated, it came to about 16 to 17 per cent, and it never exceeded that figure. To-day for the first time, however, this adult franchise is going to give us an electorate of very nearly 50 per cent. In some districts it has even exceeded the 50 per cent limit, and it is really a bold experiment we are trying. Perhaps in other countries, it took a long time for them to reach this stage of adult franchise; for even in England, it was not till 1928 that women of the age of 21 got their votes. For a long time, they were left behind electorally, and they had to strive hard to get themselves recognized as voters, as the legitimate participants in the election of candidates; and after a long struggle and sacrifice they came to be enumerated as voters. But till 1928, if I remember aright, only women above 30 years of age were included in the electoral rolls. Since 1928, however, women and men of 21 years of age came to be registered as voters, and that is how the English electoral rolls stand to-day and all adults of 21 years of age have a right to be enrolled as voters and also to send their representatives to the Parliament.

"We may all remember that the question whether women should be enfranchised or not has been debated in other countries, and even to-day in enlightened countries like France and even in an important province like Quebec in Canada, women have no votes. Perhaps they can stand for the Parliament but they have no right to vote. But here under our Constitution, we cannot discriminate against anybody in the name of sex or in the name of religion, and therefore, all adults of 21 years of age are coming into the electoral rolls for the first time. There is no property qualification, no educational qualification, except of course some residential qualification, and that they should be of sound mind, and such things—there is no other disqualification attaching to any of the electors. Sir, in England where the population is not as much as in the Madras State, they have 675 members. That means their constituencies are much smaller than our own constituencies. In a country where there are only 40 millions of people or 4 crores of people, they have 675 representatives; but here in our own State where the population is 5 crores, our representation in the Provincial Assembly will be 375 and our representatives in the Indian Parliament will be one-fifth of 375, viz., 75. I shall come to it later, it is to be on the multiple vote that we will be sending representatives to Parliament. Parliamentary representation will be 75 from this State and the strength of our Assembly here will be five times 75, or 375.

"Sir, our constitution is also very novel if there is anything novel in the sense that compared to what we were accustomed to in the elections since 1920 onwards and in the 1937 elections, it differs in many respects very fundamentally. I will have to

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explain some of the differences, though some of them are very well-known to our members. The joint versus separate electorate question has been finally settled by the Constitution. That question which was being discussed in all the Assemblies, Councils, the Congress, the Muslim League and various non-official organizations which were all troubled with this problem, has been finally decided by the Constitution in favour of the joint electorate. The question of separate electorate for anybody, be they Muslims, Christians, Anglo-Indians or Europeans, is done away with, and we are now having a Constitution which will not recognize as such any religious or any communal minority.

"Sir, we had a very curious thing in Madras from 1920 to 1937 under the Montague-Chelmsford reforms; we had a sort of reservation for the Non-Brahmins. Each district was a constituency and at least one of the seats was reserved for a Non-Brahman. That is what happened between 1920 and 1937. Thereafter, that reservation was not there; it did not continue. But, separate electorates, with reservation of seats and a little weightage for some minorities like the Muslims and Christians, were recognized by the 1935 Act and we have them even to-day and perhaps they will all be done away with under the new Constitution."

JANAB ABDUL LATIF FAROOKHI:—"What happens now?"

THE HON. SRI B. GOPALA REDDI:—"Even now we have the Muslims and Christians from their electorates. Till we have the next elections, the present Legislative Council and the Assembly contain members who are representatives of their separate constituencies and not a joint constituency. It is only a continuation of the old system of 1935 and the new system has not yet come into force. Of course, they may have also the special seats which were reserved for women, labour, zamindars, commerce and other special interests like the University, but hereafter we shall not have any of these, except the territorial constituencies. There again, we have made a very fundamental departure from the old system and therefore we will have only the territorial constituency everywhere and no special seats to be represented, no special minorities to be represented, except the Scheduled Castes and Scheduled Tribes, and all of them must come into the general pool of the electorate and get themselves returned from the joint electorate.

"Sir, coming to the proposition proper, the main thing has been whether it should be single-member constituency wherever there is no reservation of seats for the Scheduled Castes or the Scheduled Tribes. This question also engaged the attention of many politicians and statesmen in various other countries at various times, yet, I think, the final word on it has not been said as to which is the right type of system through which the popular representatives could be returned to the various Legislatures or Parliament. Even now in various countries there is a wrangle

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between parties and parties as to whether it should be single-member constituency or multi-member constituency with proportional representation or multi-member constituency, with cumulative voting, so that the minorities can plump their votes for the candidates of their choice or should it be the multi-member constituency with single non-transferable vote as we had in the case of panel for Harijans where you have got four seats to be filled and every elector has got only one vote for one candidate, while there are four candidates, so that the different minorities can go and plump their votes for their respective candidates and the minorities might get representation.

"Sir, I do not want to be dogmatic and assert that this particular system has its own advantages, because all people who have dabbled with politics have been taking great pains to discuss this problem, various committees were set up to go into this question and various reports have been submitted to the various Governments, but I do not think, as I said, the last word has been said on the subject. To-day, while the United Kingdom and the United States of America also are having only single-member constituencies, there are other smaller countries like Ireland where they are trying multi-member constituencies with proportional representation by means of the single transferable vote. But, Sir, in the United Kingdom, I think, they had a poll in 1938 or so, when they decided to do away with some of the special seats also and adopt the single-member constituency system and right from the beginning, I think, the United States both for the Upper House and the Lower House, the Senate and the House of Representatives, they always had the single-member constituency. As I said, we will have smaller constituencies than in the United States and bigger constituencies than in the United Kingdom. In the United Kingdom, as I said before, there are 675 representatives for a population of four crores of people, while in the United States they have 475 or so for a population of about 14 crores or even more. We are in between, Sir, and our general rule in this State will be one lakh and forty-five thousand people for every constituency. That means 50 per cent of it will be the electors and about 70 per cent of the people will have to enlist themselves, at least a majority of them, so that they can be returned to the State Legislature. Sir, in our State, we had experience of both multi-member and single-member constituencies. During the last thirty years, we have had four elections in the pre-autonomy days, i.e., in 1920, 1923, 1926 and 1930 and two elections under the Government of India Act, 1935 in 1937 and 1946. For the first four elections we had what is called the multiple constituency in our State, while all other provinces, except Madras and Bombay, have plumped for single-member constituency. Even in those days under the Award of the Southborough Committee which sat in 1917-18, Madras and Bombay were allowed to have only multi-member constituency, so that the various communities, only minorities, might also have their little representation in the State Legislatures. Therefore, Sir, from 1930 to 1937 we had the

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multiple constituency. Chittoor, for instance, had two members; Krishna originally had four members with West Godavari also and later when West Godavari was bifurcated West Godavari had two members and Krishna two members. Tanjore, for instance, had three members and Mathurai had three members. Like that either two or three members generally were the order of the day and we had experience of that system from 1920 to 1937 when we had four elections and later on in 1937, under the Hammond Committee Report—of course, the Committee report was one way and the ultimate decision of the Legislature which was accepted by Parliament was another way—we had generally the single-member constituency, while here and there we had multiple constituencies also. For instance in Rajahmundry, we had a multiple constituency which could return two members without any reservation of seats for Harijans and where the Harijan seat was reserved it was generally the multiple constituency. But, we had 6 or 7 constituencies which could return two members. In the Krishna district also, the Bezwada Rural constituency is a multiple constituency where two non-reserved seats are there for joint electorate. In the south also, there are two or three districts where we had the multi-member constituency. We had multi-member constituency in Malabar also.

"So, Sir, we are in a very good position to decide the relative merits of the two systems, because we have gone through these two systems here in previous years and we will have to decide which is better, which will be more manageable, which will give better results and which will be the better mirror of popular opinion in the Legislature.

"Sir, under the multiple constituency, we had a very funny election system where public opinion was very difficult to ascertain. For instance, in the Krishna district, in 1926 the Raja Sahib of Mirzapuram was returned along with the Swarajist candidate, Mr. A. Kaleswara Rao. One was attached to the Ministerialist party, namely, the Justice party, and the other was attached to the Swarajist party and if anybody were to ask whether somebody had voted for the Government or against the Government, nobody could say it, because it was all 50—50. Sir, we have always that difficulty in the multiple constituency. While it has its advantages, such curious things happen like that occasionally, when you would not be able to ascertain the wishes of any people on any particular issue of topical interest. Therefore, to some extent it has to be discountenanced on this score. Whenever we go to the polls, we must get the clear verdict of the people on definite issues. It may be at every election there may be some misuse of the mind of the people and people must be able to give their verdict in unequivocal terms whether they like it or not. Whether what has been done by the Government has been approved by the people or generally disapproved, with the multiple constituency, it is difficult on occasions to ascertain public opinion correctly. Likewise, in 1920, from Chittoor, Mr. Muniswami Nayudu and C. R. Reddi were

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returned. Mr. Muniswami Nayudu was a Ministerialist and C. R. Reddi was opposed to the Ministry and he himself sponsored the no-confidence motion against the Ministry . . ."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" That was on a subsequent occasion."

MR. CHAIRMAN :—" I think the Hon. Minister said it was in 1920. In 1920, Mr. Muniswami Nayudu and Mr. M. Ramakrishna Reddi were returned."

THE HON. SRI B. GOPALA REDDI :—" I am sorry. I thought I said 1923 when Muniswami Nayudu and C. R. Reddi were returned. When later on Mr. Muniswami Nayudu and C. R. Reddi were there, they both belonged to different parties. As I said, that was our experience during those days. But in 1937, no such thing could happen, except of course, in those very limited number of single-member constituencies, because the general run of our system was single-member constituencies. So, we will have to decide which system is more conducive to get the correct public opinion on matters and that is the point on which we want the opinion of the House. Therefore, the very first point of my proposition is that wherever there is no reserved seat, it shall be a single-member constituency and where a seat has to be reserved for Scheduled Castes or Scheduled Tribes, it shall be a multiple constituency. Sir, the experience of other countries also is that and as I said, the Southborough Committee which sat in 1917-18 discussed at great length what should be the system of voting here in Madras. While they recommended single-member constituencies for all other States, because of the very peculiar circumstances which obtained in Bombay and Madras, they did recommend the multiple constituency for these two provinces. Again, the Hammond Committee which sat in 1935-36, with the assistance of the Provincial Delimitation Committee presided over by Mr. S. Muthiah Mudaliyar, went into the question whether Madras should have single-member or multi-member constituencies. A very curious thing happened. In spite of the Madras Government's view that single-member constituency should be the general system, and in spite of the majority view of the Provincial Delimitation Committee, the Hammond Committee which went into the question, of course, on the evidence of the various authorities and on the strength of the minority report, recommended multi-member constituency with single non-transferable vote.

3 p.m. " Ultimately, before it was finalized, there was a debate in the Legislative Council on the 11th March 1936 when the Hammond Committee Report was vetoed by a majority in the Council; it was duly communicated to Parliament and Parliament accepted the recommendation of the Council and the single-member constituency was accepted according to the Madras Government's view and the recommendations of the majority of the Provincial Committee. That was the occasion when the Hammond Committee's recommendations were reversed by a decision of the House

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and it may be said to the credit of Parliament and of members who took a particular view upon it, that it had the assent of Parliament. That is the history of the single-member constituency and it is up to us now to decide on the merits of the question. Generally the single-member constituency is preferred in most of the advanced countries, because it is the simplest system that could be thought of and with a large number of illiterate voters who cannot distinguish between one candidate and another candidate, when the party system is still in its infancy perhaps the single-member constituency system is easily the best. A large number of candidates in the multi-member constituency will be baffling to the average rural voter. In view of the general backwardness of our voters who in a large number of cases are coming into the electoral rolls for the first time, they will take a long time to get a degree of literacy needed for political knowledge and so, it is better we adopt the single-member constituency. The second point that ought to weigh with anybody is the manageability of the constituency. There is no use of giving me a big constituency and asking it to return four members, where they cannot do justice to the electors and carry the tenets of the principles of their party as embodied in their election manifesto and make them understand not only their party principles but also the principles for which the various parties stand for. Therefore, it is desirable that and up to you to take a small constituency so that you can approach as large a number of voters as possible and bring them round to your view; by that means you are educating your masters as it is called; they are the masters, the ultimate arbiters to decide who should be in the Parliament to voice their feelings. For these purposes, it is necessary that it should be of a manageable size where you could have direct contact with a large section of the people. The point to be remembered is that in a multi-member constituency, wherever there are two or three members to be returned, it is nobody's constituency and each man thinks that he is not the only member and there are the other two who are representing that constituency and he does not feel that it is his responsibility to look after the interests of that constituency. For example, Sir, we have certain multi-member constituencies in certain districts like Visakhapatnam, Tanjore and East Godavari. If a single member is returned by a limited constituency, he can speak on behalf of his own electors as the sole representative of the people; but where there are two or three members, it becomes nobody's responsibility and each does not feel that he is the representative of all people and he can speak for them, when the representation is shared by two or three other members. It is better and it is up to you to have the single-member constituency so that we can have contact between the elected and the electors, between the representative and the people who sent him to the Legislature. In England and other countries, we always see the members going into their constituencies immediately after the Budget session in order to explain to the voters the party principles; if they belong to the Ministerialist party, they explain to the people what they have achieved with reference to

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what they said they would and if they belong to the Opposition, they try to belittle what has been done by the Government and between them they educate the people for the next opportunity, that is, when they will be having the elections. It has been discussed which system will conduce to the formation of party system. For democracy to be successful, you must have developed well-organized parties so that they will go before the country and tell the people their own views, the pros and cons of things on the tapis in the Assembly; the party system, therefore, becomes a necessary adjunct of democracy. Some of our friends are deploring the lack of a well-organized party system in the country; it is all a one party show and things are not done in a democratic manner and there is not that congenial atmosphere for a second or third party functioning effectively both within the House and in the country. Therefore, Sir, we feel the need for a party system and looked at from that point of view, the party system can well be developed in the single-member constituency and not under the multi-member constituency under which system you will not be able to say how the people have expressed their view, whether they have voted for the abolition of the zamindaris or they want the zamindari system to continue. If you take the case of Krishna and have two representatives here, Mirzapur Raja and Kaleswara Rao, you will be at a loss to know if the people have voted for Prohibition or against it, or the people wanted the zamindari system to be continued or they wanted it to be abolished; you will have no idea of what the considered view of the people of that district is regarding so many other issues which have been placed before them and you will not be able to know finally how the people have voted. In order to develop well-established party system, it is right that we should have the single-member constituency so that we may know if the people have voted for the Government or not and whether the people have approved generally the broad principles that had been placed before them. The party system is really a consummation much to be desired; we are yet in the infancy of the party system. We have immediately after the attainment of Independence only one party managing the whole show just now and I think that in the years to come when true democracy begins to function, there is scope for other parties to spring up and to get represented in the House. Being a thing which must be desired, we must afford all opportunities which will be conducive to the formation of the party system. Advocates of multi-member constituencies believe that in plural-member constituencies, minorities, whether they are religious or social or political minorities, will be able to get better chance of representation. The Hammond Committee took much pains to examine the conditions in Madras and they said that under a system of single-member constituencies, that community which is preponderant in the electoral roll will get a chance of being elected every time and other minorities, social, religious or political minorities will never get a chance. They have discussed that in a constituency preponderantly Kamma, only a Kamma will be returned and likewise in a constituency preponderantly Reddi,

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only a Reddi will be returned and when it came to their recommendation, they said that in their best judgment, plural-member constituency will be best suited for the conditions in Madras but with the single non-transferable vote. Of course it was reversed by a later decision of the House. Naturally in a multi-member constituency, the question has been discussed how the voting will be done; whether we are going to have distributive voting or the cumulative voting or the single non-transferable system of voting or the transferable vote or the limited vote. There are ever so many ways which strive to bring in minority representatives into the Legislatures. That has been engaging the attention of many of our reformers and they have bestowed much care and thought to the question as will be seen from the enormous number of publications which canvass support for particular systems of voting. There are people who think that the system of proportional representation is the panacea for all the ills and maladies of political and other minorities and that alone will assure representation for the minorities and that will give great satisfaction to the minorities. You cannot leave the minorities behind by some system of election. If you decide upon the plural-member constituency, we have to examine whether we shall have the cumulative or the distributive system of voting. We have had here again three systems of voting from 1924 to 1937; we had the distributive system of voting under which the voter had as many votes as there were vacancies but he could not bunch all the votes if he did not vote to the extent that he had votes, the other votes will have to be allowed to rust. After 1937, the system of cumulative voting came into existence especially in plural-member constituencies where seats are reserved for Harijans, like the general constituency in Rajahmundry or the Vedaranyam constituency where the voter could bunch the votes for a particular candidate or he can distribute the votes as they liked. Under that system many thought that representation would be given to minorities. Experience of the working of the single non-transferable vote in the Harijan panel elections, where, as I said, there were two seats to be filled, every Harijan voter had only one vote. In a resolution moved in 1939, Mr. M. C. Rajah pointed out the defects of the pernicious system of bunching votes and how it affected Harijan candidates in the general elections of 1937; there was a great disparity between the votes cast by the general constituency and the Scheduled Classes. While the general candidates had as many as 30,000 votes, the Harijans except in the Vedaranyam constituency got only 1,500 or 1,800. On a motion of Mr. Rajah the House unanimously decided to do away with this system of cumulative voting and Parliament again accepted it and by 1946 elections, we did not have this cumulative system of voting but only the distributive voting came into being.

" But, Sir, somehow our Madras Province has not taken to cumulative voting. But Bombay has always advocated this cumulative system of voting; where, for their municipal elections, Council elections and Assembly elections, they always had this cumulative

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system of voting. Some time ago, in Bombay Corporation, they had such a huge system of multiple constituencies that the whole city was divided into six wards, and in some wards there were as many as twelve candidates. Since they had the cumulative system of voting, under it, a voter could cast all his twelve votes to a single candidate, and in that way, a single candidate could get 12 votes straightaway. That was the system which prevailed in Bombay some time ago; and even now, they have got multiple constituencies in Corporation elections in Bombay. I think they have this cumulative voting also. But in Madras we had it once and we have got rid of it subsequently. (Interruption by Sri A. Govindacharyulu.) In 1937 we had it for the Council; we had it for the Assembly; but in 1939 Mr. M. C. Rajah moved a resolution to cancel it; and it was carried; and thereafter Madras does not have cumulative voting at all. I think even for the two seats which had to be filled from East Godavari, this system of cumulative voting was not adopted in 1937. (An hon. Member: 'It was an uncontested election.') Anyway, Sir, we have got rid of it, and I hope it will not come back to our Province, as we have not taken to it kindly.

"Again, Sir, regarding multiple constituencies, while it gives some representation to social minorities or religious minorities, the other side of the picture has also to be represented. Because I have a feeling, multiple constituencies will again perpetuate the caste system. If there are two seats to be filled either on distributive vote or cumulative vote, then the tendency for the candidates will be to say, 'I am a minority man, I belong to your community or I belong to your religion, therefore you please vote for me.' Even if it is a distributive voting system, even that will perpetuate the caste system, which we want to get rid of. Further our Constitution contemplates in terms of individuals and citizens and not in terms of communities, religions and special interests, etc. Therefore, Sir, I have my own feeling that if we once accept multiple constituencies we would again bring back the caste system and the religious feeling through the back door, and that may prove baneful to our new Constitution. Therefore, I am of opinion, and that is also the view of Government, that we should adopt only single-member constituencies.

"Then, Sir, my second point is, for the Legislative Council, under the Act itself, every seat should be filled only by proportional representation with single transferable vote. That postulates, Sir, a multiple constituency; and, therefore, for the Legislative Council, that is the Upper House, it is indirect election from the Assembly; because, Sir, you may remember that we will have 72 members here; of whom 24 will be returned from the Assembly, 24 from the local boards, six will be returned from graduates, six from teachers and twelve by nomination as experts on scientific research, etc. In all these cases, they are all to be returned through proportional representation with transferable vote. That means we may have multiple constituencies of two or three or four members; and whether it is in the graduate's election or teacher's election, we

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must have a constituency with not less than two seats, and to ensure a good system of return we should adopt the single transferable vote.

"Then with regard to the conduct of elections, my resolution says, we may adopt the coloured box system. In England and other countries, the system of marking on the ballot paper by × mark is in practice. But with the large mass of illiterate voters on our rolls, I do not think that will work satisfactorily here. We tried, therefore, the coloured box system in the elections in 1936 and 1946. But there is also the token system or the symbol system, which again was adopted in Bombay in connexion with the corporation elections. There, the candidate is represented by a symbol, for example, a tree or a cow on the ballot paper. There, the voter is asked to go and mark for the candidate having the cow or tree symbol. In that system also, the voter has to go to the polling booth with pencil in hand and mark for the candidate to whom he wants to cast his vote. That is all difficult for the illiterate voter. So, the symbol system may not suit our illiterate voters. Therefore the coloured box system, which has been tried in our State twice before, and which has proved a success, may as well be continued here.

"Then, Sir, there may be some constituencies where there may be a general seat as well as a reserved seat to be filled in. In the elections in 1937 and 1946, there were such seats to be filled. It may be, for the general seat the contest may be between a caste-Hindu and a Harijan; and it may happen both the seats may be secured by Harijans and the caste-Hindu may be defeated. There again there is some difficulty experienced in actual working. Where the contesting candidates are more than two, a large number of boxes may be required to be placed in the polling booths. Suppose there are two candidates each for the general and reserved seats; then, four boxes should have to be placed in the polling booth, each having a particular colour. That will surely confuse the voters at the time of voting; and in the case of colour blind voters the difficulty will be greater to vote. And the more the number of candidates contesting for each seat, the more the number of boxes will have to be placed with distinct colours. All this would cause confusion to the voters. Therefore for the first time we are introducing a little change in the election rules. Even if a seat is reserved for a Harijan or backward community, the returning officer will be different. I shall make myself more clear. Suppose there are two candidates contesting for a Harijan seat. The voter goes into the booth; there he will be given one ballot paper instead of two (one for general and the other for reserved seat), and he will be asked to exercise his vote between the two candidates. Having done so, he will go into another booth (and this is for the general seat) and he will be given a ballot paper and asked to exercise his vote. Otherwise, if all the boxes are placed in the same polling booth the voter would become confused and he will put all his votes in one box, which would then become a cumulative vote or an invalid vote and the election officer would be put to the task of deciding several such cases. But if a separate booth is set up for each seat there is no

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such trouble; and further there is very little difficulty in counting of votes in such a case. So we have divided the polling booth into two.

" Lastly, Sir, we have said that watchers need not be appointed. Of course, whenever there is the coloured box system adopted, it must be ensured that the voter who is given the ballot paper deposits his paper in one of the boxes placed in the booth. Sometimes, even according to Hammond Committee in municipal elections, it happens that some voters do not deposit the ballot paper in the ballot box but carry it away with them and hand it over to one of the candidates, who collects all such papers, and towards the close of the day one of his men proceeds to vote and deposits all the papers in that candidate's box. To prevent that we had the watchers in the 1937 elections and we tried them in the 1947 elections also, and I do not think there were many complaints of the ballot papers being taken away and deposited afterwards. But the whole system requires a huge army of officers, namely, election officers and polling booth officers. If only one calculates the number of officers required one is simply staggered at the huge figure; for we want such officers for the elections to the Legislative Assembly, Council, the city council and local boards and municipalities. To add to this, there are the watchers, who will be asked to watch from behind the slot. As I said before, we tried them in the 1947 elections, and from our experience we have to say, their presence there had an adverse effect on the psychology of the voter, wavering between the yellow box, red box and blue box, as he was always being watched by the watcher through the slot. Sometimes, voters are baffled by the watcher's presence behind the screen. Sometimes the watcher has also given information, how people have voted, whether in the yellow box or red box or blue box, more so, when the voters in a particular booth happened to be very few. This violates against the principle of secrecy of vote. Therefore we have thought fit to dispense with watchers. Sir, these are the main principles on which we want the opinion of the House.

" Sir, in conclusion, I am only hoping that we will have a good electoral system and thereby the opinion of the people will be truly represented in the Parliament or the legislature. For the legislature must be a mirror of popular opinion and not run counter to the opinion of the people. That must be guaranteed, for otherwise the people will get frustrated. I am particularly hoping because we have done away with reservation of seats for Muslims and Christians—because our Constitution does not think in terms of Muslims and Christians—I am anxious that no minority community or religious community should feel that their grievances are not even voiced by any representative in the legislature or that they have no chance of getting into Parliament, because they are a perpetual minority. I think it is the duty of all parties, whether Congress or any other, to see that they choose as their representatives persons not because they are Muslims or Christians but judge them by the service and sacrifices they have rendered to their community or to the country in securing freedom. Otherwise some

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of the minorities might feel a perpetual grouse or grievance which will not be very conducive to the proper working of democracy. Everybody must be satisfied. Everybody must feel that the legislature and the Government that are functioning are his, even though he may belong to a political minority which is not in office. 3-30 P.M.

" While speaking in the debate on the Governor's Address, my hon. Friend, the Leader of the Opposition wanted that there should be fair elections. I do not know why people are talking about fair elections. Because somebody said something in Bombay, people are saying that the Government must ensure fair elections. The Bombay Convention went to the extent of saying that the Ministries, both in the Centre and the States, should resign before elections so that the Governor can have absolute powers and administer the country through civilians. I do not think the opposition parties in any other country have made such a suggestion. They have not shown that amount of distrust towards the Government. The Leader of the Opposition is always the potential Prime Minister of the State. If he puts forward popular policies, he is voted to power by the people. That is why he is always in the position of a potential Prime Minister of the State. He need not be nervous that the Government will be unfair to the opponents or that they will put obstacles in the way of fair elections. I do not think it has ever happened. I do not think the Congress ever complained that the Justice Party was unfair in elections when it was in office. Many members of the Congress Party were returned in the elections conducted during the Justice Party's regime. About twenty by-elections have taken place since 1946 and I do not think the Congress ever interfered with the polling arrangements or put impediments in the way of opposition candidates. In the municipal and district board elections, there were instances of a Congress candidate being defeated by a Communist or Socialist. I do not think in our State at least there has ever been any complaint that the Government or Government officers put any obstacles in the way of candidates opposing the party in power if they carried on propaganda in a legitimate manner. There is no use of saying that the Government should ensure fair elections. Fair elections are always assured and there is no use in reiterating this basic principle. Equal opportunities will be given to all candidates and nobody need be under any handicap. I think I have given a fairly elaborate historical retrospect of the electoral system.

" I am glad our Election Commissioner reminds me to speak about what has actually been done. So far I spoke about general principles. Now I will explain what has actually been done. This State will have 375 members in the Legislative Assembly and 75 members in the House of the People. It postulates that there will be one representative for every 145,000 people in the Assembly and 725,000 people in the House of the People. Five State Assembly constituencies go to make one House of People Constituency. Here I must explain how the population has been calculated. It is not based on the 1941 census; it is not based on what it is going to be in the 1951 census. The population is calculated in a rough and ready manner on a nation-wide scale after various calculations

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and approved by the President. They have taken the number of voters enumerated in 1948 and multiplied that figure by 2.09 and the product is supposed to be the population for this purpose. The population of some of the States like the Punjab and Bengal and some of the cities like Delhi and Calcutta has undergone a violent change. It does not go by the gradual increase of one per cent for every year. Originally we calculated on the basis that the increase in population would be one per cent for every year and the increase in population would be ten per cent between one census and the next. The population of Calcutta would have trebled or quadrupled and the population of Delhi will perhaps be five or six times of what it used to be. In the Punjab, especially in places like Amritsar and Ambala, a large number of people have migrated from and immigrated into Pakistan. Thus there have been violent changes in population. That is why they have adopted the method of taking the number of voters in a particular place and multiplying it by 2.09.

"Sixty-one seats for Scheduled Castes and 12 seats for Scheduled Tribes have been reserved in the Madras Assembly and 5 seats for Scheduled Castes and 1 seat for the Scheduled Tribes have been reserved in the House of the People. Wherever there is a seat for the Scheduled Castes and a seat for the Scheduled Tribes, the two single-member constituencies will be clubbed together and the voters will be asked to elect one member for the general seat and one member for the reserved seat. That means the number of people in such a constituency will be not 145,000 but 290,000. The same position applies to the House of the People also. Wherever there is a seat reserved for the Scheduled Castes and a seat reserved for the Scheduled Tribes, the two constituencies will be clubbed together. The population of such a constituency will be not 725,000 but 1,450,000. The voters will be asked to elect one member for the general seat and one member for the reserved seat. We have proceeded on the principle of allotting the Harijan seats in those taluks where there is the largest Harijan population. In the Narasaraopet taluk of the West Godavari district, there is a large Harijan population and one seat has been allotted for the area. The second seat has been allotted for the taluks of Kovur and Polavaram where also there is a large Harijan population. That is the principle adopted in reserving seats for Harijans.

"We could not keep the integrity of a taluk or even a Revenue division, because we have to satisfy the population strength of 145,000. But we have kept the district as a whole; we have not impaired the integrity of a district. The population strength need not be precisely 145,000. It may be 15,000 this side or that side. It does not matter if it is 130,000 or 160,000. We tried to keep the revenue firka at least intact. But where the revenue firka was large, we had to split it. Only in stray cases we split up the revenue firka.

"These are the main principles. As I said in the beginning our proposals have been either already despatched to the Election Commissioner or are being despatched. He will publish the proposals and invite opinions. We are only acting as his agents. It is for

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aim to accept or reject the proposals. We have formulated our proposals on the basis of the single-member constituencies. He may say that there must be plural-member constituencies and call for alternative proposals. If time permits—I am not quite sure—we may have an opportunity of considering the actual delimitation proposals. Just now we may confine ourselves to the resolution. I invite the opinion of hon. Members on the five points adumbrated in it."

MR. CHAIRMAN:—"The motion is—

"That this Council requests the Government to convey to the Government of India the following as the recommendations of this Council in regard to the delimitation of the constituencies of, and the conduct of elections to, (a) the Legislature of this State; and (b) the House of the People:

I. Delimitation of Constituencies.

(1) *Legislative Assembly of this State and the House of the People.*—Seats for Scheduled Castes and Scheduled Tribes should be reserved in plural-member constituencies with two seats each, one general and the other reserved for Scheduled Castes or Scheduled Tribes. All other constituencies should be single-member constituencies.

(2) *Legislative Council of this State.*—There should be not less than two seats in each constituency, with proportional representation with transferable vote.

II. Conduct of Elections.

(1) The coloured box system should be adopted.

(2) The boxes for the General and Reserved seats in plural-member constituencies should be kept in separate compartments in each polling booth.

(3) Watchers need not be appointed."

* SRI A. GOVINDACHARYULU:—"May I take it, Sir, that the proposals of the Provincial Election Commissioner in regard to the delimitation of constituencies in this Province, which will be sent by him to Central Government in due course will be placed before the legislature for discussion?"

MR. CHAIRMAN:—"I think, the Hon. Minister has already told the House that the proposal as published by the Central Election Commissioner will be made available for discussion in this legislature if time permits. This Government are not going to do anything in the matter. It is the Election Commissioner in Delhi who is in charge of delimitation of constituencies in the various provinces who will formulate his proposals and send them to this Government and then if time permits they will be brought before this House for discussion. That is what I understand the Hon. Minister has said."

* SRI A. GOVINDACHARYULU:—"What I want to know is, whether the Madras Government would before simply giving

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their seal of approval to any proposals formulated by the Provincial Election Commissioner, bring them to the notice of the legislature. I want to know whether the legislature will be given an opportunity to have its say on those proposals."

THE HON. SRI B. GOPALA REDDI :—" Sir, as I have already said, the responsibility for the delimitation of constituencies entirely rests with the Election Commissioner. Under the Act, he can himself frame his proposals in consultation with the President and the State Governments need not be consulted at all. We simply want to assist the Election Commissioner by our suggestions in formulating his proposals. We have sent our suggestions and it is up to him to do whatever he chooses. But according to press reports, I find that he is releasing these proposals and inviting public opinion on the same. I think, a small committee consisting of seven members has been appointed by the Speaker of the Parliament of the Indian Union to scrutinize these proposals. That Committee may make their own suggestions in the light of public opinion and criticisms received by them. The whole thing will be placed before the President, in due course and I think we may do well to wait till the Election Commissioner's actual delimitation proposals are received by this Government. If time permits, I have no doubt, the House will be given another opportunity to discuss those proposals."

* SRI A. GOVINDACHARYULU :—" Cannot this Government place their recommendations before this House for discussion before they are submitted to the Central Election Commissioner? Should not this House be given an opportunity to discuss those proposals? "

MR. CHAIRMAN :—" What the Hon. Member wants apparently is that before the Madras Government send up their proposals to the Election Commissioner, the legislature should be given an opportunity to offer its opinion on those proposals."

THE HON. SRI B. GOPALA REDDI :—" I regret, Sir, it cannot be done. It is not as if we have been asked to formulate proposals and send them to the Election Commissioner for approval. The Election Commissioner has been giving us directives and consulting us on these matters from time to time. We too have been making our proposals and suggestions on his directions and in the light of these proposals and counter-proposals, something in the nature of a *via media* has to be settled. We are simply acting as their agents in this matter and it is not certain that our suggestions or proposals would be completely accepted by him."

JANAB K. T. M. AHAMED IBRAHIM :—" Are the Madras Government only the agents of the Central Government? Are we not an autonomous State? "

THE HON. SRI B. GOPALA REDDI :—" Sir, we have no *locus standi* in these matters. We have been simply asked by the Government of India to assist the Election Commissioner in this matter and we are helping him accordingly."

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* SRI A. GOVINDACHARYULU :—" Could we not at least know when the proposals will be published by the Election Commissioner? And could not this Government inform the House what their recommendations are on those proposals? "

THE HON. SRI B. GOPALA REDDI :—" I do not think, Sir, it would serve any useful purpose to place our recommendations before the House, because we do not know whether they would be accepted by him or not. As I said, after he had finalised these proposals, he would naturally publish them and then this House will be given an opportunity to discuss those actual delimitation proposals if time permits. But to-day we are concerned only with the broad general principles as to what system of elections would be conducive to the best interests of this Province. Perhaps the Election Commissioner might revise his opinion in the light of our present discussions in this House. It is now too early to say anything in the matter, because the proposals have not taken any definite shape yet."

SRI R. SURYANARAYANA RAO :—" May I take it, Sir, that what the Hon. Finance Minister has stated just now in his speech are the views of the Madras Government and not his personal views? "

THE HON. SRI B. GOPALA REDDI :—" Yes, Sir. What I have stated just now only represents the views of the Madras Government. In fact, the resolution just now moved by me is sponsored as a Government Resolution and the views I have stated are my views as a Minister and I have not expressed them in my personal or individual capacity."

* SRI A. GOVINDACHARYULU :—" I suggest, Sir, that it is most important and necessary that the detailed proposals should be placed by the Government before the legislature for discussion. Otherwise how could anybody know our views on these proposals? "

MR. CHAIRMAN :—" Now let us come to the debate. Let me first call Mr. K. T. M. Ahmed Ibrahim to speak. Let him move his amendment and speak both on the Resolution before the House as well as on his amendment."

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

" In clause (1) of paragraph 1 of the resolution under " Delimitation of constituencies ", for the words " single-member constituencies ", substitute the words " plural-member constituencies with at least five members each with cumulative voting " . "

" Sir, I am glad that I am encouraged by the speech of the Hon. Finance Minister who moved this resolution and dealt with the subject in a very frank and open manner. Sir, he conceded that the last word has not been said on the subject, that democracy in our country is in its infancy, and that we have to devise some means of giving effective representation for all the interests in the

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country. But, as a matter of fact, he has not devised any effective method for minority representation in the legislatures, though he has expressed the pious wish that the legislatures of the country must be a mirror, reflecting public opinion as otherwise certain sections of the population would get frustrated. He also added that in view of the fact that separate electorates had been abolished, he was anxious that no minorities should feel that they would have no chance of getting into Parliament. Surely, Sir, this is a laudable sentiment and a pious wish and I welcome it. He also conceded that minorities in this country are perpetual minorities and therefore he was anxious that they should not have a feeling of frustration that they have not been properly represented in the future Parliament. But unfortunately he has simply set his seal of approval on the present method of representation and he has not taken the trouble of finding out some other suitable method of giving effective representation to the various minority interests in the country. Sir, it is too late in the day to say that there are no separate interests in the country. There are various minorities now in the country whose interest would seriously suffer if they are not given separate representation. Now, Sir, for a democracy to succeed, the legislatures of the land should reflect faithfully the various shades of opinion and the various interests involved. As the Hon. Mr. Gopala Reddi himself said, they should not be a one-man's show and dominated by only one political party. The delimitation of constituencies is the very first and fundamental step in the establishment of democracy in the country. The constituencies should be delimited in such a manner as to return candidates representative of the various interests involved and no frustration should come upon any particular interest on account of non-representation. That is the stand-point from which this resolution should be examined.

"Now, Sir, I shall just quote one or two sentences from the two reports referred to by the Hon. Mr. Gopala Reddi. The Lothian Committee have dealt exhaustively with this subject in their report, and on page 145 of their report, they say :

'The history of democracy is filled with controversies over the method of representation. Adult franchise can secure equality in casting votes, but whether these votes are effective in securing representation in the legislature depends upon the system of representation employed.'

Therefore, Sir, even though we may be given adult franchise, it will be effective if proper representation is secured in the legislatures by a proper system of delimitation of constituencies. The Committee go on to say—

'The original practice of democracy was to provide for majority rule on the basis of the votes of the whole population voting as a single constituency, or in territorial constituencies containing as far as possible, an equal number of voters. It was not long however before minorities, religious, political, racial, or economic, claimed that the system of majority rule was unduly crude in its operation, and was unfair to important sections of the community having opinions or interests of their own, which, under the single-member constituency system, had no chance of securing direct representation in the legislature.'

Sir, I am glad to say that my Hon. Friend Mr. Gopala Reddi has also expressed the same idea at the end of his speech. He said that there should be no one-party show and that there must

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be proper representation of the various interests in the country and also expressed the wish that the Congress and the other parties functioning in the country should see that minority parties also get their proper representation in the legislatures. I must submit, Sir, that this mere wish would not satisfy the various minority interests. Minorities should not be made to depend on the whims and fancies and the caprices of the majority parties or the party in power which conduct the elections. The minorities must be secure of their representation whatever parties may run the show. Their representation should be secured to them as a matter of right. Otherwise, the minority interests would surely suffer, and it is quite possible, as has been mentioned by the Premier of the Uttar Pradesh Government that the minorities might not even be able to get an adequate number of members from among themselves for standing as candidates to the legislature. At present one or two party-leaders here and there might take some interest in the minorities and support their candidates in the elections. But will it be possible always and in all places? As my Hon. Friend, Mr. Gopala Reddi, himself said, there are perennial minorities in our province and when there are perennial minorities, there must be a perennial system of representation for them. A perennial minority should not depend on the whims and fancies of particular parties for their representation in the legislature. But, Sir, I am sorry to find that while he expressed such laudable sentiments and fine ideas, he has not himself given practical effect to them by devising a system of representation which is best suited for the minorities in this State. He has simply set his seal of approval to the existing system which does not guarantee any protection to the minorities from the unrestricted and tyrannical use of the democratic principle expressing itself by the majority votes.

"The main point he discussed was about plural-member constituencies, and I can say at once that the Committee set up by the legislature of the Uttar Pradesh has conceded in principle that for Muslims and other minorities, there should be double-member constituencies. Mr. Pant has expressed clearly that if some chance is not given to the Muslims through these double-member constituencies there is no possibility of Muslims being elected to the legislatures. I am glad that this comes from one of the foremost Congress workers, and I do not know why our Government which is also a Congress Government have not given thought to this matter, but thought otherwise and insist on single-member constituencies.

"The Hon. Mr. Gopala Reddi stated the various points which he felt to be against the introduction of multi-member constituencies. First of all he stated that if there were multi-member constituencies we could not ascertain the wishes or the verdict of the people on any particular issue. I cannot understand that argument at all. Does he mean that there can be only one opinion in any constituency? Can there not be various shades of opinion in any constituency? The best way of ascertaining the opinion of any section of the people is to have multi-member constituencies so that we may understand what proportion of the people are holding a particular

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opinion and what proportion are holding a different opinion. Suppose there is a multi-member constituency containing five members. If three members are elected representing a particular political party and two members are elected representing another political party, that will show to a great extent what the state of public opinion is in that particular constituency. But if there is only one member to be elected from that constituency, we will have to conclude that that constituency is of one opinion. Therefore, the best way of ascertaining the verdict . . . (Interruption.) That holds good with regard to multi-member constituencies also. The better method of ascertaining public opinion is through multi-member constituencies. The Hon. Gopala Reddi referred to Dr. C. R. Reddi and Munuswami Naidu elected from the same constituency of Chittoor. One-half of Chittoor was for Congress and the other half was non-Congress. That is the way to ascertain real public opinion, and not by having single-member constituencies, and not by saying that Mussolini avoided party system. That will lead us only to Nazism.

"The next point that he said against multi-member constituencies was that it was the simplest system, and our electors being illiterates, they could not be expected to understand the full implications of multi-member constituencies, and the voters might not know whether this or that vote would be proper. Since it is the simplest system and since the voters are illiterates, I am anxious that they should not be swayed by slogans and sentiments, and by methods of corruption. If the electorate is small, there is the probability also of the candidates approaching them individually and having things done by means fair or foul. If the electorate is large, then it will be impossible for the candidates to approach the electors. Therefore they will be able to cast their votes as they liked. Otherwise there is the possibility of simply being carried away by slogans, sentiments, personalities, etc. If there is plural-member constituency, it will be of course difficult. This question of corruption cannot prevail there. The only point is that candidates must educate the electorate in the proper manner. There can be no contact. The same thing was mentioned by both Hammond and Lothian in their reports. They point out the defects of the single-member constituencies, and they are for multi-member constituencies. They have given various reasons. The Hon. Minister stated that if there were multi-member constituencies, then nobody would be responsible to the electorate, and it became a no-man's constituency. The position is quite the reverse. All the members will be jointly and collectively responsible to the electorate, and further, there will be the spirit of competition among the various candidates to do the maximum good to the electorate. That spirit of competition will be eliminated if it were only a single-member constituency, and after election, the candidate may simply ignore the electorate. But in the matter of multi-member constituencies, there will be competition. (Interruption.) In multi-member constituencies, each one of the candidates will try and see that he does good to the electorate much more than the other candidate. That spirit is ruled out in the case of single-member constituencies."

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MR. CHAIRMAN :—"Five members from a constituency will prove the saying that too many cooks spoil the broth."

JANAB K. T. M. AHAMED IBRAHIM :—"It is so much the better, because all the electors can go to them and see that the remedy is effected. Since our land is a democratic republic, and is in its infant stage, we must take all steps to develop the party system. It is for that system that proper methods should be devised for the representation of minorities in the legislatures. If it is run only on single-member constituencies, there is no doubt that the majority will dominate the elections, and the minorities may not get adequate representation in the legislatures. In this matter I am fortified by the opinion of no less a person than Pandit Pant. It is for that purpose we must see that the perpetual minorities are given proper representation not through the whims and fancies of any particular party or through small mercies shown by any particular party, but as a matter of right they must get these things. If the constituencies are only single-member constituencies, they will by their very nature be small, with the result that local prejudices and local factions will play a great part in the election of representatives. But if the electorate is wider as in the case of plural-member constituencies these local prejudices may not have such a dominating voice, and the outlook will be less narrow. There will be broader choice and the electors will have the right to vote for the candidates of their own choice."

"The Hon. Mr. Gopala Reddi has been again and again repeating that the opinion of the Lothian Committee and the opinion of the Hammond Committee have been set aside by the vote of the Legislative Council twice. Well, Sir, in that connexion I wish to draw the attention of the House to the important considerations on which these two verdicts of the Legislature were given. At that time, the House had to deal with the representation of the majority community alone. The minorities—Muslims and Christians—had their own separate electorates. Therefore, the minorities question was not before them then. They were only concerned with the representation of the majority community. In such cases should there be multi-member constituencies? They decided that no multi-member constituencies were necessary, and they did not want to perpetuate caste and sub-caste system. Now the whole basis is gone. Muslims and Christians are in the State. (Interruption by the Hon. Sri B. Gopala Reddi.) Still you are Mr. Gopala Reddi and I am Ahmed Ibrahim. We have to face realities. There is no use of ignoring realities. If you ignore realities . . ."

MR. CHAIRMAN :—"Both of you are Indians!"

JANAB K. T. M. AHAMED IBRAHIM :—"We are Indians, but still the voters will know us from our names. The system of majority rule was unduly crude in its operation. The Lothian Committee says that there will be no chance of getting representation for these minorities in the legislature. If the minorities are ignored, in the words of the Hon. Mr. Gopala Reddi himself, there will be frustration among the minorities. Is he prepared to face this

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frustration? When once the question of plural-member constituencies is granted, cumulative voting goes with it. I shall here read certain portions from the reports of these two committees. Both these committees feel that in order to ensure representation to minorities there must be plural-member constituencies with cumulative voting. (Interruption.) England is different from India. In England there are no perpetual minorities as in India. They are more educated. We have illiterate voters. We are swayed by slogans and sentiments. Then again, what is the percentage of literacy there? There each elector understands the foreign policy of the Government." (Interruption by the Hon. Sri K. Madhava Menon.)

MR. CHAIRMAN:—"Let there be no conversation."

THE HON. SRI K. MADHAVA MENON:—"Interjections are allowed even in Parliament, Sir."

MR. CHAIRMAN:—"I only said 'conversation'."

JANAB K. T. M. AHAMED IBRAHIM:—"With regard to cumulative voting, the Lothian Committee says—

'369. In multi-member constituencies we recommend the use of the cumulative vote An alternative method in multi-member constituencies is to use the restrictive vote, a system under which, the voter has the right to use one vote only. We prefer however the wider opportunities given by the method of cumulative vote. The elector can exercise his discretion how he will distribute his votes and is given the opportunity of exercising a broader choice and not reserving his attentions solely to those of his caste or creed, if he so desires. It therefore gives a less narrow outlook to the voter and renders the divisions in the community less stereotyped.'

"The Lothian Committee's Report is the reverse of what the Hon. Mr. Gopala Reddi says. The Lothian Committee says—

'It gives him no less opportunity than the restrictive method to concentrate his votes upon the candidate of his choice. It is not so simple as the other method though the results may be said more exactly to represent the wishes of the electorate.'

4-15 p.m. "The Hammond Committee Report says on page 13 as follows:—

'The two-party system is not yet established in this country and voting takes place largely on personal or communal considerations. Small sections of the population can, therefore, have practically no chance of returning a representative of their choice unless more than one seat is allotted to a constituency. Even large and important sections of the population for whom special representation has not been provided, might go unrepresented if a district is subdivided into several small electoral areas and their strength is distributed. Also, with single-member constituencies, candidates with a merely parochial outlook and of relatively inferior type are likely to be returned and though it is possible to some extent to provide against this danger by dispensing with the requirement that a candidate should actually reside within his constituency, it is very doubtful whether, in actual practice, electors would generally favour outsiders as their representatives.'

So, Sir, it is in the multi-member constituencies that wider outlook, national outlook, is guaranteed better than in single-member constituencies. The Hammond Committee are definitely of opinion that multi-member constituencies will give effective proportional

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representation to the minorities. Otherwise, they may go unrepresented and the evils of democracy will go unmitigated. They will have to bear the tyranny of the majority and be at their tender mercies.

"At the time when the Legislature of this State decided against this report, the Muslims and the Christians had separate electorates. We dealt with only the majority communities. Therefore, it should not stand in the way of considering afresh the necessity of introducing plural-member constituencies with cumulative voting.

"With regard to the voters' list, I do know that it is being prepared. I have been receiving complaints from several areas that whole blocks of voters have been omitted. The enumerators did not go to those areas at all."

THE HON. SRI B. GOPALA REDDI:—"The people could have gone and given their names and they would have been included."

JANAB K. T. M. AHAMED IBRAHIM:—"When the people in the locality approached them, they said that they might wait till the preliminary rolls were published and then they could give their names.

"It is good that the system of appointing watchers is abolished, because it is interfering with the secrecy of the ballot box and we have been feeling that it is a very great evil in elections.

"In view of the fact that the Mover of the Resolution himself has expressed his anxiety that all minorities should get proper representation in the Legislatures of the country and there should be no frustration, I appeal to him to consider the points I have mentioned, with an open mind and see whether, in the interests of proper development of party system and of creating contentment and satisfaction among the various minorities in the land, it is not necessary to accept my amendment. Let the proposal be given a chance. In the absence of separate electorates and reservation of seats, this is the only method by which the minorities can get representation in the Legislatures. It is, of course, possible that the majority party may put some men of the minority community into the Legislature. But no such imagination can be made. I want that the wishes of the minorities must be properly expressed in the Legislatures, so that the majority community and also the Government may know the actual grievances, needs and requirements of the minorities and may try to mitigate their troubles. If the minorities have not got their own representatives, it is quite possible that the Government may not be able to understand their viewpoints. It is only for that purpose that I want proportional representation to the minorities.

"I see the Government have sent up their proposals to the chief Election Commissioner before placing them before this House and getting the opinion of this House. Therefore, I request that the proceedings of this House may be communicated to him, so that he may understand the views of the Members of this House."

JANAB K. UPPI:—"I second the amendment, Sir."

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JANAB ABDUL LATIF FAROOKHI :—" Mr. Chairman, Sir, I am very thankful to the Hon. the Finance Minister for his very good and informing speech. But this is a new experience for us. Therefore, it will take some time for us to digest these principles. In spite of the careful manner in which the Finance Minister has put forward his views, there is one thing which agitates the minds of the people and that is that this Government do not act according to the principles of democracy. The hon. Gentleman, Mr. Govindacharyulu, was right when he suggested that this House ought to have been taken into confidence before proposals were formulated on the question of delimitation of constituencies. The Hon. the Finance Minister said that they did not want to give publicity. If we look up Parliamentary procedure, we know that in certain cases at certain times even the House of Commons goes into secret sessions. Similarly, both the Houses of this Legislature could have gone into secret session and proposals might have been placed before them. If the Government are not going to take the representatives of the people into confidence and if they place their own proposals before the chief Election Commissioner or before the President of the Republic, I would say that it is a negation of democracy. We are not concerned with the Election Commissioner, however great his powers might be. It is this Government that send the proposals. This Government are responsible to this Legislature and it is this Legislature that wants this Government to place their proposals before it. It is not our concern whether the proposals of this House are accepted by the Election Commissioner or whether they are finally accepted by the President of the Republic. Our concern is that this Government have failed in their duty in not having placed their proposals before this House. Therefore, it is a matter for regret that this Government who call themselves a Popular Government should have gone against the very principles of democracy which they advocate. I think it is not even now too late to remedy it. The Finance Minister is not bound by the verdict of the Election Commissioner. He is not the head clerk of the Election Commissioner. He is an independent Minister responsible to this Legislature. (Interruption.) He may feel that he is not independent. But I do not share that pessimism. It is his duty to assert his right. Whatever the Election Commissioner, or the President, for whom we have great respect, may say, have we not got the right to express our views? We do not say that those views must be accepted. What we say is that the Government must have taken both the Houses of the Legislature into confidence before they submitted their proposals to the Election Commissioner.

" It is indeed a matter of pride for us that we are now in a Republic. Our Republic is a new-born Republic. Our Constitution is a novel one which may perhaps be copied by many other countries in future. Our Constitution has given us very many privileges and rights. Now it lies on us to interpret the Constitution. We, the representatives of the people, and the Government are the persons who have to interpret the Constitution. I feel we have been denied

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the right to express our views before the proposals of the Madras Government were formulated and sent to the Election Commissioner. If they had been placed before us, we would have given the Government our concrete suggestions."

THE HON. SRI B. GOPALA REDDI :—" The House will have an opportunity to discuss them."

JANAB ABDUL LATIF FAROOKHI :—" The opportunity will come when it is too late. Perhaps after the proposals have been formulated and placed before the Election Commissioner and accepted by the President, they will come before the House for discussion. I am subject to correction, Sir.

" What I want is that before the President of the Republic pronounces the final word, he must know what the views of this Legislature are."

MR. CHAIRMAN :—" I suppose the point of the Leader of the Opposition is that this Government should send up the proposals of the Members of this House and their proposals also and not their individual proposals."

JANAB ABDUL LATIF FAROOKHI :—" Yes. Thank you, Sir. This Government should have sent their proposals after consultation with the representatives of the people.

" It is therefore against the spirit of democracy to formulate proposals and send them secretly without the knowledge of the Legislature, to the Government of India." 4-30 p.m.

THE HON. SRI B. GOPALA REDDI :—" Does the hon. Member want that no communication should be addressed to the Government of India without the knowledge of the Legislature? "

JANAB ABDUL LATIF FAROOKHI :—" I do not wish that you should inform this House with regard to administrative matters. But here is a matter which is connected with the Constitution and with the rights of the people and there is nothing secret about it. This is a matter in which you should have consulted the Legislature beforehand. I do not for a moment suggest that you should take our consent in all matters. There are certain matters which will be your exclusive concern and in which you will have to deal with the Government of India direct. I have no quarrel with you in such matters and I do not dispute your right regarding those matters. But, so far as the subjects of delimitation of constituencies and election procedure are concerned, I submit that the Government ought to have placed their proposals before the Legislature and then sent their proposals. These must have been thoroughly discussed by the Legislature and the Legislature should have given its support and consent to Government measures. Then only the Government views can be said to be the State's considered views. Now you have sent the proposals without the support of the Legislature. So, I do not agree with the Hon. Finance Minister in this respect.

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"With regard to adult franchise, I have given more than once my own misgivings. Though I am generally in favour of this, I would say that adult franchise will have no meaning in the present circumstances. What is the use of asking anybody and everybody who is 21 years of age to go to the polls without knowing what an election is and to whom he is voting and all that. Then the question of education comes in. I do not want to enter into that subject just now. Anyhow, I want to urge upon the Government that they must deal with this problem very carefully and delicately. In this matter, I would agree with the Hon. Finance Minister, or rather I would wish him to agree with me when I say, that a list will be prepared by any party that has got its ear towards the public containing the names of about 375 representatives or so and the people will be told 'Well here are your representatives. You add your tick marks to these gentlemen'. That would be the state of affairs in adult franchise. People will not know for whom they are voting.

"Coming to the ballot system, i.e., the coloured box system, I would like to say that as far as my experience goes, this system has proved to be a hopeless failure. Quite recently, i.e., about a year back, when I was returning from a City Municipal Election booth, I was taking some voters along with me to their homes."

MR. CHAIRMAN :—"That is usually not done."

JANAB ABDUL LATIF FAROOKHI :—"I agree that it is generally not done. But some of these people were taken by car to the polling booth by the concerned parties, but after these people have put their votes, there was nobody to take them back to their homes and were stranded. So when I returned from the booth, I took some of them. On our way I asked them for whom they put their votes. They told the colour of the box and also the name of the person for whom they voted. To my surprise I found that the coloured box which they mentioned was not the one intended for the person they mentioned. Presumably these people were misled by the agents of the other candidate. So these people put their votes into the wrong box thinking that they were voting for the correct person.

"Again, there is the watcher system. I am glad that the Hon. Minister has told us that the Government wanted to do away with this system. If you want to do away with this system, how are you justified in having these colour boxes. In my opinion, the best way of voting is the marking system. How can you say that they will not be able to get along with this ticking system when you are proceeding on the assumption that they will be all literates. (Voices : 'It is not based on literacy.') Literacy may not be compulsory. But what is the meaning of adult franchise without it. Are you going to give the right of voting to persons who do not know for whom they are voting. (An hon. Member : 'That is what they are going to do.') If they did it, I say that it is contradiction. You must give the power of voting only to those who know for whom they are voting and for what purpose they are voting. It is

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only when they know these things, they can select the right kind of representatives. It is no use saying to these people, 'Well, go to the polling booth. Put your vote in the coloured box mentioned by us'. If this is done, I am sure the right type of people will not be returned to the Legislature. People who have done some little service to the country and who know something of administration should be elected by the voters. The real masters of the country are the general public, I mean the voters. I will never like my master to be an ignorant fellow, but would like him to know at least for whom he is voting, whom he is sending to the Legislature, and what sort of work that man would be able to do. Therefore I proceed on the assumption that adult franchise means adult education. Without adult education, there is no meaning in having adult franchise. So, I am opposed to the coloured box system.

"The Hon. Finance Minister said something about plural constituencies or multiple constituencies with regard to the scheduled castes and the scheduled tribes. He has conceded a certain principle that the constituencies will be clubbed together for the tribal people. That means to say that he knows or perhaps feels that these constituencies clubbed together will elect two representatives and so, that will be a wider franchise and people will have opportunities of being elected. He also said that in certain places where a certain class of people or a certain community of people are in a majority, they can have that as their constituency. He said that if Harijans were in a majority in a particular place, they will have a constituency. I would humbly request that the same principle may be extended to other cases also."

THE HON. SRI B. GOPALA REDDI :—"If the Constitution does not permit it, what shall we do?"

JANAB ABDUL LATIF FAROOKHI :—"Our Constitution approves of double constituencies or plural constituencies for depressed classes and Harijans. I do not question the correctness or validity of the Constitution Act. But personally I am opposed to reservation for anybody—be it Christians, Muslims or Scheduled Castes. If you want to do away with separate electorates, there is no meaning in having reservation of seats. These reserved seats are only intended to bring in such people as will be amenable to their own behests and who will be subservient to them. I am not speaking of any particular party in this connexion. My point is that any party that seeks to have reserved seats would bring in only such people as will be amenable to them so that they can have the whole monopoly in the Legislature. After all what is the fate of these reserved seats? Suppose a Harijan stands for election to a reserved seat. What will be his position? Are we not able to understand it or have we not understood it in the past? In the last elections, the Congress was in a majority. So the candidate set up by the Congress for one of these reserved seats was declared elected. (Interruption.) After the advent of independence, after the advent of democracy and after the establishment of the Republican form of Government in the country, there is no use of having separate electorates."

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MR. CHAIRMAN :—" I think the hon. Leader of the Opposition is straying away from the main point. I think I can give him some argument to support his case. His point, I suppose, is that the Constitution does provide for plural constituencies."

JANAB ABDUL LATIF FAROOKHI :—" What I want to say is that there is no use of having reservation of seats."

MR. CHAIRMAN :—" Why should you worry about that especially when there is no objection according to the Constitution to have plural constituencies? "

JANAB ABDUL LATIF FAROOKHI :—" I am thankful to you, Sir, for your kind elucidation. Of course, there is no objection to plural constituencies. But my point is that all persons must be enabled to stand for election by their own efforts and with the confidence of the masses, and without the fear or favour of the political party that may be in power. For instance, in a particular constituency where Muslims have got some considerable votes and where the non-Muslims have also got considerable votes, you should allow the Muslim candidate to stand from that constituency, so that he could, through the votes from his own community as well as of other communities, be elected without any favour from any party or community. The only thing that will be required for him is the confidence of the people."

MR. CHAIRMAN :—" What happens in a plural constituency where two Hindus and a Muslim stand? "

JANAB ABDUL LATIF FAROOKHI :—" I have that experience also in connexion with the municipal elections, where a Muslim and a Hindu candidate were elected."

MR. CHAIRMAN :—" That does not necessarily follow always. It may be that both the Hindus might be elected."

JANAB ABDUL LATIF FAROOKHI :—" I agree that may also be the case. But there is also a possibility of a Hindu and Muslim being elected. I do not want that anything specific should be insisted upon. What I said is that there is a possibility of the minority communities also getting themselves elected by such a method. In cases where they do not get elected, I have no grievance at all. I would impress upon the Hon. Finance Minister to place this point of view before the Election Commissioner."

THE HON. SRI B. GOPALA REDDI :—" Does the hon. Member want cumulative voting or distributive voting? "

4-45 p.m. JANAB ABDUL LATIF FAROOKHI :—" I do not mind whether it is cumulative voting or distributive voting. I would agree to anyone of the two. My submission is that a certain system and procedure should be evolved by which there will be a possibility of the members of the minority communities coming through general elections, into the Legislature, without any favour from the party in power or the party that may have the majority of votes. To-day it is the Congress Government that is in office. On one point I

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want to be very plain and I hope that I am voicing the feelings of a majority of the Muslim community. (Interruption.) Whatever may be our differences of opinion, I am prepared to throw a challenge and to face any audience and say that the view of the majority of the Muslim population is that the Congress is a much better party on which they can depend but, if any other party comes, they have their own misgivings. We are sure that so long as the Congress is in power, they will give some seats to the minority communities. But we do not know how long they are going to be here. There is no guarantee. Other parties may come into power. Therefore, a system that would automatically ensure protection to minorities should be evolved. It is for this reason that I advocate plural constituencies. If there are plural constituencies there will be a possibility of the minorities being returned. After all, the Government will not lose anything by having these. If a Christian is put up along with a Hindu or if a Harijan is put up along with a Hindu, there is every possibility of the Christian or the Harijan or a Muslim, if one is put up, to be returned with the support of people belonging to the mixed constituencies. So far as minorities are concerned, let them understand it that unless we mix up freely with others and become common citizens our position will be at stake. What will happen if an election were to take place now? The position will be the same unless we have a certain amount of confidence in the majority community. It is no use a few Harijans, a few Christians and a few Muslims sit in the Council or the Assembly. That will not help at all. We cannot blind ourselves to these facts. Our eyes cannot be closed. It is, therefore, that I have proposed in my amendment—I am sorry, I did not read out my amendment to the House when I began to speak on the Motion—that all the constituencies should be multiple, each consisting of a population of at least 2 lakhs and represented by two members. I have also proposed that the colour box system should go and X mark system should be adopted. I think if the Government take a reasonable view, if the Government are not adamant and if they do not stand on what is called 'prestige', they can very well accept my amendments. I would go a step further and say that I shall not be much worried even if they are not accepted by the Government. It would suffice if the Government give an assurance that these proposals will be kept in view at the proper time so that a reasonable representation may be vouchsafed for the minorities.

" Sir, I would now come to the conduct of elections. My Hon. Friend, the Finance Minister, said that nobody ever tampered with elections. Sir, my own experience is—I would request the Finance Minister to pardon me—that there has been very much tampering in certain places and I have myself been once a victim of such tampering. In the year 1934 . . . "

THE HON. SRI B. GOPALA REDDI :—" At least the Congress Party had no difficulty in fighting elections when the Justice Party was in power in spite of their occupying office."

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JANAB ABDUL LATIF FAROOKHI :—" I am not concerned with the Congress Party or the Justice Party or the bureaucratic party which is gone. I am speaking of things in general. I say that the Government should place sufficient safeguards to ensure fair elections . . . "

DR. A. LAKSHMANASWAMI MUDALIYAR :—" May I request the Leader of the Opposition to enlighten us as to how elections were tampered with? "

JANAB ABDUL LATIF FAROOKHI :—" I am thankful for the interruption. (Laughter.) I stood for election to the Central Assembly in 1934. In 1926 also I stood for election when I had four rival candidates and I won the election polling many more votes than were polled by all the other candidates put together. But in the later election I was defeated by five votes. I then opposed the Congress candidate—Mr. Umar Ali Sahib. The reason for my defeat was that one of the ballot boxes was sent away from one constituency to another. And even during polling I had to intervene on several occasions when the polling officer was inclined to show favour to a particular candidate. I had to protest and make representations to higher quarters. The box which was sent away to another constituency contained eight votes for me and all of them were declared invalid. I then had to make an election petition to His Excellency the Viceroy by paying Rs. 1,000 . . . "

THE HON. SRI B. GOPALA REDDI :—" What was the result? "

JANAB ABDUL LATIF FAROOKHI :—" I had to point out where my box went. I was a candidate representing the whole of Andhra and Ceded Districts . . . "

MR. CHAIRMAN :—" I would request the hon. Member not to show his back to me and speak. (Laughter.) Is it his case that the box was sent to another constituency by design? "

JANAB ABDUL LATIF FAROOKHI :—" That is what I felt and even now feel. (Laughter.) I still feel that the invalid votes should have been taken into account while announcing the result. I made several protests and yet nobody would listen to them. Everybody turned a deaf ear. There were as many as 600 polling stations . . . "

DR. A. LAKSHMANASWAMI MUDALIYAR :—" May I submit, Sir, that according to the hon. Member he polled more votes than were polled by all his four rivals put together in the 1926 election and that in 1934, even if he had won, he would have won only by three votes? Does it not clearly show that the hon. Member did not enjoy the same confidence in 1934 as he did in 1926? " (Laughter.)

JANAB ABDUL LATIF FAROOKHI :—" I won by a sweeping majority in the first election because votes were divided . . . "

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MR. CHAIRMAN :—" As the hon. Member says, there were as many as 600 polling stations and so it is possible that one box may be sent to a particular place by mistake. Why should he say it is by design? "

JANAB ABDUL LATIF FAROOKHI :—" I could understand such wrong despatch had I not had occasion to witness the behaviour of the polling officers towards particular candidates . . . "

THE HON. SRI B. GOPALA REDDI :—" How can the Government help it? The polling officers will always be there."

MR. CHAIRMAN :—" Polling officers will be there always. The only point to be considered is, 'do we expect any democratic Government of the present day to openly or surreptitiously tamper with elections.' Is it not reasonable and fair to examine whether such things take place in any part of the world where during elections one of the rival parties is in power, and whether such an interference proved detrimental to the interests of other parties? "

JANAB ABDUL LATIF FAROOKHI :—" I do not blame the Government. I want them to give proper guidance to the people . . . "

MR. CHAIRMAN :—" That they will surely."

JANAB ABDUL LATIF FAROOKHI :—" I do not say that the Government will wilfully tamper with elections. What I want them to do is, they should instruct their subordinate officers who happen to be polling officers that they should not take sides. Recently a conference of all parties in opposition to the Congress was held in Bombay which has sent in a representation to the Government of India asking for fair elections. The parties in conference did not think that the Hon. the Prime Minister of India would stoop to such a low level of tampering. But they feared that instructions given by the Government would not be properly carried out by the polling officers. That is why they waited in deputation on the Prime Minister . . . "

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Sir, I am sorry to interrupt my hon. Friend. May I invite his attention to Article 324 (6) of the Constitution which says :

"The President, or the Governor or Rajpramukh of a State, shall, when so requested by the Election Commissioner, make available to the Election Commissioner or to a Regional Commissioner such staff as may be necessary for the discharge of the functions conferred on the Election Commission by clause (1)."

So, it is obvious that the Government does not come into the picture at all. It is the duty and the responsibility of the Governor of the State to make available to the Election Commissioner such staff as is required. All statement about the polling officers made by my hon. Friend is unfair. The question of polling officers acting at the behests of the Government will not therefore arise."

JANAB ABDUL LATIF FAROOKHI :—" I know what the Governor is in the present set-up. He acts on the advice of the Ministers and therefore, I say that they must guide the Governor

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properly (laughter). . Sir, I have heard the speech of the Finance Minister and it was very graceful and very informing. I would now request him to accept my amendments."

SRI M. D. T. KUMARASWAMI MUDALIYAR :—" Sir, I second the amendments."

MR. CHAIRMAN :—" As there are many members to speak discussion on the motion will be continued to-morrow. The House will now adjourn to meet at 2-30 p.m. to-morrow."

The House then adjourned.

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

1. *Appropriation Accounts, 1947-48 and the Audit Report, 1949, and corrections to the Appropriation Accounts, 1947-48 and Audit Report, 1949.*

2. *Finance Accounts, 1947-48 and the Audit Report, 1948.*

3. *Bills passed by the Assembly and received therefrom in the Council—*

(1) *The Madras Weights and Measures (Amendment) Bill, 1950.*

(2) *The Dangerous Drugs (Madras Amendment) Bill, 1950.*

(3) *The Andhra University Amendment Bill, 1950.*

(4) *The Indian Criminal Law (Madras) Amendment Bill, 1950.*

(5) *The Legal Practitioners (Madras Amendment) Bill, 1950.*

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APPENDIX I.

[Vide item V on page 92 supra.]

A Bill to amend the Madras Weights and Measures Act, 1948.

(As passed by the Assembly.)

WHEREAS it is expedient to amend the Madras Weights and Measures Act, 1948, for the purpose hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Madras Weights and Measures (Amendment) Act, 1950.

2. In the Madras Weights and Measures Act, 1948, after section 20, the following section shall be inserted, namely :—

Insertion of new section 20-A in Madras Act XXII of 1948.

" 20-A. During a period of two years commencing on the date with effect from which the provisions of this Act other than section 1 are applied to any areas in the State—

Sections 8, 9 and 20 not to apply to the pagoda weight

(i) nothing contained in section 8 shall, in such area, apply to the pagoda weight, that is to say, a weight equivalent to 54.79 standard grains, or to any weighing instrument calibrated with reference to such weight; and

(ii) nothing contained in sections 9 and 20 shall be deemed to prohibit the use or possession in such area, of such pagoda weight or weighing instrument, for the purpose of transactions or dealings in, or contracts relating to, gold or silver."

APPENDIX II.

[Vide item V on page 96 supra]

A Bill further to amend the Dangerous Drugs Act, 1930, in its application to the State of Madras.

(As passed by the Assembly.)

WHEREAS it is expedient further to amend the Dangerous Drugs Act, 1930, in its application to the State of Madras, for the purpose hereinafter appearing; It is hereby enacted as follows :—

1. (1) This Act may be called the Dangerous Drugs (Madras Amendment) Act, 1950.

Short title and extent.

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

2. In sections 29 and 30 of the Dangerous Drugs Act, 1930, for the words "Excise Department", the words "Excise or Prohibition Department" shall be substituted.

Amendment of sections 29 and 30, Central Act II of 1930

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APPENDIX III.

[Vide item V on page 96 supra]

A Bill further to amend the Andhra University Act, 1925.

(As passed by the Assembly.)

WHEREAS it is expedient further to amend the Andhra University Act, 1925, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Andhra University (Amendment) Act, 1950.

Amendment
of Madras
Act II of
1926.

2. In the Andhra University Act, 1925 (hereinafter referred to as the said Act)—

Madras A
II of 1926.

(i) in section 18, under the heading "Class II—Other Members", in clause (3), for the words "one shall be a person recommended by the Maharaja Saheb of Jeypore", the words "two shall be persons recommended by the Maharaja Saheb of Jeypore", and for the words "a person shall be so nominated on the recommendation of the Maharaja Saheb" occurring in the proviso, the words "two persons shall be so nominated on the recommendation of the Maharaja Saheb" shall be substituted;

(ii) in section 19-A, in clause (4), for the words "the member nominated to the Syndicate on the recommendation of the Maharaja Saheb of Jeypore", the words "a member nominated to the Syndicate on the recommendation of the Maharaja Saheb of Jeypore" shall be substituted.

Temporary
Amendment
of section 18,
Madras Act
II of 1926.

3. Until the reconstitution of the Syndicate next after the commencement of this Act, or if before such reconstitution one of the four members of the Syndicate who were nominated by the Chancellor otherwise than on the recommendation of the Maharaja Saheb of Jeypore or his successors vacates office, until the date on which such vacancy occurs, clause (3) under the heading "Class II—Other Members" in section 18 of the said Act shall have effect as if for the words "five persons" occurring therein, the words "six persons" were substituted.

APPENDIX IV.

[Vide item V on page 97 supra]

L.A. BILL No. 17 OF 1950.

(As passed by the Assembly.)

A Bill further to amend the Indian Criminal Law Amendment Act, 1908, in its application to the State of Madras.

WHEREAS it is expedient further to amend the Indian Criminal Law Amendment Act, 1908, in its application to the State of Madras, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Central
XIV of
1908.

Short title
and extent.

1. (1) This Act may be called the Indian Criminal Law Amendment (Madras) Act, 1950.

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

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2. In section 16, sub-section (3), of the Indian Criminal Law Amendment Act, 1908 (hereinafter referred to as the said Act), for clause (5), the following clause shall be substituted, namely:—

"(5) which has been declared by the State Government by notification in the Official Gazette to be unlawful on the ground (to be specified in the notification) that such association—

- (i) constitutes a danger to the public peace, or
- (ii) has interfered or interferes with the maintenance of public order or has such interference for its object, or
- (iii) has interfered or interferes with the administration of the law, or has such interference for its object."

3. For section 16 of the said Act, the following sections shall be substituted, namely:—

Substitution
of new
sections for
section 16,
Central Act
XIV of 1908.

"16. (1) A notification issued under clause (b) of sub-section (2) of section 15 in respect of any association shall—

(a) specify the ground on which it is issued, the reasons for its issue, and such other particulars, if any, as may have a bearing on the necessity therefor; and

(b) fix a reasonable period for any office-bearer or member of the association or any other person interested to make a representation to the State Government in respect of the issue of the notification.

(2) Nothing in sub-section (1) shall require the State Government to disclose any facts which it considers to be against the public interest to disclose.

16-A. (1) After the expiry of the time fixed in the notification for the making of representations in respect of the issue thereof, the State Government shall place before an Advisory Board constituted under sub-section (2) a copy of the notification and also of the representations, if any, received before such expiry.

Reference to
Advisory
Board and
cancellation
or modification
of notification.

(2) The State Government shall, whenever necessary, constitute one or more Advisory Boards; and each such Board shall consist of three persons who are, or have been, or are qualified to be appointed as, Judges of the High Court, and one of them shall be its Chairman. The Chairman and the other members of each Board shall be appointed by the State Government.

(3) The Advisory Board shall, after considering the materials placed before it and, if necessary, after calling for such further information as it may deem fit from the State Government or from any office-bearer or member of the association concerned or any other person, submit its report to the State Government.

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(4) The report of the Advisory Board shall specify in a separate part thereof its opinion or that of the majority of its members as to whether or not there was sufficient cause for the issue of the notification in respect of the association concerned.

(5) Nothing in this section shall entitle any person to attend in person or to appear by any legal representative in any matter connected with the reference to the Advisory Board, and the proceedings of the Advisory Board and its report, excepting that part thereof in which its opinion or that of the majority of its members is specified, shall be confidential.

(6) In any case where the Advisory Board or a majority of its members has reported that there is no sufficient cause for the issue of the notification in respect of the association concerned, the State Government shall cancel the notification in respect of such association."

Amendment
of section
17-A,
Central Act
XIV of 1908.

4. In section 17-A of the said Act, after sub-section (2), the following sub-sections shall be inserted, namely :—

"(2-A) Any person aggrieved by a notification issued under sub-section (1) in respect of any place may, within thirty days from the date on which such notification is published in the Official Gazette, apply to the District Judge of the district in which such place is situated, or if such place is situated in the Presidency-town, to the Chief Judge of the Small Cause Court, for a declaration that the place has not been used for the purposes of any unlawful association and if such District Judge or Chief Judge makes such declaration, the State Government shall cancel the notification in respect of the place.

(2-B) In disposing of an application under sub-section (2-A), the procedure to be followed shall be the procedure laid down in the Code of Civil Procedure, 1908, for the investigation of claims so far as it can be made to apply; and the decision of the District Judge or Chief Judge of the Small Cause Court, as the case may be, shall be final."

Amendment
of section
17-F,
Central Act
XIV of 1908.

5. In section 17-F of the said Act, for the words, figures and letters "save as provided in sections 17-B and 17-E", the words, figures and letters "save as provided in sections 17-A, 17-B and 17-E" shall be substituted.

Saving.

6. (1) All notifications issued in respect of associations by the State Government before the commencement of this Act under section 16 of the said Act and not cancelled before such commencement shall, as from such commencement, have effect as if they had been issued under section 15 (2) (b) of the said Act as amended by this Act :

Provided as follows :—

(i) In the case of every association to which any such notification applies, the State Government shall issue

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a supplementary notification as soon as may be after the commencement of this Act, specifying the ground, the reasons and the particulars, if any, referred to in section 16 (1) (a) of the said Act as amended by this Act, and fixing a reasonable period for the making of the representations referred to in section 16 (1) (b) of the said Act amended as aforesaid ;

(ii) the procedure prescribed by section 16-A of the said Act, as amended by this Act, shall be followed thereafter.

(2) All notifications issued by the State Government before the commencement of this Act under section 17-A of the said Act and not cancelled before such commencement shall, as from such commencement, be deemed to have been issued under section 17-A of the said Act as amended by this Act :

Provided that an application may be filed under section 17-A (2A) of the said Act as amended by this Act in respect of any such notification within thirty days from the commencement of this Act.

(3) All other notifications and orders issued before the commencement of this Act under any other provision of the said Act and not cancelled before such commencement shall, as from such commencement, have effect as if they had been issued under the corresponding provision of the said Act as amended by this Act.

APPENDIX V.

[Vide item V on page 123 supra.]

L.A. BILL No. 15 OF 1950.

(As passed by the Assembly.)

A Bill further to amend the Legal Practitioners Act, 1879, in its application to the State of Madras.

Central Act
XVIII of
1879.

WHEREAS it is expedient further to amend the Legal Practitioners Act, 1879, in its application to the State of Madras, for the purpose hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Legal Practitioners Short title. (Madras Amendment) Act, 1950.

Central Act
XVIII of
1879

2. To section 25 of the Legal Practitioners Act, 1879, the following further proviso shall be added, namely :—

"Provided further that no stamped paper shall be required for the renewal of a certificate to practise as a pleader granted to a person who had enrolled himself for life as a vakil of the Chief Court, Pudukkottai."

Amendment
of section
25, Central
Act XVIII
of 1879.

I certify that this is a Money Bill.

J. SIVASHANMUGAM PILLAI,

[7th August 1950]

APPENDIX VI.

[Vide answer to starred question No. 6, asked by Sri R. Suryanarayana Rao, at the meeting of the Legislative Assembly, held on 7th August 1950, page 88, supra.]

G.O. No. 1097, Health, 25th March 1950.

[Town-planning—Report of the Madras Provincial Town-Planning Enquiry Committee—Recommendations—Orders passed.]

READ—the following paper :—

G.O. No. 3578, P.H., dated 29th October 1947.

Order—No. 1097, Health, dated 25th March 1950.

In October 1947, the Government constituted a committee to report on the amendments to the Town-Planning Act, 1920, with a view to ensure the expeditious execution of town-planning schemes, the methods of rationalising the levy of betterment contribution, the methods for organizing Town-Planning departments, the provision of adequate technical staff, the financing of schemes, etc., and also to draft, if considered necessary, a comprehensive Town-Planning Bill. The Committee has submitted a comprehensive report on all matters concerning town-planning. The Committee did not take up the task of drafting a comprehensive Bill as, in its opinion, the Government should take it up with proper technical and legal advice after the consideration of the report. It has, however, suggested certain amendments to the Town-Planning Act and the Town-Planning Rules. The Government have carefully examined the recommendations of the Committee and they proceed to pass orders on the recommendations as shown in the appendix to this order.

(By order of His Excellency the Governor)

T. M. S. MANI,
Secretary to Government.

[7th August 1950]

APPENDIX.

Recommendations of the Town-Planning Enquiry Committee.

(1)

1 Research on town-planning should be undertaken with special reference to town-planning in ancient India.

2 A simplified form of the general town-planning schemes should be adopted and the Madras Town-Planning Act, 1920, should be amended so as (a) to make the preparation, publication, sanction and enforcement of such schemes statutorily obligatory within a fixed time-limit, (b) to provide for the manner of preparation, publication, etc., as in the case of detailed town-planning schemes and (c) to include in the schemes, matters mentioned in section 4 of the Act.

3 It is desirable that a general town-planning scheme should be prepared in respect of every local area which is administered by either a municipal council or a panchayat board.

4 The preparation of the draft scheme (Master plan) should be carried out in the initial stages by the Director of Town-Planning, who should be given adequate technical and other staff as may be necessary.

Orders of Government.

(2)

The Government consider that it is not necessary for a State Government to undertake the research work in town-planning.

The Government consider that no time-limit need be fixed in the Act itself and that it would be sufficient to take power under the Act to fix such time-limit, as the Government may consider necessary from time to time, on the merits of each case. Subject to this, they propose to take steps to amend the Madras Town-Planning Act, 1920, with a view to give effect to the recommendation.

Under section 8 of the Act, it is obligatory on the part of municipal councils to prepare general town-planning schemes. The Government propose to make provision in the Town-Planning Act for compelling all panchayats, which are urban in nature and where staff and other facilities exist, to prepare general town-planning schemes.

The Government consider that schemes should be prepared by local authorities as at present with the assistance of the office of the Director of Town-Planning in difficult cases. But the position will be reviewed when the financial position of the State improves and the paucity of trained town-planning staff ceases to exist.

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Recommendations of the Town-Planning Enquiry Committee.

(1)

5 The provisions of the Government Buildings Act, the Indian Railways Act, the Indian Electricity Act and other laws and rules which grant exemptions to all developments including building operations undertaken or carried out by Government departments, statutory undertakings or other public bodies from the Madras Town-Planning Act, 1920, the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, should be amended by deleting such exemptions.

6 Any transfer of property within the area of the general town-planning scheme should be registered by the Registration department only when it is accompanied by a certificate to be granted by the executive authority of the local planning authority, to ensure that the proposed transfer does not contravene any of the provisions of the general town-planning scheme or any detailed town-planning scheme sanctioned or under preparation or any of the provisions of the Madras Town-Planning Act, or any of the provisions relating to street making, layouts and building regulations, i.e., Chapters IX and X of the Madras City Municipal Act and the Madras District Municipalities Act.

7 The general town-planning scheme may be in respect of the entire municipal or panchayat area and a belt area all round and such suburban or satellite areas (if any), as may be necessary.

The Government do not consider that they need take any action on this recommendation. The local authorities concerned should move the appropriate authorities for inclusion of the areas in their vicinity in the general town-planning schemes.

The matter is under consideration and orders will be issued separately.

Orders of Government.
(2)

The schemes of Government departments are prepared by competent authorities and therefore the Government do not consider that it is necessary to accept this recommendation at present.

8 From the date of publication of a general town-planning scheme, all developments shall be controlled by the executive authority on the lines of the draft scheme prepared by the Director of Town-Planning until the sanction of the final scheme by the Government. Thereafter, the control shall be exercised by the executive authority in accordance with the sanctioned scheme.

In view of the orders on item 2 above, no separate orders are required on this recommendation.

9 Any person, whose property is injuriously affected by any refusal to grant the permission applied for under the provisions of section 17 of the Act, shall, if he makes a claim for the purpose within the time, if any, limited by the general town-planning scheme not being less than three months after the date of publication of the final scheme, be entitled to obtain compensation in respect thereof from the local planning authority.

The object of the Committee will be achieved when action is taken as proposed under item 2 above.

10 (a) The Town-Planning Act should be made into a Town and Country-Planning Act, so as to be automatically applicable to any area within the Province.

The Government do not accept this recommendation. The action proposed under item 3 is adequate for the present.

(b) The extension of the principles of town-planning to the countryside and the undertaking of schemes for various regional areas can be achieved only by a more comprehensive Town and Country-Planning Act on the lines of the English Town and Country-Planning Act.

The Government do not consider that legislation as recommended by the Committee is necessary, in the financial and other conditions relating to staff, etc., existing in this State.

11 No scheme should be allowed to get time barred.

In view of the lack of qualified technical staff, the Government do not consider that any change in the existing procedure is feasible at present.

Recommendations of the Town-Planning Enquiry Committee.

(1)

12 Consistent with the need for adopting a particular procedure, a great deal of simplification should be effected to expedite the sanction of a scheme and the rules may be revised suitably so that it may be possible for a scheme to be published and sanctioned within the period recommended by the Committee.

13 The schedule of ownership which accompanies a scheme should furnish the names of owners also as it would help people to know or identify their property much better than if only the survey numbers and extents are given. The local planning authorities should maintain a separate register for each scheme showing the correct names of owners incorporating the changes occurring from time to time.

14 Long delays now taking place with the Government and their departments after submission of the schemes should be avoided as far as possible.

15 Ordinarily about 150 acres would be a proper area for a detailed town-planning scheme subject to departures wherever necessary.

16 Slum clearance schemes, schemes for the improvement of insanitary and unhealthy areas, replanning or rebuilding of existing built-up areas, etc., can and should be undertaken under the provisions of the Town-Planning Act and that necessary amendments to the Act should be made.

17 All land development, housing, slum clearance, etc., schemes undertaken by whatever authority should be approved by the Provincial Ministry of Government.

18 The Town-Planning Act should be suitably amended so as to define in a more specific manner the constitution and working of the Joint Town-Planning Boards, their jurisdiction and extent of authority over the area of the Joint Scheme, their Joint responsibilities and powers and also the specific type or types of Joint Town-Planning Scheme or Schemes that may be taken up by such Boards for preparation, execution and control.

19 If building applications are disposed of within the time prescribed, the chances of unauthorized buildings springing up will be lessened.

20 Adequate training facilities should be afforded to produce large number of competent architects, engineers, etc.

21 Steps should be taken to ensure that lay-outs and building plans are prepared by qualified Town-planning architects, engineers, draftsmen or surveyors licenced for the purpose. Provision should be made for the registration of qualified and licenced architects, etc.

Orders of Government.

(2)

The Government do not consider that any change in the existing procedure is necessary at present.

In view of the provisions of section 13 (1) (b) of the Town-Planning Act, no further action is required in respect of the first part of the recommendation. As regards the second part, the Government consider that in order to enable the arbitrator to give notices to the correct owners, it is necessary that the executive authority should maintain a separate register of all transfers of property intimated to him under rule 66 of the Town-Planning Rules and make a timely report of all such transfers to the Arbitrator after he is appointed. The question of amending the Town-Planning Rules in this regard is under consideration.

There are no avoidable delays at present.

The Government do not consider it desirable to have a fixed area for all town-planning schemes arbitrarily. They command this recommendation to local bodies for adoption wherever possible.

Most of the types of schemes referred to by the Committees can be undertaken by the local planning authorities in accordance with the existing provisions in section 4 of the Town-Planning Act. The Government do not therefore consider that an amendment of the Act is necessary.

The Government do not accept this recommendation as it will discourage private enterprise and will throw considerable unnecessary work on Government Departments.

The Government agree with the Director of Town-Planning that no action is required in this matter at present as various reforms in the field of local administration are under consideration.

All local bodies are informed that applications for lay-outs, street making and building constructions should be dealt with promptly and disposed of within the prescribed time-limit. If the applications, etc., are not disposed of within the prescribed time-limit, executive authorities should send a report to the Director of Town-Planning immediately who should investigate and report to Government if any further action is required.

The recommendation is under consideration and orders will issue separately.

All local bodies including panchayats are requested to adopt the model by-laws relating to licensed surveyors, etc., approved in G.O. No. 413, P.H., dated 13th December 1948. The question of registration of qualified architects is under consideration.

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Recommendations of the Town-Planning Enquiry Committee.

(1)

22 Streets' appearance should receive adequate consideration.

23 The provisions contained in the Madras City Municipal Act, or the Madras District Municipalities Act regarding control or layout of towns and villages and street by-laws and Building Rules made under the Acts are inadequate and unsuitable to meet the modern town-planning requirements.

24 The need for incorporating the provisions relating to street control and building regulations in the Town-Planning Act itself should be examined in detail and should be gone into separately.

25 In all matters relating to laying out or subdivision of lands into sites for building purposes and of making streets by private parties or by private societies or firms, etc., the approval of the layouts should be by the executive authority and not by the municipal council or committee and in granting such approval the executive authority should consult the Director of Town-Planning and act upon his advice irrespective of whether such layout falls within a town-planning area or not. Provisions to this effect should be made in the expanded Town and Country-Planning Act.

26 Housing occupies an important place in the framework of town and country-planning and comprehensive housing legislation is required to secure co-ordination and for fitting the various schemes into the general framework of town-planning.

27 The Town-Planning Act should be expanded so as to ensure proper and co-ordinated development of trunk roads and highways whether they run through or outside towns and villages and effective control of Ribbon Development which follows in the wake of the development of roads and communications throughout the province or country. Provision should be made in the Act for adequate means and facilities and power to secure such object under the schemes framed under the Act which may cover large areas through which the highways pass more or less for the various regions of the Province.

28 The determination of competing claims and the allocation of land for the various requirements must proceed on the basis of selecting the most suitable land for a particular purpose irrespective of the prevailing values and prospects attached to individual plots of land.

The law should be specific that no compensation for injurious affection shall be payable by a local planning authority as a result of such reservation and prevention of particular use of land.

Orders of Government.

(2)

Attention of the Madras Corporation and other municipal and panchayat authorities is invited to the provisions of sections 231 (1) (a) of the City Municipal Act and 193 (1) (a) of the Madras District Municipalities Act, 1920. The Government wish to impress on local bodies the need and importance of making use of these provisions.

The Government consider that no specific orders are necessary in the matter. The local bodies should frame proper by-laws and when a 'Building Code' the preparation of which is engaging the attention of Government, is actually prepared, local bodies will have proper direction in the matter.

The question of framing suitable by-laws to control development in Town-Planning and other areas and also of amending the Madras Town-Planning Act, 1920, the Madras District Municipalities Act, 1920; and the Madras City Municipal Act, 1919, in order to remove over-lapping of functions under present provisions will be considered after the proposed new Panchayats Act is passed and new panchayats have been constituted.

Local bodies should strictly observe the instructions issued in G.O. No. 1920, Public Health, dated 26th May 1939. No amendment to the Town-Planning Act is considered necessary.

The recommendation is under the consideration of the Government.

The matter is under consideration.

The Government consider that the existing provisions, particularly sections 4 (k) and (m) and 22 (i) of the Madras Town-Planning Act are quite adequate and they see no reason to accept the Committee's recommendation.

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29 The method of merely setting apart particular areas within the municipalities and the panchayat areas for industrial purposes under section 4 (k) and (n) of the Town-Planning Act will not properly and effectively meet the requirements and facilities needed for industrial development in this country which should be based on a more comprehensive and positive planning policy and programme.

30 The local planning authorities should make provision for the housing of industrial workers with a view to prevent the development of insanitary and congested cherais and colonies in the vicinity of industrial buildings. Suitable housing schemes should be formulated for this purpose by local planning authorities in co-operation with owners of industries.

31 The Town-Planning Act and the Rules should be amended to contain provisions in respect of all matters of town-planning which should be applicable to all kinds of development in towns and villages as a matter of normal requirement and enforceable throughout their areas irrespective of the existence or otherwise of a town-planning scheme.

32 Suitable rules which are of ordinary application in towns and villages may be made by Government for the normal regulation of development.

The Government do not consider it necessary to accept the recommendation. The question however as to whether prior approval of the Director of Town-Planning for lay-outs for factories is necessary is being examined separately.

The Government accept the recommendation. All local authorities are informed that while framing Town-Planning Schemes they should bear in mind the need for providing housing for industrial labour wherever possible.

The Government consider that most of the development contemplated by the Committee may be controlled by framing model by-laws and that the question of framing suitable by-laws may be taken up after the new Panchayat Act has come into force so that the enforcement of the provisions of the proposed by-laws may be entrusted to the proper authorities, namely, the Panchayats.

In view of the orders on recommendation No. 31 no action on this recommendation is necessary.

33 For the successful carrying into effect of a Town-Planning Scheme it is necessary that some control is exercised over development during the interim period between the notification under section 10 or 12 and until the scheme is prepared, published, submitted and finally sanctioned by Government under section 14, by making suitable amendments to section 17 of the Act. The Committee recommends that the section may be recast as follows:—

(1) After the publication of a notification under section 10 or section 12, no person shall erect or proceed with any building or work on or enter into or carry out a contract in respect of land within the area included in the scheme unless he has applied for and obtained permission from the executive authority of the local planning authority.

(2) If the executive authority omits for two months from the date of receipt of such application to communicate to the applicant any order thereon, or, if within the said period he has received an order which does not fully comply with the application, the applicant shall have a right of appeal to the local planning authority. Such an appeal shall be filed within thirty days from the date of the receipt of the order or from the date of expiry of the period of two months aforesaid, as the case may be.

The Government agree generally that suitable amendments to the Act are necessary. The question of amending the Town-Planning Act with reference to the recommendations is being pursued.

- (3) Such planning authority shall pass on the appeal such order as it deems fit within two months from the date of receipt of such appeal. Such order shall be final. If, however, no such order is passed within the said period of two months, the applicant shall be deemed to have been granted the permission applied for.

The Committee also recommends that—

- (i) the reasons for refusing applications should be stated by the executive authority (or appellate authority);
- (ii) to overcome the difficulty in enforcing the orders of the executive authority a sub-clause (4) may be added to section 17 on the lines of section 19 (1);
- (iii) provision should be made to prevent the granting of conditional licences;
- (iv) provision should be made to overcome the difficulties created by the parties often raising legal objections and resorting to litigation with a view to gain time and to circumvent rules;
- (v) A short report or pamphlet giving a summary of the essential provisions and the powers under the Act and a clear statement about the proposed scheme should be prepared in consultation with the Director of Town-Planning, and placed at the service of members of the local authority and the owners of land and other interested persons.

As regards item (v), executive authorities of local bodies are requested to prepare along with the preparation of Town-Planning Schemes a short report or pamphlet giving a summary of the essential provisions of the Act and a clear statement about the proposed scheme in consultation with the Director of Town-Planning and place it at the service of the members of the local authority and the owners of land and other interested persons.

[7th August 1950]

- 34 In cases where a Town-Planning Scheme is being made by a local planning authority for an area outside its limits, the payment of licence fees cannot be insisted on and permission under the Madras District Municipalities Act or the Madras City Municipal Act is not necessary. The proper course in such cases is to extend to such areas the relevant provision of the Municipal Act.

The Government consider that provisions of section 39 (3) of the Madras Town-Planning Act, may be availed of to secure the object which the Committee has in view. Local bodies should, when submitting draft Town-Planning Schemes for the sanction of Government, specify also the areas in respect of which the extension of the Madras City Municipal Act or the Madras District Municipalities Act, as the case may be, may be necessary.

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- 35 Provision as in section 17 (as re-drafted by the Committee) should be included under section 18 for dealing with applications received after sanction. It is also necessary to make provision in section 18 to require the executive authority to state the reasons for refusing an application.

The Government agree with the Committee. The question of amending the Town-Planning Act is under consideration.

- 36 Section 19 of the Town-Planning Act should be entirely re-drafted as the wording of it is not quite happy and as it is vague and indefinite.

The Government agree with the Committee. The question of amending the Town-Planning Act is under consideration.

The Committee recommends that the following amendment may be made to section 19 :—

In sub-section (3) of section 19 the words “and may be enforced” in the first sentence, shall be deleted.

And the following sentence shall be inserted as the second sentence :—

“If such work is still not carried out within the time specified, the executive authority or responsible authority, as the case may

be, may, if he thinks fit, execute it and the expenses incurred shall be paid by the owners or occupiers in default, and such expenses shall be a first charge on the property on which it is due subject to the prior payment of land revenue, if any, due to the Government thereon and shall be paid in such instalments and manner as may be prescribed."

37 A rule should be framed by Government that before the local planning authority submits a scheme for sanction its local officers such as Public Health, Engineering, etc., should be consulted.

38 A local planning authority must have a constructive programme for the execution of the works proposed in a Town-Planning Scheme within a period of two to five years or more according to circumstances and a chart or schedule showing the order in which the various items of work proposed in the scheme should be taken up and executed year after year and the possible means of financing these and the amount of loans, if any, required from time to time. Such programme should be prepared in advance and incorporated in the scheme and the local planning authority or responsible authority should be bound by the scheme to carry out the works according to such programme.

39 Section 22 of the Town-Planning Act may be amended with a view to avoid certain inconsistencies.

40 No specific particulars or details are furnished in Town-Planning Schemes of the limitation and scope of the claims for injurious affection liable to be made by owners and other interested persons. It is desirable that the draft scheme gives as far as practicable full particulars of the limitation and scope of such claims and the local planning authority submitting the scheme should work out the details of the possible claims for such compensation and make adequate provision for them in the schedule of the estimate of cost.

41 The system of Arbitration provided in Chapter V of the Act should be eliminated and claims for compensation for injurious affection should be filed before the executive authority of the local planning authority in such manner as may be prescribed and he may be empowered under the Act to decide upon the claims made after making proper enquiries. The parties may be given a right of appeal to a Civil Court against the decision of the executive authority and the decision of the court shall be final and binding on all persons.

42 Claims for compensation for injurious affection must be made only when works under the scheme have been sufficiently advanced or completed and certified by a competent authority and within a period to be fixed in the scheme not exceeding two years from the date of obtaining such certificate. This period fixed in the scheme for making any claim for injurious affection shall be brought to the notice of the

The Government do not consider that a rule need be made. All local planning authorities are requested to consult their local public health, engineering, and other concerned officers before they submit schemes for the sanction of Government.

The question of amending the Madras Town-Planning Rules with a view to give effect to this recommendation is under consideration.

The Government observe that the recommendations are based on a misapprehension of the provisions of the Act. They do not therefore consider that an amendment of section 22 of the Act is necessary.

The Government accept the recommendation. The question of amending the Madras Town-Planning Rules is under consideration.

The Government have decided that no change in the existing practice is necessary.

The Government accept the recommendation. The question of amending the Town-Planning Act and the rules framed under the Act with a view to give effect to this recommendation is under consideration.

Recommendations of the Town-Planning Enquiry Committee. (1)

public in the notification of the Government sanctioning the scheme when it is published in the official gazette and also by publication of a notice in a local language newspaper.

43 Appeal to a Civil Court against the decision of the executive authority of a local planning authority in regard to the claims for injurious affection shall be made within sixty days from the rejection of the claim in whole or in part by the executive authority.

44 It should be open to the executive authority of a local body to enter into any agreement with a claimant in regard to the manner of payment of compensation whether by instalments or otherwise, or he may, instead of paying compensation adopt any other alternative method to avoid or mitigate payment.

45 The exact relationship that should exist between the executive authority and the local planning authority in the matter of disposal of claims for compensation should be specified to avoid future difficulties. In the settlement of claims for compensation the executive authority should be associated with a local committee of rate payers where such a committee already exists or which may be constituted for the purposes and such committee may be represented by Counsel before the executive authority or courts.

La

46 It is advisable wherever possible that in the interests of quick and easy preparation of schemes the local planning authorities should take up schemes for wholesale acquisition and development. This would go a long way to accelerate housing development.

47 Not only should a local planning authority have powers of compulsory acquisition of required lands in Town-Planning Schemes after their sanction but such powers should also be available even before the schemes are sanctioned or at any time after the first notification under section 10 or 12 has been made.

48 A local planning authority should be empowered to acquire land necessary for housing persons displaced by any Town-Planning Scheme (such rehousing being carried out as part of the scheme itself).

49 It is important that the lands required for a Town-Planning Scheme are acquired within the time specified in section 34 of the Town-Planning Act.

Orders of Government. (2)

The Government do not accept this recommendation. The present limit of three months is not excessive.

The question of introducing a rule in the Town-Planning Rules with a view to give effect to the recommendation is under the consideration of the Government.

The Government do not accept this recommendation.

Local planning authorities are requested to take a comprehensive view in regard to the acquisition of land for town-planning purposes and to acquire as much land as will be required for the smooth execution of Town-Planning Schemes. The Government however consider that there can be no point in the local planning authorities acquiring land which is not likely to be needed for, or is not involved in the schemes.

The Government accept the recommendation. But they consider that the actual acquisition and the extent of land to be acquired should be decided with reference to the facts of each case, the funds available with the local bodies, the possibility of the danger of locking up of funds, etc. They consider that such power to acquire land should be exercised only with the sanction of the Government as usual.

The Government do not consider it necessary to approve the first portion of this recommendation. The question of amending the Town-Planning Act with a view to give effect to the latter part of the recommendation is under consideration. Necessary executive instructions in this regard will be issued after the Act has been amended.

The Town-Planning authorities should, with reference to the urgency of each case, press the authorities concerned to take further steps in the matter of acquisition of land. Each case will have to be dealt with on its merits.

[7th August 1950]

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Recommendations of the Town-Planning Enquiry Committee.
(1)

50 Section 34 of the Town-Planning Act may be amended extending the period of validity of the notification under section 14 of the Act as a declaration under section 6 of the Land Acquisition Act, from 3 years to 5 years.

51 There have been long delays in the time taken for the preparation, publication and sanction of schemes since the date of the first notification and it is recommended that certain modifications may be made to the existing procedure regarding payment of compensation, etc. It is suggested—

(1) in the case of all schemes notified under section 12 on or after 1st January 1944, the governing date for the payment of compensation should be the date of the first notification ;

(2) in the case of notifications made before 1st January 1944, but schemes not sanctioned till now the governing date for the payment of compensation should be the date of sanction of the schemes under section 14 whenever it may be ;

(of course, this recommendation will not affect cases which have been already sanctioned by Government though notified prior to 1st January 1944.)

(3) there is yet another class, i.e., schemes coming under sections 10 and 11 of the Act under which local planning authorities have published draft schemes under section 11, but because there is no provision to compel them to submit the schemes in any specified period, they have unduly delayed the submission of schemes and many years have passed since their publication under section 11. The same rules as stated above should apply for these cases also, viz., that if the section 10 notification was before 1st January 1944, then the governing date for compensation should be the date of sanction under section 14. If it is on or after 1st January 1944, then the governing date for compensation should be the date of section 10 notification.

52 In the interests of its present and future inhabitants the town or village should become the owner of land in undeveloped areas and suburban sections and thus influence their proper development.

53 (i) Adequate statutory provisions should be included in the Town-Planning Act for the various purposes of dealing with or disposal of land owned or acquired by local planning authority by lease sale or otherwise.

Orders of Government.
(2)

The Government do not accept this recommendation.

The Government generally accept the recommendation. The question of amending the Town-Planning Act with reference to this recommendation is under consideration. Necessary instructions in the matter will be issued after the Act has been amended.

The Government do not accept this recommendation.

The Government do not accept this recommendation. The various statutory provisions now existing are sufficient.

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[7th August 1950]

Recommendations of the Town-Planning Enquiry Committee.

(1)

(ii) Adequate powers should be vested in the Government to control and regulate the manner or method of disposal of land and the imposition and enforcement of suitable conditions and restrictions in all cases of such disposal by local planning authority.

54 Local planning authorities must not pursue a highest bidder policy in disposing of their land and they should not become land speculating bodies.

55 The present provisions relating to betterment contribution in sections 23, 24, 25 and 26 of the Town-Planning Act are unsatisfactory under the existing conditions. Alternate proposals regarding the levy of development or improvement charges may be considered.

56 The entire provisions of sections 27 to 29 (the whole of Chapter V) of the Town-Planning Act relating to arbitration should be deleted and the remaining functions which an arbitrator has to perform at present relating to the demarcation of streets, roads and other reserved sites in schemes and also of redistribution of boundaries and reconstitution of plots should also be entrusted to the executive or responsible authority who is generally more conversant with local conditions. It is however suggested that the executive or responsible authority should be enjoined to strictly follow the provisions of the schemes and rules and Act in due consultation with or approval of the Director of Town-Planning. In

Orders of Government.
(2)

As there are already sufficient safeguards, the Government do not consider it necessary to accept this recommendation.

The Government generally accept the recommendation of the Committee. They are however inclined to accept Sri Suryanarayana Rao's view. The question of amending the Town-Planning Act is under consideration.

The Government do not accept the recommendation of the Committee that the entire provisions of sections 27 to 29 of the Town-Planning Act (Chapter V) relating to arbitration should be deleted. The Government are, however, convinced that the present system of arbitration requires some modifications and certain suggestions have been received for improving the present system. The question of amending the Town-Planning Act and the Madras Town-Planning Rules with reference to these suggestions is under consideration.

the case of any objection made by any party on the decision passed by the executive or responsible authority to the demarcation of streets, etc., or redistribution of boundaries or reconstitution of plots, an appeal shall lie to the Government or other specified authority whose decision shall be final and binding on all persons concerned. The Town-Planning Act may make suitable provision for the above matters.

57 The financial provisions in the Town-Planning Act have not been satisfactory and have rendered Town-Planning progress and advancement almost impossible. The State should intervene in the planning and development of our towns and villages, in the rebuilding of slums, improvement and reconstruction of houses, etc., by investment of considerable capital. Suitable provision should be made in the Town-Planning Act to enable every local body for the creation and maintenance of an adequate local Town-Planning fund for meeting the deficits on account of particular schemes and to collect a special Town-Planning tax on properties lying within the local body area and in such additional belt area in the vicinity of such local body area as may be notified by the Government under the Act for the purpose.

The Government are unable to accept the recommendation of the Committee.

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Recommendations of the Town-Planning Enquiry Committee.

(1)

58 Provincial Government in addition to making contributions towards the Town-Planning Fund of Municipal Councils (as recommended elsewhere) should set apart annually a particular sum of money out of the Provincial revenues and constitute a Provincial Town-Planning Fund for the purpose of affording easy facilities to all local planning authorities to obtain the funds they require in connection with the schemes undertaken by them under the Town-Planning Act and for enabling the Government themselves to give loans or grants or such other aid as the case may be, out of such fund to the local planning authorities as and when necessary.

59 Steps should be taken by the Government to establish immediately a separate Ministry for Town and Country-Planning and Housing.

60 The creation of a combined Town and Country-Planning and Housing Board is necessary to co-ordinate the work of Town-Planning and Housing and to advise the Ministry of Town and Country-Planning and Housing in the formulation of policies and programmes of work.

61 The existing strength of officers and staff of the Directorate of Town-Planning and the scales of pay attached to the various posts are inadequate and meagre when compared with the responsibilities and duties attached to them. The Directorate of Town-Planning may be suitably reorganized.

Orders of Government.

(2)

The Government are unable to accept the recommendation.

The Government do not accept the recommendation.

The Government do not accept the recommendation.

The Government do not accept this recommendation. The question of amending the Town-Planning Act and the Town-Planning Rules with a view to give effect to certain suggestions made by the Bhore Committee in this regard will be taken up separately.

62 There should be proper and adequate organization in all municipalities and other local body areas for carrying out Town-Planning works efficiently and expeditiously.

(1) The Committee has recommended the organization required for the various classes of municipalities each under a qualified Town-Planning Officer and has suggested also the scales of pay to be allowed for the posts. The Committee has also made recommendations in paragraph 348 of its Report regarding the set up of the organization for the Corporation of Madras under a qualified Chief Town-Planner and Architect.

(2) All Panchayats with a population of 10,000 and above should employ adequate town-planning staff as recommended by it. It has also suggested that Government should take steps to group the remaining panchayats and rural areas and appoint staff on a district or regional basis to work under District Panchayat Officers or such other suitable agency as Government may direct.

(3) The Town-Planning Officer of each local body should work under the concerned executive authority and should deal with the Central Directorate only through the executive authority and vice versa.

The Government do not accept this recommendation.

[7th August 1950]

Recommendations of the Town-Planning Enquiry Committee.

Orders of Government.

(1)

63 With a view to overcome the difficulty experienced by the Government and the local bodies on account of the paucity of qualified persons for employment as Town-Planning subordinates, the following recommendations are made:

- (i) Institution of degree, licentiate and refresher courses in Town and Country-Planning and other allied subjects in the Engineering Colleges. (The nature of study and syllabuses for the courses have also been suggested.)
- (ii) Importation of persons with necessary qualifications, i.e., at least two Professors in the subject from England or outside, on contract basis for five years for employment in the Engineering Colleges.
- (iii) Deputation of candidates for foreign training in Town-Planning. The Government should depute two Engineering graduates of Madras State every year for special study in Town-Planning and Architecture for a period of five years; i.e., a total of at least ten persons may be deputed.

64 The Government should take very early steps to establish an Institute of Town and Country-Planning and Architecture in Madras simultaneously with the institution of special degree and licentiate courses in Town and Country-Planning.

65 Proper publicity or education of Town and Country-Planning principles and policies should be undertaken for public benefit and enlightened public opinion must be created to ensure successful administration and planning results.

The Government do not accept this recommendation.

The matter is under consideration.

7th August 1950]

The Government do not accept this recommendation of the Committee.

It is however considered that in the event of the Director of Town-Planning bringing to the notice of the Government ineffective Town-Planning works in a municipality the Government may well constitute a Town-Planning Trust in consultation with the municipality concerned in accordance with the existing provisions contained in Chapter IX (sections 45 to 54) of the Town-Planning Act.

66 The Town-Planning Enquiry Committee is not in favour of the proposal for undertaking legislation for the purpose of constituting Improvement Trust Boards in municipal or other local areas. The Committee recommends instead that a separate Town-Planning Board may be created in respect of each local body area by altering the provisions of sections 37 and 45 to 54 of the Town-Planning Act. The Committee also recommends that suitable modification may be made of section 38 of the Act to provide for the constitution of Joint or Regional Planning Boards in respect of two or more local bodies on the same lines as those of the Town-Planning Boards for single local bodies. In exceptional cases Government may take power to create Town-Improvement Trusts on the lines of the Madras City Improvement Trust.

The Government agree with the observation made by the Committee.

67 The levy of a provincial tax on the letting value of immovable properties or a similar tax on the capital invested on new buildings and extensions in urban areas as suggested by the Government will be burdensome and detrimental to house building.

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MADRAS LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

TUESDAY, 8TH AUGUST 1950

VOLUME II—No. 3

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[8th August 1950]

(c) whether the Government have at any time considered the desirability of transferring recruitment to all departments to the Public Service Commission; and

(d) whether there is any proposal to increase the strength of the Public Service Commission?

THE HON. SRI K. MADHAVA MENON (on behalf of the Hon. the Chief Minister):—“(a) It is presumed that the information sought is not merely regarding the departments but also in regard to individual posts or the categories of posts, recruitment to which has been excluded from the Commission's purview. Attention is invited to the list of such posts given in Annexure I to the Madras Public Service Commission Regulations, 1937 at pages 11 to 13 of the Madras Services Manual, Volume I. Besides these posts, the administrative departments of Government concerned have also excluded some posts from the Commission's purview with its concurrence under Regulation 18 (b) of the Commission's Regulations. The Manual is available for reference at the Library of the Madras Legislature and also at the Secretariat Library.

“(b) The principles generally observed in excluding posts from the Commission's purview are—

- (1) that the posts are unimportant and the holders thereof will not normally be promoted to the Provincial Services; and
- (2) that the posts are isolated or of a special or technical nature.

“(c) The power to exclude posts from the Commission's purview is exercised very sparingly and for special reasons and whenever the excluded posts assume importance or there is change in their nature, the question of bringing them within the Commission's purview is duly considered. Such a survey was recently conducted as a result of which some posts which were outside the Commission's purview were brought within its purview.

“(d) The answer is in the negative.”

SRI R. SURYANARAYANA RAO:—“Is the information, Sir, regarding the review made of posts that have been brought within the purview of the Service Commission also available in the volume referred to by the Hon. the Minister for Law?”

THE HON. SRI K. MADHAVA MENON:—“I do not think that is available in the volume. If a separate question is put I shall supply the information.”

Austerity measures to conserve the meagre food supplies.

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

(a) what austerity measures are being enforced in order to conserve the meagre food supplies available;

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(b) whether rations for special occasions such as marriages, funerals, etc., are being regulated according to rules and if so, what they are;

(c) who the authorities competent to sanction these special rations are;

(d) whether there have been occasions when the Government themselves relaxed the rules governing rations for special occasions and if so, what the special circumstances are which necessitated such relaxation;

(e) whether in the recent marriage season in the months of April, May and June the rules were relaxed in the City of Madras in respect of certain persons and if so, to what extent and for what reasons;

(f) what arrangements exist to enforce the austerity measures generally and in the case of relaxation of rules, for their proper enforcement to the extent relaxed;

(g) whether prosecutions have been launched in the recent months for violation of ration rules governing special occasions and if so, in how many cases; and

(h) whether it is a fact that there is a considerable laxity in enforcement of ration regulations?

THE HON. SRI J. L. P. ROCHE VICTORIA:—“(a) The Government have prohibited the feeding of more than 50 persons at each of the two principal meals on the marriage day. On other days and at other parties feeding of more than 30 persons has been prohibited.

“(b) Feeding of delegates at conferences and holding of subscription parties by clubs and associations do not come within the purview of these orders. Conferences are treated as temporary establishments and rations are allowed for feeding the delegates. No extra rations are granted for subscription parties held by clubs and associations.

“(c) Yes. The quantity of foodgrains now allowed for certain special functions is as follows:—

Name of function.		Quantity allowed.
Marriages		Fifty persons at two units each.
Funerals		Fifty persons at one unit each.
Upanayanams		Six persons at two units each.
Sbradda		Four persons at one unit each.
Ramzan		Six persons at one unit each.
Bakrid		Do.
Easter		Do.
Christmas and New Year.		Do.

“(d) It has only recently been decided at the instance of the Government of India to allow rations for feeding 50 persons at 2 units each in respect of marriages and at 1 unit each in respect of funerals as against 60 units for marriages and 10 units for funerals in force in this State.

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"(c) The respective Circle Rationing Officers in statutorily rationed areas and the concerned Civil Supplies officials in other areas are competent to sanction the special rations at the scales prescribed by Government. Regarding the increased scale of supply of rations for marriages and funerals referred to in answer to clause (b) of the question above, necessary instructions are being issued to the authorities competent to sanction special rations.

"(d) Yes. The Government have been relaxing these limits of feeding in respect of religious festivals in temples and mutts, as it is a time immemorial custom in South India to conduct feeding on festival days and as complete stoppage of feeding will mean interference with the religious usages.

"(e) No.

"(f) The rationing staff in the statutory rationed areas and the Civil Supplies staff in other areas are expected to watch and enforce these rules.

"(g) Information not readily available.

"(h) Government are not aware of any laxity in the enforcement of ration regulations. Violation of ration rules will be dealt with suitably if brought to the notice of the officers concerned."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, whether the Government have instructed the rationing officers that they should see that the austerity measures including those that have been modified at the instance of the Government of India are strictly enforced in view of the food crisis? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" Yes, Sir."

Retiring age of Gazetted Officers.

* 12 Q.—JANAB ABDUL LATIF FAROOKHI: Will the Hon. the Minister for Finance be pleased to state—

(a) the prescribed retiring age of Gazetted Officers of the Madras State other than the All-India Services; and

(b) whether any rule is being prescribed for raising the retiring age of any officer now in service and if so, the reasons therefor?

THE HON. SRI B. GOPALA REDDI :—" (a) Gazetted Officers of the Madras State other than those belonging to All-India Services are required to retire on attaining the age of 55.

"(b) No."

2-45 JANAB ABDUL LATIF FAROOKHI :—" Have the Govern-
P.M. ment any statistics of officers whose terms of office have been extended after the age of 55 years? "

THE HON. SRI B. GOPALA REDDI :—" I think specific questions were asked and answers were laid on the table showing the number of super-annuated officers whose terms were extended beyond the age of 55."

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JANAB ABDUL LATIF FAROOKHI :—" Are the Government aware of the feeling in certain sections of the public that certain officers are being given extension after extension? "

THE HON. SRI B. GOPALA REDDI :—" Yes, Sir, it is a fact that we had to give some extensions to some officers because there were not suitable men to take their places and the exigencies of the service required that we should continue the existing officer for some time more."

SRI R. SURYANARAYANA RAO :—" May I know whether it is the policy of the Government to give extension of service or re-employment? "

THE HON. SRI B. GOPALA REDDI :—" Generally, Sir, it is re-employment; on rare occasions it may be extension of service."

JANAB ABDUL LATIF FAROOKHI :—" Are we to understand that extensions are given because suitable officers are not found to take the place of these officers? "

THE HON. SRI B. GOPALA REDDI :—" Yes, Sir."

SRI R. SURYANARAYANA RAO :—" Is this extension or re-employment confined to technical service officers only? "

THE HON. SRI B. GOPALA REDDI :—" Mostly to technical officers, especially in the Public Works Department where supervisors and draughtsmen are given extensions. In rare cases, it may be other people also."

DR. SYED TAJUDDIN :—" May I know, Sir, why the junior officers should not be appointed to these posts? "

THE HON. SRI B. GOPALA REDDI :—" They are junior officers and therefore they cannot be sometimes promoted to the senior places."

DR. SYED TAJUDDIN :—" I mean only those who are fit to be promoted and to occupy those places."

THE HON. SRI B. GOPALA REDDI :—" If they are fit to be promoted, we will certainly promote them and retire the senior officers. But if the junior officer is such a junior as not to be able to take the place of the senior who is retiring, then we give him an extension."

Preparation of electoral rolls for both the Houses of the State Legislature.

* 12-A Q.—SRI R. SURYANARAYANA RAO :—" Will the Hon. the Minister for Finance be pleased to state—

(a) how far the arrangements for the preparation of electoral rolls for both the Houses of State Legislature have progressed and when the final electoral rolls are expected to be ready;

(b) what arrangements exist for the elimination of the dead and the disqualified from the preliminary rolls;

[8th August 1950]

(c) whether it is proposed to set up a permanent machinery to keep the electoral rolls up-to-date; and

(d) whether the Government will make a full statement of the various steps taken for the preparation and publication of electoral rolls and ensure their correctness in respect of both the Houses of State Legislature?

THE HON. SRI B. GOPALA REDDI :—“(a) The printing of the draft electoral rolls for the Madras Legislative Assembly and the Union House of the People on the basis of adult suffrage prepared after the enumeration of voters in 1948 is almost complete. As the Representation of the People Act, 1950, since enacted by the Parliament, liberalized the franchise qualifications, a supplementary enumeration of voters was conducted in June 1950 and the work of preparation of the supplementary draft electoral rolls is now in progress. The draft electoral rolls for the Local Authorities', Graduates' and Teachers' Constituencies of the Madras Legislative Council are also under preparation. It is expected that these draft rolls will be ready for publication as the preliminary electoral rolls by about the middle of September 1950. After the disposal of claims and objections, the final rolls will be published by about the middle of February 1951.

“(b) During the supplementary enumeration of voters a separate list of deceased voters has been prepared. The draft rolls now prepared will be published, as they are, as the preliminary electoral rolls, and after such publication, the Electoral Registration Officer will apply to the Revising Authority for the removal from the rolls of the names of the deceased voters and of persons who are subject to any disqualification.

“(c) The electoral rolls under preparation, when finalized, will remain in force till the 30th September 1952 and the rolls will be revised every year from 1952 onwards. There is no proposal at present to set up a permanent machinery for the revision of the rolls and the question of the machinery necessary will be decided in due course with reference to the statutory rules regarding the revision of the rolls recently promulgated by the Central Government.

“(d) A statement ^a is laid on the table of the House.”

JANAB K. T. M. AHAMED IBRAHIM :—“Sir, when steps are taken for the elimination of the dead and the disqualified from the preliminary rolls, may I know whether adequate notice will be given?” (Laughter.)

THE HON. SRI B. GOPALA REDDI :—“If any such person has given his address ‘care of’ somebody, the information will be intimated to him.”

^a Printed as Appendix on pages 229-230 infra.

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JANAB K. T. M. AHAMED IBRAHIM :—“In some cases, living persons have been classed among the dead. It is why I asked whether some notice will be published.”

MR. CHAIRMAN :—“Again, the hon. Member may suggest a method of giving notice.”

JANAB K. T. M. AHAMED IBRAHIM :—“I suggest that notices may be published in the villages concerned.”

THE HON. SRI B. GOPALA REDDI :—“The dead had better take charge of these people, Sir.”

MR. CHAIRMAN :—“He suggests that when the preliminary rolls are published a list of those who are said to be dead may also be published.”

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

II.—MESSAGE FROM H.E. THE GOVERNOR.

MR. CHAIRMAN :—“I have to inform the House that I have received the following Message from His Excellency the Governor, dated 8th August 1950 :—

‘Dear Mr. Chairman,

I have received with great satisfaction your resolution of thanks for the Address with which I opened the present session of the Legislature.

Yours sincerely,
Krishna Kumar Singhji.’”

III.—ELECTION OF ONE MEMBER TO THE PROVINCIAL LIBRARY COMMITTEE.

MR. CHAIRMAN :—“I have to announce to the House that Sri Maddi Sudarsanam is the only candidate duly nominated for a seat in the Provincial Library Committee. I hereby declare him duly elected.”

IV.—GOVERNMENT RESOLUTION.

DELIMITATION OF CONSTITUENCIES AND THE CONDUCT OF ELECTIONS TO LEGISLATURES—cont.

DR. A. LAKSHMANASWAMI MUDALIYAR :—“Mr. Chairman, I think the House will express its thanks to the Hon. the Finance Minister for the opportunity he has given us to have our say in this matter and also for the very lucid manner in which he has tried to explain the whole position to this House. I can see that the Hon. the Finance Minister was labouring under many difficulties, not the least of which was due to the Constitution itself which is as vague as it can be. It is most regrettable that when the Constitution was framed, there were not persons who were fit and able, by virtue of their knowledge of Constitution-making in other countries to advise in an impartial manner, the Constituent Assembly that was set up for some other purpose and which later on transformed itself into an Assembly for the framing of the Constitution. It is too late in the day for us to regret it, but I venture to state that if Constitution making had gone on on the same

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orthodox lines as in many other countries like South Africa, Australia and Canada—to mention only a few—if there had been an independent body of legal talents with knowledge pertaining to Constitution-making, the dreadful mistakes into which we have floundered in this particular Constitution, would not have occurred. Sir, I have accepted the Constitution with no mental reservations. I am entitled to say as a person who is not a lawyer that this Constitution bristles with difficulties and is intended to create more and more difficulties.

“ To illustrate this point, Sir, let me take the particular article which deals with Elections. In Part XV of the Constitution, it is stated in Article 324 (1) as follows :—

‘ 324. (1). The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under this Constitution, including the appointment of election tribunals for the decision of doubts and disputes arising out of or in connexion with elections to Parliament and to the Legislatures of States shall be vested in a commission (referred to in this Constitution as the Election Commission).’

That is the only article which gives us an idea of the powers and duties of the Election Commissioner. I was therefore surprised when the Hon. the Finance Minister told us that so far as he was concerned, the Election Commissioner and the Government of India would be the ultimate authorities to give directions to this Government. I see nothing in the Constitution to warrant such a presumption. On the other hand, Sir, hon. Members may kindly refer to Articles 327 and 328.

‘ 327. Subject to the provisions of this Constitution, Parliament may from time by law make provision with respect to all matters relating to, or in connexion with elections to either House of Parliament or to the House or either House of the Legislature of a State including the preparation of electoral rolls . . .’

This is what I want my hon. Friend to note.

‘ Including the preparation of electoral rolls, the delimitation of constituencies and all other matters necessary for securing the due constitution of such House or Houses.’

The next article says :

‘ 328. Subject to the provisions of this Constitution and in so far as provision in that behalf is not made by Parliament, the Legislature of State may from time to time by law make provision with respect to all matters relating to, or in connexion with, the elections to the House or either House of the Legislature of the State . . .’

“ Sir, I find nothing in these articles to warrant the assumption of the Hon. Minister that the Election Commissioner is the superior authority to this legislature or that the Government of India is the superior authority to this legislature. My contention is that the only authority in regard to the framing of the electoral rolls and the conduct of elections in general and the delimitation of constituencies in particular is Parliament, and if Parliament does not make suitable provisions in these regards, in all States it is left to the Legislature of the State concerned to do it and not to the Election Commissioner or to the Government of India. I think we must keep the Constitution well in our minds in trying to see how far we can give away our liberties which we have been freely giving away in the past.

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“ Sir, the next point I would like to mention is this. The Election Commissioner came here and held conferences. Who were the people who were invited to the Conference? The leaders of parties or people who were supposed to represent parties and people who owe some allegiance to this party or that party. In my view, the chief persons who are most interested in the elections are those who do not belong to any party, because they can bring to bear an independent mind and a fresh outlook towards these questions which the party people are incapable of bringing, not because they have any personal weaknesses, but because party mandates and very many other things come in their way. I do not quarrel with it. That is the way of the world and that is how we have been proceeding in these matters of elections.

“ Sir, the Hon. the Finance Minister gave us an exhaustive account of what he considered to be the fundamentals in regard to elections. I had the privilege of listening to him yesterday, and in order to refresh my memory and grasp the points without any doubt whatsoever, I have carefully gone through his speech so well reported in one of the morning dailies. The first point that he tried to make out was that there was an extension of franchise. We realize that the franchise has been extended and we are going to have adult suffrage, more or less suddenly from the very, very limited franchise. Adult suffrage is an experiment that has never been tried in any other country in the world and an experiment also in another respect which is unique in its possibilities and potentialities. Sir, no civilized country in the world has given adult suffrage to voters, 80 per cent of whom are illiterate.”

THE HON. SRI K. MADHAVA MENON :—“ Travancore State has given it.”

DR. A. LAKSHMANASWAMI MUDALIYAR :—“ But 80 per cent of the people are not illiterate there. My point is that Travancore, like the United States and the United Kingdom has given adult suffrage when the majority of the people are literate. I entirely agree with my Hon. Friend, the Law Minister, but in this particular case we are giving adult suffrage to an electorate, 80 per cent of whose members are illiterate. I would like to be corrected if I am wrong. We must clearly understand that we are jumping from a very, very limited franchise to a franchise of a scope unexampled in the democracies of the world. We should also realise that the franchise is given to an electorate 80 per cent of whom are illiterate. These ought to be borne in mind.

“ The Hon. Minister has drawn our attention to another unique feature of the Constitution. We accept it and I am not quarrelling with it at present. That feature is that we have done away with special electorates. We have done away with communal electorates for Indian Christians and Muslims. We have also done away with representation for many other interests which the Hon. the Finance Minister mentioned in his speech. The

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3 p.m. Constitution has removed representation for special interests such as women. They do not want it. They were vociferous in asking that they should not be treated in any different manner. I am glad and I congratulate them on that. The Constitution has also removed representation in regard to Labour, Landholders, Commerce and Universities. I want this fundamental fact to be kept in mind when we are considering how we should approach this question of electoral reform under the present circumstances. Remember that we have removed it because we do not want special representation; but I do not think anybody will challenge me when I say that it is desirable that members who are women should be made available in the Legislatures; members who represent labour should be in the Legislatures; members who represent landholders—I do not know whether there may be any doubts in the party in power to-day, but I for one think that the landholders, in spite of all their vicissitudes and fortunes, are still able to give a point of view that may be useful in this House, Landholders as well as Commerce, Universities. Well, I do not at all doubt the fact that when 80 per cent of the voters are illiterate, the Universities may have no place in this Legislature (laughter) and perhaps it would be as well. In any case, the point I want to emphasize and I want this House to grasp is that when you have done away with all these interests and when you are for the first time experimenting in a manner that—I repeat again—has never been thought of in any civilized country where there are the same conditions—all these you must think of, so that the avalanche of adult suffrage may not land you in a morass which you little expected at the time when for the sake of keeping abreast of the times and showing to the world in paper how enlightened you are, the Constituent Assembly rushed to the conclusion that adult suffrage was a good thing. Sir, many of us are carried away by slogans. The whole trouble with this world is slogans and it is increasing every day—and I am not surprised that given the same ideas, slogans have prejudiced the minds of men who are a little more greedy. My point in referring to it is this: the necessity for taking steps to see that this adult suffrage will not be like the churning of the ocean resulting in not nectar turning up, but something else. In those good old days there was somebody to drink this poison; but to-day I wonder if the Congress Party or any other party in the Legislature will have sufficient courage to drink this poison when it comes. Sir, I am saying it with reference to the question that the hon. Member discussed at great length. He referred to the question of single-member constituencies and multiple-member constituencies and he spoke with great warmth about the desirability of having single-member constituencies. He said that single-member constituencies would reflect the opinion of that particular constituency, that the member concerned would be in a position to go to that constituency and say what exactly he has done and that therefore single-member constituencies were undoubtedly far superior to multiple-member constituencies that may be set up. He referred also to the fact that to the State Legislature, a

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district may send two representatives who may belong to two different parties. Now, what will a single-member representative mean? In the Nellore district itself, Buchireddipalayam as a single-member constituency may send a person with one type of political ideology; Gudur on the other hand, may send one of another type of political ideology and in the district which my hon. Friend Mr. Govindachari comes from, there may be a third kind of ideology that may come in. Can you therefore say that Nellore represents a particular ideology or Krishna represents a particular ideology? This is a question of ideal for a particular individual member and constituency has no relevancy whatsoever. Members may come to the Legislature and change their seats after becoming members of the Legislature. Such things have happened. Could you then say that it is possible for a member to go to his constituency and say what he represents and what his views are? The truth of the matter is that in all these cases, it will depend on the individual concerned—how far he is in touch with a particular subject, and how far he is not in touch with that particular subject. Sir, this question of single-member constituencies and multiple-member constituencies has been dealt with in other constitutions as well. I should like to state that we are not the only persons who are troubled with this particular question. When you have—and I feel quite correctly—done away with special representation, it does not mean that you should not take note of the fact that these special representations mean that there are special representatives who yet must have a chance, and a reasonable chance, of coming through your general electorates.

“ Let me give you something from the Constitution of Ceylon that has come into being in recent years. That Constitution will be an eye-opener to many members who may care to read it and compare it with our own Constitution. The Constitution of Ceylon was framed under the advice and guidance of one of the most eminent constitutional lawyers of the day, Sir Ivor Jennings, at present the Vice-Chancellor of the University of Ceylon. Speaking about these single and multiple constituencies, Sir Ivor Jennings, after referring to the territorial constituencies—which I shall refer to later on—states as follows :—

“ In agricultural countries like South Africa and Australia, there is the additional factor that the rural population on whom the wealth of the country largely depends, must be given some weightage against the more concentrated and more highly organized urban population; and in the Union of South Africa there is the additional factor that the farmers are mainly Afrikaner while the townsmen contain a higher proportion of people of British origin. It was realized that if the same principle was applied in Ceylon there would be several advantages. First, and most important, it would provide increased representation for minority communities without introducing communal representation, to which the Ministers were opposed. The Tamils and Muslims are mainly in the comparatively sparsely populated Northern and Eastern Provinces, while the Indians are mainly in Uva and Sabaragamuwa Provinces. It will be seen that these four provinces obtain 13 of the 25 additional members.”

“ Sir, if hon. Members were to refer to the Constitution of Canada, which is another of those States where such differences do exist,—let us not think that it is only in India that such differences exist—there are such differences in Canada, differences

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between the French Canadians and the English Canadians are as pronounced as differences can be between any two different sections of the people, based on religion, caste or community. It is stated there that in order that these people may have reasonable chance of getting into the Legislatures, special provision was made through representation, not by any direct method of representation of the interests concerned, but by constituting the constituencies, giving them not single-member constituencies, but multiple-member constituencies, to go into the Legislature in a reasonable degree, so that their views also may be utilized. The Hon. the Finance Minister in a moving speech towards the close said that it would be the duty of the Congress Party to see that those sections of the people who had been denied separate electorates were not lost in the electoral contest, and that something would be done to safeguard their interests. I would add my congratulations to him on the cosmopolitan outlook that he has brought to bear, but may I say that he may not be able to deliver the goods? It is one thing for the party or for any political party to put up candidates, it is quite another thing for that party to ensure that the candidate will be returned in the election. Forces are at work, prejudices are so largely brought to bear particularly at the time of elections, that there can be no question whatsoever that with the best of intentions, the Congress Party or any other political party may find that it is not in a position to deliver the goods. I will not say that good intentions are in themselves bad, but I will certainly say that it requires more than the assurance given by the Hon. Finance Minister, to suggest that the varied interests can be represented in the Legislatures of our country.

"Sir, the next point that the hon. Member spoke of was delimitation of constituencies."

MR. CHAIRMAN:—"While on this, may I know what the hon. Member suggests to bring in ladies?" (Laughter.)

DR. A. LAKSHMANASWAMI MUDALIYAR:—"Sir, I am very much afraid of speaking on their behalf. I have always thought that discretion was the better part of valour, especially with two of them sitting behind me—and I cannot see them now; but I would like to state that women are so strong everywhere that I think they will conquer more seats than men can do. (Interruption.) My forty years of intimate experience with the psychology of that sex, is not lightly to be thrown away. But I shall now proceed.

"Sir, the most important thing is the delimitation of constituencies. All else pales into insignificance before it. The Hon. Minister has not referred to anything relating to delimitation of constituencies; he has tried to make it that the Election Commissioner will somehow or other delimit constituencies and also that the Government are trying to delimit the constituencies and send up their proposals to the Election Commissioner and for the time they are confidential. I fail to understand why they should be confidential; on the other hand, it is the duty of the Government to tell

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us everything; there can be nothing confidential from this House. The hon. Member says that on a future occasion he will let us know; what we want to know is not whether Repalle belongs to this particular group or that particular group, but have you had any principles at all in trying to see what these delimitations are to be. May I, in this connexion, suggest certain principles? Here again, let me refer to the Constitution of Ceylon. As I said, our Constitution is unfortunately very vague and sadly deficient in this particular respect. Who is to decide about delimitation of the constituencies? Let me quote from Part IV of the Constitution of Ceylon—

'Within one year after the completion of every general census of the island following the general census of 1946, the Governor shall establish a Delimitation Commission.'

not the Government of Ceylon, please note.

'Every Delimitation Commission established under this section shall consist of three persons appointed by the Governor-General who shall select persons who he is satisfied are not actively engaged in politics. The Governor-General shall appoint one of such persons to be the Chairman.

'If any member of a Delimitation Commission shall die, or resign, or if the Governor-General shall be satisfied that any such member has become incapable of discharging his functions as such, the Governor-General shall, in accordance with the provisions of sub-section (2) of this section, appoint another person in his place.'

I want it to be made known to everybody in the Legislature and in the Centre that the delimitation of constituencies should not be the responsibility of the Government of the day but that it ought to be the responsibility of an impartial body who must be appointed, not by the Government of the State but by the Governor, or the President of the Republic. Let me again quote what has happened"

THE HON. SRI B. GOPALA REDDI:—"I do not know whether the hon. Member has seen the Representation of the People's Bill that has been adopted by the Parliament and according to some of the sections thereof, delimitation of constituencies is entirely their responsibility and that of the Election Commissioner. The State Government does not come much into the picture."

DR. A. LAKSHMANASWAMI MUDALIYAR:—"I want to know what is the authority to begin investigation about delimitation of constituencies. It is not a question of who is going ultimately to approve it, but the very fundamentals of the delimitation of constituencies must be in the hands of persons who are not connected with any political party or with the Government of the State. If these fundamental principles have not been acceded to, then our Constitution is very defective in that particular respect.

"Sir, there are other countries which have suffered from this tendency of allowing delimitation of constituencies to be in the hands of the Government. Let me make this quite clear now, and I do not want to repeat it. My observations have nothing to do with the Government of the day; my observations have nothing to do even with this State but my observations are meant to be for

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all-India purposes, for all the States and for those who have the responsibility to take note of them. I am also going to ask at the end of this debate that the discussions of this Council should also be forwarded to those authorities to whom, in the opinion of the Government, they may be forwarded. So, in the criticism that I am going to offer, let not any of my friends think that I am offering criticism against this or that proposal of the Government. I do not know those proposals at all—and I am glad I do not know them till this particular day. This question of the delimitation of constituencies is a new problem with many democratic countries which have ushered it in their own constitutions. Take the question of Canada—

'The early method of dealing with redistribution was for the Government to introduce into the House a Bill which gave the constitutional allotment of seats and outlined in detail the altered boundaries of the newly drawn constituencies. The Bill was then put through Parliament like any other Government measure. This does not appear at first glance to be very objectionable; but it was accompanied in practice by a shocking abuse of the Government's power. The Cabinet in 1872, 1882 and 1892 used the opportunity to draw the constituency lines so that they greatly favoured its own party. This was especially flagrant in 1882 when forty-six constituencies in Ontario were gerrymandered, although in this instance popular indignation was so aroused that it is possible the act may have actually recoiled on its creators.

'The system was altered by Sir Wilfrid Laurier at the redistribution in 1903, when the detailed determination of constituency boundaries was referred by the House to a Select Committee on which both political parties were represented.'

3-15 P.m. That is one of my points. If there is to be a delimitation of constituencies, if there is to be a recommendation for proposals to delimit constituencies, it should not be the responsibility of the party in power, but it should be the joint responsibility of the party in power and the party in opposition.

'Sir, there are other methods which the subsequent framers have followed. One was, that there should be for every place two distinguished persons unconnected with political parties, who would join with the particular Election Commissioner in dealing with the question of delimitation of constituencies.

'Sir, there is another problem that arises out of the delimitation of constituencies. In every other State, for the General Constituency for a Provincial Legislature, at least for our State, there would be about 150 thousand, of whom 75 thousand would be voters and five times this number would probably represent the number for the Central Legislature. How are these 75 thousand voters to be gathered? What are the principles which this Government have in view? Is it by an arithmetical method they could get a constituency which has 75,000 voters or are there any other principles which they would like to adopt or ought to adopt? Have they given their attention to this particular aspect? One of the most important things to remember in this connexion is the difference between rural and urban constituencies. In many constitutions, it has been clearly laid down that, while this number of 75,000 may be the reasonable figure, there should be no exact limitation of numbers and that any general urban constituency should have a larger number and a rural constituency should

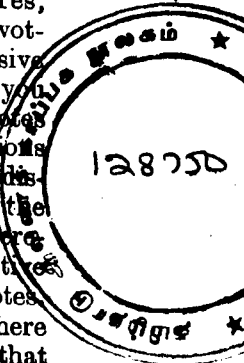
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have a smaller number. For purposes of effective canvassing of the voters, the urban constituencies have always an advantage over the rural constituencies.

'Sir, let me read further. 'Two important principles have been generally accepted in Canada as justifying a departure from the general rule of the approximate equality of the constituencies. First, municipal and county boundaries should be followed when at all possible.' That is one of the most important things. For the sake of collecting 75,000 people, you cannot go into any area, whether rural or urban, and say, I shall take this village or I shall take that village, or the other village and put up together that particular area so as to get 75,000 voters. In that manner of apportioning, there are two dangers. First of all, it will not be such an adult franchise electorate as one would like. Secondly, the manipulations to alter the size of a particular constituency are easy by getting such apportioning of the size of those constituencies. It is for these reasons that a great deal of care has been bestowed by them. 'It is considered far wiser to over- or under-represent an area than to dismember districts which have established traditions, long history and strong local pride and character. Secondly, rural areas should be more generously represented than urban, that is, the population of the rural constituencies should be definitely less than that of the City constituencies. This is justified on several grounds.'

'I shall not read all the grounds, but they are very important grounds and I am sure, on consideration, we shall be in a position to see that they are very fair grounds.

'Now, Sir, I was referring to the single-member constituency and the multi-member constituency. I have said that apart from the question of any interest based on race or religion, there are important considerations and it is one of the fundamentals that such interests should not be absolutely neglected. No principle is ever lost by having a dual-member constituency with at least restrictive vote. It is true that, when we have multi-member constituencies, we may have the cumulative method of voting, restrictive method and proportional method of representation. (Sri A. Govindacharyulu: 'With distributive voting.') Yes, distributive voting is there. Apart from that, it is true that voting is common. The danger of the cumulative vote is excessive plumping of votes. If there is a four-member constituency, you can very well say that one member can give all the four votes to a particular person. There are, as I said, certain limitations in regard to that which will not be altogether desirable. I discard the question of proportional representation, because of the enlightened nature of our electorate. It is impossible. Therefore, the only other method of dealing with that is by restrictive voting where you give the power to a person to exercise two votes. If he does not choose to do so and confines only to one vote, there must be nothing to prevent him from doing so. Now that restrictive method, which I have said is not a negation of the accepted principle of representation in the Legislature, ought to



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be given, and the only method of giving that restrictive method of voting is by plural-member constituency. I would go further and concede, so that there may be a little more of unity in our nation, that I am not in favour of 'Pancha Pandavas' (as one gentleman has suggested), I am not in favour of five or four or three seats. There should be no difficulty whatsoever in having the dual-member constituency, because such constituencies exist in South Africa, Canada and Australia and the latest example is Ireland. I do not think we can say that those constituencies have been blighted by such a system. I would plead with my colleagues that, when we are trying a new experiment, apart from sectional interests being represented, you must put some obstacles in the way of adult franchise proving, as I said, an avalanche of destruction, instead of construction. If hon. Members feel much more optimistic, I shall not quarrel with them, but I am not prepared to change my view as to what may come out of adult suffrage.

"The Hon. Finance Minister said with regard to some of the experiments that he was going to try, that so far as the elections to the Legislative Council were concerned, the single transferable vote would be conceded. I believe, he said, that it was already in the Constitution and we had, therefore, to accept it. He also added that at least two seats will be open for the single transferable vote. I do not know whether there is any necessity to limit it to a small number. As a matter of fact, the single transferable vote has proved very workable, if not a success in this Presidency. To the Council of State of old, we had the single transferable vote with four seats. But, I can speak with some little knowledge and, if I may, with some authority, that the single transferable vote proved a great success in the University elections where 30 seats have been reserved for the Registered Graduates of the University where over 12,000 voters exercising their franchise with single transferable vote for 30 seats. If that was a success, I do not see any reason why in the Legislative Assembly with 300 odd members, the 25 seats allotted to them should not be on the principle of single transferable vote without trying to delimit the constituency. I do not say that is the intention of the Hon. Minister at present."

THE HON. SRI B. GOPALA REDDI:—"It is indirect election to the Assembly and for the Council, it will be only by the unlimited manner, and for all the 24 seats that are thrown open, they can vote as they like. If you come to local bodies, all the members of the district boards, municipalities and the major panchayats may be on the electoral rolls and if the entire Presidency has to be one constituency, the right to give preference to someone under the single transferable vote, I think, will not work well."

DR. A. LAKSHMANASWAMI MUDALIYAR:—"I was coming to that point. So far as the local bodies are concerned, I would suggest a certain territorial representation which should not exceed, in my opinion, four, probably three will be quite sufficient. I quite realize the necessity for territorial representation

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along with the principle of proportional representation. So also in the case of graduates and teachers, a fairly large territorial representation is much better. My point was that and I do not think the limitation to two—although the Hon. Minister did not say he would limit it to that—but he said not less than two—would be correct, but I wanted to give these people a very much larger number, because the very basis of proportional representation is that the larger the number of seats available, the better will be the results of proportional representation or the privileges."

MR. CHAIRMAN:—"The idea is that, in regard to the graduates and teachers constituency, the number is only six, that is, six from the graduates and six from the teachers and if you divide the area into two and three, it will not be more than two."

DR. A. LAKSHMANASWAMI MUDALIYAR:—"That is true. At the same time, having had experience of the University Graduates' constituency elections on the principle of proportional representation, the registered graduates being from Delhi to Cape Comorin and from Mangalore to Madras, I do not feel there is any insuperable difficulty, not because of the number of seats. While I know the division of local bodies will be on the territorial basis, with a small number given to teachers and graduates, there is not much point in dividing them on a territorial basis, because unlike local bodies, they do not represent any territorial element in that particular constituency."

THE HON. SRI B. GOPALA REDDI:—"We have not yet taken any decision on the matter and we are only waiting for members to give suggestions. Now the enumeration is going on."

DR. A. LAKSHMANASWAMI MUDALIYAR:—"Provided this point will be kept in mind when the decision is taken, and when they are making their representations."

"Sir, I am glad the Hon. Minister has suggested that the watcher will be done away with."

"Now, I come to the question of the conduct of elections. The Hon. Minister has suggested that the ballot-box will be according to particular colours of the candidates. I wonder if he has calculated the number of colours? It will not be possible as it would have to be dependent on the number of candidates."

THE HON. SRI B. GOPALA REDDI:—"Under the single member constituency, they would not be large."

DR. A. LAKSHMANASWAMI MUDALIYAR:—"Supposing, there are four political groups and a few independent members whom you cannot easily control. Are you sure you can produce 16 colours? Let us not think it is going to be a jigsaw puzzle. With adult franchise, I do not think that Tom, Dick and Harry will contest the elections and that there are difficulties. At the same time, I realize that with an illiterate group of voters, there are other difficulties also. Now, although the party system has come into

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vogue, and many countries are adopting this device of party label, still I must say that if you go through the essentials of democracy as they were defined in the Cromwellian regime, which was the first to be considered as the body of public opinion to think of democratic institutions, you will find that political parties had no place in a democratic form of Government. Each individual came in by virtue of his own right and eminence, whether by intellect or otherwise, and he represented the best that could be found out of that circle, by a vote which can represent the views of the community. Much water, I realize, has flown under the bridge since and, at the same time, I do not know whether this system of colours which was undoubtedly suggested for the first time by the Franchise Commission, is at all the most satisfactory method of dealing with the question.

" Sir, I come to the last point, namely, free and fair election. I am sure that everybody in this country is anxious that there should be fair and free elections. This question of fair and free election has been unfortunately mixed up with other ideas and gentlemen, who are very responsible, have suggested that to ensure fair and free elections, there should be no Government at all. At least the party in power which forms the Government should be turned out before the elections. I cannot think of a more insensible method of approach to this question of fair and free elections, for if there is need for Government, it is much more at the time of elections than ever before.

3-30
p.m.

" People who talk of the Ministry being turned out before an election do not realize what forces will be let loose if there is not a stable Government at the most important period of electioneering. We are familiar, much more familiar than the people in other parts of India, through our experience with the methods of elections adopted in a neighbouring part of the country (the Hon. Sri B. Gopala Reddi: ' Pondicherry ') and we do not want to emulate their example. It is true that we are dry and the example may also be a little more dry. But, Sir, what are the facts of the case? For the first time in the electoral history of the country we are conducting elections with a Government in power to supervise some of the methods that may be adopted at election time. I was glad that the hon. Member said that the previous political party which was in power did not interfere with the elections and it certainly did not interfere with the particular opposite political party coming in large numbers. While it is true and I appreciate that compliment, let me also make it clear that till now the elections were conducted with the Law and Order being in the hands of persons who did not belong to any political party and whether it was the election that was conducted from 1921 to 1937 when there was the Reserved Half of the Government to look to elections and not the Transferred Half or whether it was the election conducted in 1946 when there was the Adviser Government attending to elections and not any political party, elections were conducted by people who were not concerned with any political party. That does not detract from

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the compliment that the Hon. Minister made because I know that the party in power never interfered and never sought to interfere and even when certain discrimination was made against that political party, they did not care to interfere. It does not mean that when a political party is in power, things may not go as smoothly. But what I want to ask you is this: There are certain privileges that the Government in power can enjoy and these privileges are well-known and there are certain limitations to the privileges that they can enjoy. I am not at all worried that this Government is in power and I want this Government to be in power. Let me take some of these privileges. The radio is a very fruitful medium of propaganda; it has been so in all countries. In England the British Broadcasting Corporation which is not Government-controlled, does not discriminate between political parties. In fact when propaganda is allowed through the British Broadcasting Corporation the leaders of different political parties are asked to assemble to discuss and to apportion time that ought to be allowed and the days that ought to be given to each one of the leaders to speak through the British Broadcasting Corporation. But in America things are different; there is no Government-owned Broadcasting Corporation and neither is there a Corporation which is subsidized by the Government. America is entirely free and there are three or four of these big broadcasting corporations and each one of them gives complete freedom to anybody to speak provided that necessary dollars can be found by the person who wants to speak. I have listened to these addresses when I was in America in 1948 in connexion with the presidential elections and I know with what gestures and in what language discussions took place but the one thing is that nobody takes them seriously because the ultimate result will be that each one will try to smash the other. Now, what is the position of the All-India Radio of this country with regard to election propaganda? Has this Government, or the Central Government adumbrated any scheme by which the All-India Radio is going to be used whether by the Government officials or by the Ministers or private individuals for any particular purpose of propaganda and what check will there be on the All-India Radio? I am glad that the Government of India itself is bestowing attention upon this particular subject and probably they will see that no political propaganda for a period of, say, fifteen days or a month before the date of the election, shall be indulged in through the All-India Radio. The Government may wish that their policies, their achievements and their mode of conduct should be the subject of a certain amount of propaganda but my point is that they may do it before but not at the time of the elections.

" Then Sir, I refer to Law and Order. My Hon. Friend will bear with me for a while because these are problems that will come to him which will be even more difficult than many problems which he has got to deal with to-day, the question of propaganda, the question of the creation of racial, communal or other hatred, the question of ways and means that are to be adopted by different political parties. It is here that the trouble comes and it is not

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in the ordinary election booth but in the days previous to the election when charges will be made, counter-charges will be made that the Government is partial to this party or this person or that, or this political ideology or that and puts obstacles in the way of that political party to carry its own propaganda. I will readily concede that some of the political parties may actually foment trouble and see how far the Government can be forced to take measures against them for that is one of the methods of securing an electoral triumph and it has been done in many other countries. I want this Government to realize the trend of events and see how far fair elections may not be possible. I may be asked: What is your suggestion? I have been a silent voter at all these elections and I have seen many of them. You are simply dragged into the polling booth where there are great men's portraits . . .

THE HON. SRI B. GOPALA REDDI :—" Within the booth? "

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Not within the booth but on the way to it in the narrow street from which you cannot escape—like the Jallianwala Bagh and you have to go through many of them. I do not know if my Hon. Friend has experienced it; perhaps he has not in the rural life of the country where he comes from but if he were in the City of Madras and if he had attended even an ordinary election, he would have realized that there is a great deal that can be said about the methods of coercion. I feel, Sir, that the Government of India and the State Government should come to a conclusion that they will not allow any propaganda to be done some days before the date of the election, no procession, no propaganda, no public meetings for a period—I would have said, for one week, but I shall be content with three days before the date of the election. That should be the general rule. That is one of the proposals that I would make to maintain Law and Order."

THE HON. SRI B. GOPALA REDDI :—" Can you gag the press for three days prior to the elections? "

DR. A. LAKSHMANASWAMI MUDALIYAR :—" The press is not the most important part and I think we are paying too much attention to it."

THE HON. SRI B. GOPALA REDDI :—" What about such publication as the Zinovief letters? "

DR. A. LAKSHMANASWAMI MUDALIYAR :—" If there is a press which undertakes the sort of propaganda like the Zinovief letters, it should be left alone as the Zinovief propaganda was. You will be surprised to know that in the United States of America, the most wild statements are made in the press and nobody takes them seriously. If one section indulges in it another section meets it. But pamphleteering and any type of propaganda must be stopped at least three days before the date of election. I do not suggest that this is an ideal method of regulating it, but this is one of the methods to prevent Law and Order breaking in an election such as we have got to face."

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"The hon. Member, Mr. Ibrahim, wanted dead men not to become alive and alive men not to go dead; that is a very difficult proposition indeed. But the question arises how we are going to get over this question of substitution of personality. I myself figured in a case in a court of law under similar delicate circumstances. I thought I was one of the few who could not be impersonated except it be by the members of my own family (Laughter). Unfortunately, I found from the proceedings of the court that a young man of 22 or 23 years was able to impersonate me; he got into the booth and got the ballot paper. I was all the while trembling whether I shall be called in as a witness in the court but fortunately I escaped. Let me say, Sir, that impersonation will be the order of the day and I ask the Government what steps they are going to take to prevent impersonation. I would suggest the following course. A card is given previous to the date of the election by the Election Commissioner or whoever it may be and the voter takes this card with the number on the roll and shows it with the photograph attached to it to the person sitting in the polling booth. If he is satisfied, he allows him to go and vote; if he is not satisfied, he is prevented from exercising his franchise. I would suggest this course though this would be a costly business but then you do not want the army of people to identify them and you do not have any need for challenged votes. I know, Sir, that this is costly business but I know that there is such a system as mass photography and that is not an idea which can be ridiculed so easily. Let me assure you that there is no other way of preventing impersonation when we have adult franchise; it is only at the time of the elections that the dead come back to life and resurrection takes place (Laughter) on a large scale. I have known it and if we have not taken steps to prevent it, it is because all of us are in a way cowards and we have not seen how this system of mass photography will help us to prevent impersonation."

THE HON. SRI B. GOPALA REDDI :—" Difficulties might also arise there; the Chairman has removed his moustache and he may not be identified for that reason."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" I also suffer from the same disability (laughter) but I am glad to say with moustache or moustacheless, I am recognized."

"That is why I suggest that mass photography must be done (An Hon. Member: 'What about ladies?'), I certainly think that ladies would like it better than men and there is no difficulty in attempting it."

JANAB K. UPPI :—" How is religious objection to be overcome? "

DR. A. LAKSHMANASWAMI MUDALIYAR :—" You need not worry about those who have got religious scruples."

"Lastly, I would beg of the Hon. Finance Minister to take note of what I have said in a spirit of constructive criticism not

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with a view to impede the Government from discharging their task when we are experimenting at a time, at a most difficult time, in a most difficult task that any civilized country has been faced with; let us not, therefore, take it lightly; let us proceed with a great amount of reasoning and if we take care to see that there is some amount of discussion and consultation with different members to see how best we can secure the end we have all in view, I feel that even now with all the difficulties, troubles and turmoils of adult franchise, we may perhaps escape more safely than many other States. Thank you, Mr. Chairman."

THE HON. SRI B. GOPALA REDDI:—"What is the system of voting the hon. Member would suggest for a double-member constituency?"

DR. A. LAKSHMANASWAMI MUDALIYAR:—"Distributive voting."

SRI R. SURYANARAYANA RAO:—"Mr. Chairman, Sir, I also join in the chorus of congratulations to the Hon. Finance Minister for his lucid exposition of the franchise question, its present position, what is proposed and why it is proposed. But that does not mean, Sir, most of us agree with what all he said, or agree with all the proposals he has made. Sir, in the course of the discussion on His Excellency the Governor's Address, I raised the point why this Government did not appoint a committee, call it delimitation committee or franchise committee, whatever may be its appellation, to assist Government in formulating their proposals.

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p.m. "Sir, in the past, if only one looks into the history of franchise in this Province, as the Hon. Minister himself pointed out yesterday, on every occasion of reforms and extension of franchise, Government were assisted by a committee. Sir, this is the only occasion when Government have not chosen to take the assistance of a committee. If a committee had been appointed, as Mr. Lakshmanaswami Mudaliyar pointed out, consisting of representatives of different parties or different groups, perhaps the suggestions it would have made, would have enabled Government to know the strength of feeling between the different systems that can be adopted. It is true, Sir, an Election Commissioner has been appointed; he has made his proposals, and the Government perhaps have considered them and have arrived at their own decision. Sir, it would have been more helpful to Government themselves if such a committee had been appointed. Sir, what I am suggesting is not a novel one; it is not a novel idea at all. In the United Provinces, a committee was set up, and that committee formulated proposals, the Government considered them, and then, they were placed before the Assembly and were debated upon. Sir, similarly, why not also this Government seek the assistance of a similar committee to enable them to frame proposals in accordance, as far as possible, with the wishes of the various parties and groups that exist.

"Then, Sir, we must also pay our tribute to the Election Commission of our Province. Perhaps Commissioners of all provinces deserve our tribute. For, whereas in the past, it took

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two or three years to formulate proposals, this time we have completed our proposals in the record time of eight months. A great Herculean task is being sought to be performed by our Government; and I must say, whatever may be the opinion of certain groups, who may not be satisfied with the nature of work turned out, as far as we know, the work done in our State has been as satisfactory and as thorough as it can be under the circumstances.

"Then, Sir, Dr. Lakshmanaswami Mudaliyar and other friends talked about multi-member constituencies. Dr. Lakshmanaswami Mudaliyar also made a suggestion that there may be dual-member constituencies. I do not want to restrict myself to dual-member constituencies. My suggestion is that the principle of multi-member constituencies should be accepted. As regards dual-member constituencies, Government have already accepted the principle in the fact that wherever there are joint electorates with reservation of seats there should be dual-member constituencies. For reservation of seats cannot be done unless there is a dual-member constituency. My point is, even these dual-member constituencies, where reservations are made, should be converted into multi-member constituencies to enable various points of view to be represented in the legislature. Sir, is it contended that in a single-member constituency it will be possible for any minority, however respectable it may be, whether based on political opinion or religious difference, to secure any chance of being represented in the legislature? Sir, this subject engaged once the attention of a provincial committee on delimitation. It was in 1936. They went into this question at great length. Though the majority was in favour of single-member constituency, the minority of that committee have reasoned out at some length why they preferred multi-member constituencies. As their observations sum up to a great extent my arguments in favour of multi-member constituencies. Sir, with your permission, I shall read them. They said:

"However regrettable this undesirable state of things, such as communal feelings and communal strife they have to be recognized, a Kamma for a Kamma, a Kapu for a Kapu, a Brahman for a Brahman, a Nadar for a Nadar, a Mudaliyar for a Mudaliyar, a Kavandar for a Kavandar, these and other slogans have come into vogue during the past ten years, and it is difficult to say when they will disappear. We are eagerly looking forward to the day when these religious and class antagonisms will be eliminated from the political life of this country. In these circumstances, the selection of single-member constituency in a country consisting of different races, castes and sub-castes, different shades of political opinion and different political parties with different political and social programmes is an unsuitable method of securing proper representation of minority opinion and of the various shades of political opinion in the Legislature. Single-member constituency will perpetuate the domination of a class of individuals and the minority opinion will never have a chance of being represented in the legislature. As pointed out in the Government memorandum, the minorities stand a poor chance of representation. In areas where one caste predominates, all the seats in that area are likely to be captured by that caste. This is a very vital consideration in deciding whether the single-member system should in the present circumstances be adopted in this Presidency."

MR. CHAIRMAN:—"How does multi-member constituency representation solve the difficulty?"

SRI R. SURYANARAYANA RAO:—"For a respectable minority, a distributive vote will be helpful. If it is a cumulative voting system, it will not be helpful."

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MR. CHAIRMAN :—" But the minority should be respectable? "

SRI R. SURYANARAYANA RAO :—" Yes; but under a single-member constituency, however respectable a minority may be, it will have no chance of getting representation in the legislature. Then, Sir, how those seats are to be distributed and how the multi-member constituencies should be constituted will depend on the population in each area. About this, we are not aware of anything, because the detailed proposals are not before us.

" Then comes the question of distributive vote or cumulative vote. If multi-member constituencies are to be accepted, then, it will be distributive vote that will have to be accepted. For then only the respectable minority or group will be able to have better chance of its representative being returned. For, if it is cumulative voting, it is just possible that all the votes may be dumped on one candidate and there is no prospect of the respectable minority getting enough number of votes to have its representative returned.

" Sir, this leads me to the question which Mr. Ibrahim pointed out yesterday. Is it possible, if a single-member constituency is adopted for any respectable minority, religious or political, to have representation? Is it possible for a Muslim candidate, who would like to be returned, to come in? Or is it possible for a representative of Labour, for example, to come in, or for the matter of that, is it possible for those special interests, which we would like to be represented in the legislature to obtain a seat at all if a single-member constituency is adopted? Sir, we may not recognize caste or creed. But, is it right for my Hon. Friend, the Hon. Minister, to hold the view that there is no other political party in the Province but the party which he represents."

THE HON. SRI B. GOPALA REDDI :—" Political parties must educate the voters and bring people together on political alignments instead of on other alignments."

SRI R. SURYANARAYANA RAO :—" Sir, are you prepared to provide facilities to enable that political opinion which happens to be in a minority to educate the electorate and see that they get proper representation? Your object in having single-member constituency is to shut out everybody else. At any rate that would be the result. Anybody who runs can read what is the object in having single-member constituency. Sir, you should be generous towards other political parties; and when you are in power you should be more generous than when you are not. Sir, you should see that every political opinion is reflected in the legislature to the extent that it prevails outside the legislature. Instead of that, you are deliberately planning—I use the words deliberately—to shut out all political opinion other than the opinion of the party to which the Hon. Minister belongs. Anybody can see it."

MR. CHAIRMAN :—" That is on the presumption that the Congress opinion is the majority opinion."

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SRI R. SURYANARAYANA RAO :—" It is so; I do not deny that; it is an undeniable fact and it is evident from the composition of the legislature. But does that represent other opinion, the opinion of the small minority? From the proposal of the Government it is evident that Government want to function without any opposition. Then there will be no necessity to have a steam roller majority even. That, I believe, will be the result."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Did my hon. Friend come in by a Gallup vote? "

SRI R. SURYANARAYANA RAO :—" If my hon. Friend, Mr. Lakshmanaswami Mudaliyar, has any doubt, let him await the results from the single-member constituencies. (The Hon. Sri H. Sitarama Reddi : ' You will prove a false prophet. ') I hope I will prove a false prophet. But I want to tell him that there is much force in what I say. I want Government to give an opportunity to every section of the public a possibility to have a representation. That is why I suggest multi-member constituencies. So I suggest, to the extent possible, provide seats for all possible groups; do not shut them out by single-member constituency. As you were pleased to say, without the distributive vote, multi-member constituencies are of no avail. The system of cumulative voting would encourage separatist tendencies. If there is cumulative vote in a constituency where a Muhammadan and a Hindu stand, all Muhammadans may vote only for the Muhammadan and not for the Hindu. Cumulative system would not be conducive to the inter-dependence among various communities which the abolition of separate electorates visualises."

MR. CHAIRMAN :—" I think the hon. Member need not worry about it. This Government are not recommending cumulative vote."

SRI R. SURYANARAYANA RAO :—" There is no need for cumulative vote in single-member constituencies. After all, the general electorate is only in respect of seats reserved for Scheduled Classes or Scheduled Tribes."

MR. CHAIRMAN :—" As the Hon. Minister mentioned in his speech, even in the case of multi-member constituencies, cumulative vote has been given up."

SRI R. SURYANARAYANA RAO :—" Mr. K. T. M. Ahamed Ibrahim said yesterday that he wanted cumulative vote with multi-member constituencies. While I am in favour of multi-member constituencies, I am not in favour of cumulative vote. That is my point.

" As regards the colour box system, it has come to stay. Whether we like it or not, that appears to be the only method by which illiterate adult voters can exercise their franchise. It may be, as Dr. Lakshmanaswami Mudaliyar said, that we will have to devise new colours and combination of colours if there are more candidates in a constituency. It cannot be helped. I do not know

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whether the Government will give one colour to one party or group or whether there will be different colour boxes in different polling booths. Anyhow that is a matter of detail.

"As regards the Legislative Council, I plead, as Dr. Lakshmanaswami Mudaliyar pleaded, for single transferable vote with proportional representation in the election for the Teachers and the Graduates Constituencies."

THE HON. SRI B. GOPALA REDDI:—"We have decided about the single transferable vote. But we have not come to a decision as to whether it should be two seats or three seats."

SRI R. SURYANARAYANA RAO:—"There are only six seats for Teachers and six seats for Graduates, and on that, the State need not be divided. Twenty or twenty-four representatives of graduates are elected to the Senate of the University at a time and there has been no difficulty."

"As regards local bodies, the Hon. Minister has explained the difficulty. There is no need to prevent us from having both systems for different electorates."

MR. CHAIRMAN:—"How long will the Hon. Minister take for reply?"

THE HON. SRI B. GOPALA REDDI:—"I will not take more than twenty-five minutes."

SRI A. GOVINDACHARYULU:—"Mr. Chairman, Sir, I stand to express myself in an unequivocal manner against single-member constituencies. I have had experience of elections for the last thirty years. Many a time I was the president of the election committee and I have functioned as a dictator in my district. Ever since Montford Reforms, we have had experience of distributive vote, cumulative vote and single transferable vote. I have got personal experience about constituencies and elections. Impartially viewed, our State stands on a different footing so far as elections are concerned when compared with North India. In North India, the question is one of Hindu versus Muslim. Fortunately or unfortunately, in this State the question is one of inter-communal dispute."

MR. CHAIRMAN:—"Before the hon. Member proceeds further, I would like to remind him of a predicament in which he once was when he found himself on the horns of a dilemma at the time of voting. I do not know how he is going to support the resolution if it comes to a question of voting."

SRI A. GOVINDACHARYULU:—"I may not vote at all. As far as constituencies are concerned, I am against single-member constituencies. I have got freedom to speak so far as this resolution is concerned. It is not a party question. It is a question on which members are left to express their individual views freely."

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"As matters stand in the State to-day, the question is one of Kapu versus Kamma, Kamma versus Reddi, Reddi versus Kapu and so on. My Friend Mr. Gopala Reddi said that only the candidate of the majority community in a constituency will be returned."

THE HON. SRI B. GOPALA REDDI:—"In adult franchise, no individual community can ever claim an absolute majority. Even in a Reddi or Kamma dominated constituency, the Reddis or Kammias will not form a majority by themselves. They will not be more than fifty per cent in any constituency."

SRI A. GOVINDACHARYULU:—"I am quoting in favour of my contention what the Hon. Minister for Finance said yesterday. When our Constitution has abolished separate electorate and reservation of seats for communities, why should we create communal constituencies? There is every certainty of certain communities dominating in single-member constituencies. There is absolutely no doubt about it. Every one of us has got experience of municipal and district board elections. The smaller the constituency, the greater is the communal quarrel that prevails. That is my experience from 1920 onwards and I think every one of the Members will agree with me. A particular caste or community dominates in municipal wards, and in district board constituencies where the unit is a firka. A single-member constituency will not be far more than a firka. It will be about three firkas. When we have framed a Constitution on well-cherished and democratic principles, it is our duty to see that its principles are not violated. When that Constitution has abolished communal electorate, why should we bring in communalism by the backdoor method? Under the proposed system of single-member constituencies, the rule in the Madras State will be a communal rule by the majority community for the majority community. Is this what we want and is it for this that we have suffered for the past thirty years?"

MR. CHAIRMAN:—"How does the hon. Member answer the Hon. Minister's point that in no single-member constituency can any one community claim more than fifty per cent strength?"

SRI A. GOVINDACHARYULU:—"It does not depend upon pure mathematics. I will take for instance the Eluru constituency in the West Godavari district. If my information of how the constituency has been carved out is correct, I daresay one community commands a majority there. The Government have not taken us into confidence and we have no authoritative information. In Eluru constituency, certainly Kammias predominate. In certain other constituencies in West Godavari, one community alone can predominate. They can claim at least as much as forty to fifty per cent strength. I am sorry I have to deny the correctness of the statement of the Hon. Finance Minister. If my information of how the Bhimavaram constituency has been carved out is correct, I daresay that it has been carved out on communal lines."

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THE HON. SRI B. GOPALA REDDI :—" People may dominate by their interests like landed property and things like that, but not numerically."

SRI A. GOVINDACHARYULU :—" Certainly not so. Whoever is responsible for delimiting constituencies and whether it is done intentionally or not, I learn that they are being carved out with a view to give predominance to a particular community. That is why I requested the Hon. Finance Minister yesterday whether he would take the House into his confidence, place the details of the constituencies and take the opinion of the Members on them. I want to verify whether the rumours afloat in the districts are correct or not. I want to maintain the prestige and fair name of the Congress. For anything wrong done, the people will abuse the Congress as a whole and not particular individuals. My advice to the Government is that for heaven's sake let them not carve out constituencies with any person or community in view. I support the suggestion of Dr. A. Lakshmanaswami Mudaliyar that an impartial body belonging to no party should be constituted to carve out the constituencies. The Hon. Sri B. Gopala Reddi said yesterday that he could not maintain the integrity of firkas, taluks and even revenue divisions, that he had to split them up, and that he was able to keep only the districts intact."

THE HON. SRI B. GOPALA REDDI :—" We have maintained the revenue firkas intact as far as possible."

SRI A. GOVINDACHARYULU :—" Then why should he not split up the districts also? The present West Godavari and Krishna districts were only one district prior to the Montague-Chelmsford Reforms. It was a multi-member constituency of four members with distributive vote and the system worked well. Of the four members elected, one was a Kamma, one a Kapu, one a Kshatriya and one a Vaisya. The minority communities also came in and there was no heart-burning."

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" Now, Sir, if the distributive system of voting is adopted, there will be no trouble at all. So far as this presidency is concerned, our people are well-versed in the distributive system. We had worked this system of voting during the days of the Montford Reforms. Then why should we not try that system of voting, which had proved to be good and which we had experience of? Why should we try to introduce a system of single-member constituency now? In England and in some other western countries, there is the distributive system of voting even to-day. There, the principle of democracy and the rights of citizens are not in any way interfered with or endangered by the adoption of this system. The State upholds the rights of citizens and the citizens uphold the integrity and solidarity of the State. Now it is for us to nourish our infant democracy with tender care and guide it along right and proper lines. I agree with the Hon. Mr. Gopala Reddi that we should not give room for the predominance of any one community in any particular constituency. But my own fear is that

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however much we may try to do so, and whatever steps we might take to prevent the growth of communal parties and communal organizations, there will still be some communities which would try to dominate others, and that is enough to create communal jealousies in the country. We cannot avoid communal constituencies altogether by any system that we could devise. If all constituencies are single-member constituencies, it would be impossible for really deserving people to get themselves returned. What about our learned Chairman? Has he to go to a Kshatriya constituency, where he can command a Kshatriya majority for being returned to the legislature? What about my learned friend Dr. A. Lakshmanaswami Mudaliyar? Has he to go to a Mudaliyar constituency for contesting an election and for being returned to this House? "

DR. A. LAKSHMANASWAMI MUDALIYAR :—" I can assure my hon. Friend, Sir, that I will not go to anybody but I will sit quiet at home."

SRI A. GOVINDACHARYULU :—" Sir, provided a person has got the character, the learning and the capacity and the desire to serve the country, he should be able to choose any party he likes and be able to contest the elections. If he is returned, then he can speak for his party in the legislature."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" I speak for no party in this House, Sir."

SRI A. GOVINDACHARYULU :—" It cannot be said, Sir, that he speaks for no party. There is none in the Justice party who is so well-versed and who has so much capacity, character and learning as my hon. Friend Mr. Lakshmanaswami Mudaliyar."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" I must inform my hon. Friend, Sir, that he is entirely wrong. I was never a member of the Justice party nor am I a member of any political party. The hon. Member may be in many parties besides the Congress party, but I have always been a non-party member."

SRI A. GOVINDACHARYULU :—" I am glad, Sir, and I accept the correction. I wholeheartedly support the system of multi-member constituencies with distributive voting. As far as the suggestion of my hon. Friend Dr. Lakshmanaswami Mudaliyar is concerned, who supported restrictive voting with two-member constituencies, I think it works more or less in the same way as cumulative voting. As I have said just now, we have been accustomed to the system of multi-member constituencies with distributive voting and I therefore suggest to the Government that they should introduce that system again, because it would give an opportunity for the minority communities also to be returned to the legislature. Suppose in a four-member constituency, four candidates belonging to different communities stand for election. These four members will be in a position to accommodate each other and be able to get into the legislature, without a contest, by means of

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this multi-member constituencies and thus bring about communal harmony in their constituencies. I therefore support the multi-member constituencies with distributive voting, because I believe that it is a potent instrument for the unification of the various communities in the country and to put an end to communal bickerings and bring about a calm atmosphere in the country. That is the best way to nourish and foster our infant democracy and guide it along right lines.

Sir, my last point is this. Yesterday I wanted to elicit information from the Hon. Minister whether he would be in a position to give this House an opportunity to discuss the detailed proposals for the delimitation of constituencies in this Province. He replied that the Government 'may' place them. 'May' means 'may not' also. I therefore once again press my request upon the Hon. Minister, because already much talk is going on in the districts about the callous way in which the constituencies are being carved out. The Hon. Minister for Finance has not told us how he is going to carve out the constituencies for the Indian Parliament. He said that for the Indian Parliament, for every five divisions one seat would be allotted. But as far as I can judge, it would not work well. Take for instance the West Godavari district. There are four revenue divisions. Suppose you say that the Ellore and Kovvur divisions consist of five seats, then one of these seats should be set apart for the Indian Parliament. Will that be viewed as a just constituency carved out with the best intention and on right principles? You have to carve out the constituency for the Indian Parliament by combining Ellore Revenue division and Bhimavaram Revenue division and then the Narsapur division and the Kovvur division. Then you can give one seat this way and another that way. If necessary, you may tack on some villages to this division or some to the other and adjust the population to make up for the four seats. Instead of doing like that, suppose you say that Tadepalligudem and Bhimavaram and Narsapur taluks form one constituency and the rest of another constituency, then there will be no meaning in carving out constituencies in that way. You may not do it with any particular motive or bad intention, but anyway, if such mistakes are done, it would seriously affect the candidates and the electoral position. That would bring disrepute to the Government and to the Congress party. To avoid such a contingency, I suggest that you should take both the Houses of the Legislature into your confidence, place your detailed proposals before them for discussion and for expressing their opinion upon these proposals. You may get the opinion of the district representatives and leaders of other parties also. Let your Provincial Election Commissioner make his own proposals independently of the recommendations of the Legislature and let all these be sent to the All-India Election Commissioner, to decide in whatever way he thinks best. If that is not done, and if constituencies are carved out as you like or as anybody likes, behind the back of the legislature and behind the back of the representatives of the people, it will only create heart-burning and discontent among the people. Sir, do you know what is

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happening in the districts? Certain other political parties and public men who are dissatisfied with the procedure have already proposed to lead a deputation to the President of the Indian Union and to the All-India Election Commissioner, because they are the final authorities in this matter. If your proposals are sent to them without taking any of these public bodies into consultation, certainly they would think that there is something wrong in this Province and the Government would get disrepute. That is why I suggest to the Hon. Minister to place the detailed proposals of the Government before the Legislature and the public for their opinions and criticisms and then send them on to the Chief Election Commissioner. That is the proper procedure and that will satisfy all parties and avoid discontent among the public and save the reputation of the Government."

THE HON. SRI B. GOPALA REDDI :—" Mr. Chairman, Sir, I am indeed grateful to the various members for having taken part in this debate and for the various suggestions and criticisms they have made and I think the entire proceedings may be forwarded to the Election Commissioner for whatever use he could make of them because he is the person who is to advise the Government of India and the President of the Indian Union on election matters.

Sir, I reiterate that the Provincial Government could not have actively come into the picture in view of section 13 of the Representation of the People Act, which was recently passed by Parliament, according to which it is the responsibility of the Election Commission and the Parliament to frame these delimitation proposals. So the State Governments do not come into the picture at all. Mr. Sen, who is the All-India Election Commissioner, representing that Commission has asked us to assist him in framing these proposals and we have given to him certain proposals which he can modify or alter as he likes, in consultation with the Speaker's Committee which has been appointed to go into these things and the entire thing will be finalised by the Election Commission. Therefore, what we do is not final and we have no ultimate responsibility in these delimitation proposals. That is my answer, Sir, to the various things said against this Government and for the way in which they have framed these proposals. Sir, whether we like it or not,—perhaps we may not like it—hereafter election disputes will not be dealt with by the State Governments. Hitherto, in any election dispute, the Provincial Government used to appoint a District Judge as an election commissioner to decide such dispute, and he used to enquire and validate or invalidate the election of the contesting candidates. But hereafter, these disputes will be referred to the Election Commission and it is they who will decide the disputes. The Central Government have decided that these delimitation proposals should not be left to the State Government and therefore they have centralised them. It may be good or it may be bad, but they are aiming at uniformity and they do not want any sort of

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interference by the State Governments in election matters. Since the constitutional provisions are somewhat binding on us, we cannot take much responsibilities in these matters.

“Sir, my hon. Friend Mr. Govindacharyulu has been saying that somebody is thinking something about our proposals and our way of doing things. Sir, there is nothing that we have done for which we need be afraid of, as unjust or improper. We are expecting that these entire proposals will be published by the Election Commissioner and he will himself invite public opinion and public criticism and therefore my hon. Friend will have ample opportunities of looking into our proposals, which we believe would be accepted in full without modification, and offering his remark. I believe that within the next ten days the Election Commissioner would publish our proposals and invite the opinion of the various non-official bodies and also of the legislatures. Then perhaps this House may have an opportunity to discuss these proposals.

“Sir, the actual details of the delimitation of constituencies,—that is to say, whether a particular firka has been clubbed with another or a particular taluk with another taluk—all these details are not generally scrutinized and approved by the parliament, and we do not generally discuss them in our Assemblies also. My hon. Friend Mr. Narayanaswami Naidu would like one sort of combination of taluks to delimit the constituencies in his constituency to secure a good chance of his being returned without much difficulty and likewise another hon. Member might like his constituency to be delimited in such a manner as to suit him for contesting the elections. And so, it would be very difficult to place these proposals before a big House like the Assembly or the Council for discussing the details. These details must necessarily be left to the executive Government, or to some independent body if you like. The Election Commission is of course an independent body and they will consult the executive and frame their proposals. Take for instance the distribution of wards and circles for the purpose of municipal and district board elections. They are not generally discussed on the floor of the legislature. They are left to the Executive to be settled according to convenience and circumstances. Sir, it would certainly be impossible for the Legislature to go into these detailed matters and therefore we will have to trust somebody to do the job and we should not entertain any suspicion or doubt about his *bona fides*. Otherwise no institution would function. No delimitation proposals would be entirely satisfactory to every member of the House and on that score, no member should entertain any suspicion about the manner in which each constituency has been carved out. Obviously, it would be impossible to manipulate constituencies to favour any particular candidate. Even with regard to the West Godavari district, which my hon. Friend Mr. Govindacharyulu referred, things cannot be gerrymandered as we like, because there are 145,000 voters in a constituency for which one candidate has to stand and he can never be sure of winning over a majority of them by any sort of manipulation. There is also the question of contiguity which has to

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be considered and as far as possible in most cases, we have kept the revenue firka in tact. There is therefore no scope for gerrymandering, even if we are so perverse to re-arrange the constituencies in such a way as to suit certain communal candidates.

“For instance in West Godavari there is the Eluru Municipality which does not have the necessary 1.45 lakhs population. It has only 70,000. Eluru Municipality will have to be tacked on to a contiguous firka to make up that population of 145,000. Where is the question of gerrymandering then? There cannot be much of gerrymandering. When hon. Members look into the delimitation, they will see that already things have been done well. Members are well versed with the Constitution and they can suggest alternative methods. But somebody must take the responsibility of recommending the delimitation somewhere. The hon. Member Mr. Govindacharyulu need not be anxious. Things have been done properly. We have not split up revenue firkas in an arbitrary manner. He will have ample opportunities of discussing things later.

“The only question raised was that single-member constituencies fostered communalism, and not multi-member constituencies. Much thought has been bestowed in trying to depict that in single member constituencies we give place to communal feelings. The hon. Member Mr. Govindacharyulu unwittingly stated that when Godavaris and Krishna districts were kept together, the whole system worked well, and with the distributive voting a Kapu, a Kamma and a Kshatriya were returned. This communalism I want to put down. Hereafter we should not think in terms of Kamma and Kapu. In any multi-member constituencies all communities will have a share. That is what the Constitution tries to put down, and that is the point which I want to make out. They stated that in single-member constituencies, there was much greater scope for communalism than in multi-member constituencies. Let them examine it in their own hearts. I am not speaking just now of the political minorities referred to by Dr. A. Lakshmanaswami Mudaliyar and Mr. Suryanarayana Rao. But those who are thinking in terms of multi-member constituencies are people who are anxious whether Muslims will be able to come, or Christians will be able to come or Kammas or Kapus will be able to come. We want to put an end to this communalism, but they want to perpetuate it. Things might have been all right in 1920. We are now in 1950, and we are looking far ahead into the future for casteless and religionless politics to be introduced in our country. How long are we to think in terms of Christians, Kammas and Reddis? We have come to a stage when we will have to think in terms of politics of the State, and concentrate our attention on political issues. Sir, I have been trying to explain to the Assembly also the advantages in single member constituencies. In single-member constituencies there is the tendency to concentrate on political issues. The candidates may say ‘if you want zamindari abolition, vote for this man;

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if you do not want it, vote for other man'. So the concentration will be on political issues and economic issues as they come up. But in multi-member constituencies, the position will be that any candidate will go to the electorate and say 'I am the only Reddi candidate in this constituency; would you not, being a Reddi, vote for me; I am a double graduate, and I have already been in public life for a long time; therefore, please cast your vote in my favour'. Multi-member constituencies, I am afraid, will perpetuate and foster this communalism. I mean the majority has the right to rule. It is the political majority that has to rule. Though they are not thinking in terms of communities, if in a particular constituency 51 per cent of the people are Kammas, nobody else has the right to go there. It is majority rule whether you like it or not. This is democracy as I understand it. If they should think in terms of community, we must release such forces as will compel them not to think in terms of Kamma or Kapu, and to concentrate on political and economic issues. In a multi-member constituency, if it is a three-member constituency, the tendency will be to go to the party machinery and say 'Sir, I am a Kapu; I am the only Kapu in West Godavari district; would you not select me'. Again, somebody else will say 'I am a Kshatriya, and I am in a minority; would you not please select me?'. That is each candidate will be projecting his communal personality before the electoral machinery, and he will try to get selected by the party. He will even go to the electorate and parade his communal vanity and say 'Even though you are in a majority, you give two votes to Kammas and give two votes to me 'Reddi'. Like this any candidate can go to every household and approach them on this communal ticket. This will not be possible in single-member constituencies where issues will be based on politics and economics. Both Mr. Lakshmanaswami Mudaliyar and Govindacharyulu advocated multi-member constituencies. In West Godavari, in four constituencies, if by chance Kammas predominate, why should they allow men who are non-Kammas to be returned to the legislature? Even in multi-member constituencies with the distributive system of voting, if all the Telagas of that constituency are so perversely communal minded, they will capture all the seats if they happen to be 51 per cent of the strength of the constituency. Then all the 51 per cent will go and vote for the candidates they like, and all the seats will be captured by that particular community. Even there, there is no guarantee that the minority community will have representation. If really we want representation like that, let us have a system of multi-member constituencies with cumulative voting so that all members may plump all their five votes for that particular candidate. In that case, even if 80 per cent of the voters go against him, the candidate is sure to win the election, because, all his community men may plump all their five votes in his favour. If the candidate is sure that all his men will cast all their five votes in his favour, and that they are 17 per cent of the voters, he does not care for what the rest of the voters do,

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because he is sure to be elected. The remaining 80 per cent may decry him or cry hoarse that he is reactionary, and that he is anti-national. Still he will be elected. In a system which has been proposed by my friends of the Muslim League for the representation of minorities like Muslims and Christians, we will have to think for some time to come that we are all Brahmins, all Christians, and all Muslims. If that be so, why have multi-member constituencies with the single non-transferable vote? Why have only one vote? You can just give only one vote to the man of your choice. In Japan and other countries they have tried multi-member constituencies with five members. Simply because some communities are backward or forward, or they are in a minority, or they belong to a religious minority, should they be given representation separately? This will perpetuate communalism. I am having a picture of greater mischief being done in multi-member constituencies than in single-member constituencies. If in a single-member constituency if Telagas are predominant, then no other man will stand there. If he is a Kamma residing there, and if he knows all the Telagas who are the majority are perversely inclined, then he would not stand. But two Telagas will fight, and the Kamma will be in the happy position of preferring which man should be selected. They cannot play on this communal ticket. Where it is a case of absolute majority, two candidates of that community will stand, and the minority communities will be in the happy position to judge which of the two Telagas should be preferred. Wherever they are strong, the minorities shall not tamper with that majority. Where, of course, all communities are balanced, then by slogans or 'slokams' the candidates may try to endear themselves to the electorate. I think we must draw a curtain on what has been done all these years, and try to follow a new form of democratic Government where the tendency must be to concentrate on political and economic issues. For marriage purposes we may think of caste and sub-castes. But for political purposes, somebody for every 1.45 lakhs has to be returned. I have been a Minister of this Government for six years. I am a Reddi. What is it that I have done to the Reddi community? Perhaps Naidus feel sometimes 'Had we belonged to the Reddi community, we would have been better looked after'. We cannot give appointments to persons simply because they are Reddis. Therefore the Reddi community has not benefited simply because I have been a Minister for six years in the Madras Government. I do not think I can say or anybody can say that he has been responsible for the amelioration of the entire community. Mr. Madhava Menon has been the Minister of this Government, and, therefore, it cannot be said that the entire Nair Community has been uplifted. Though we are four Reddis in the Government, still the Reddi community is not any the better for it. In the larger sense—it may be true in a limited manner—it is absolutely immaterial whether somebody belongs to the Naidu community or the Kamma community. The point is that the masses must be looked after and their poverty must be tackled. Agrarian disputes that arise have to be tackled. Industrial problems have to

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be faced. Mr. Veerabhadra Rao is a Vaisya, and what has he done to the Vaisya community? Has he been able to get exemptions for them from the operation of the sales tax? All the same he is a Member of this House, and he is here. We will have to think in terms of single-member constituencies. Single-member constituencies are a potent machinery for ascertaining public opinion. We do not have recourse to referendum in this country on any major issue. In some countries like Switzerland and Australia, major measures have to be referred to the people direct, and their verdict on the measures has to be obtained. Here we have no such provision. We have copied the British system. The only method of ascertaining public opinion is by elections. Single-member constituency is the simplest way, and it is the correct way of eliciting public opinion also. Therefore there is everything to be said in favour of the single-member constituency. Otherwise big countries like the United Kingdom and the United States of America would not have adopted this system. They know the advantages of this system. The need for contact between the candidates and the elector is there. Therefore the single-member constituency is the best. But it has got its own drawbacks. Muslims have been enjoying special representation and weightage. For the first time separate electorate is abolished. Reservation has gone. Weightage has gone. Perhaps in the next election there will be difficulty for some of the people to be accepted by the majority community. But it is only a short-lived phase of our public life. We are looking into the future, and ten years hence I think all these bickerings and rancour will be forgotten, and a new life will be there under adult franchise. It may be for construction or for destruction. It is a bold experiment. We have embarked upon it. I think things must become all right. Otherwise the whole State will go. We need not think in terms of religious minorities. The political minority is there. It is a question whether political minorities should come into the House at all. There are some Communists in Guntur, and if all of them want representation in this House, how can it be done? It cannot be done. Unless they go to the electorate and win them over to their side, they have no right to be here. The Legislature is not the forum. There is the press and the platform, and the entire country is their arena. They can work from those places.

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“ Therefore, the House need not think in terms of giving representation to every political party. At that rate, it seems it will be impossible for any stable Government to work. As I said, single-member constituencies ensure stable majorities, rather than proportional representation. Dr. Lakshmanaswami Mudaliyar said that the system of proportional representation had worked well in the Universities. He asked why it should not work well for the Government. With great respect to him, I want to say that the Universities do not impose taxation. They do not do any of the unpleasant things that Government do such as the maintenance of law and order. They do only very pleasant things except conducting of examinations. Everything else is quite happy there.

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We know what happened in Ireland with the system of proportional representation. De Valera had to face difficulties on account of it. Although the country was generally in his favour, he could not get an absolute majority for himself and for every constituency where there were four members, two were in the Opposition. In Legislatures when Governments have to be formed, when war has to be waged, when peace has to be concluded, when taxation has to be imposed and law and order have to be enforced, proportional representation would not be suitable. It would not give a stable or decent majority for the Government. Every time the Government Member will have to think, ‘ Will I succeed or will I be defeated? Are all my Members now in the House or have some of them gone to the Moore Market? ’ Thus the Government cannot be sure of winning a division. Just now we are seeing how the Labour Government is functioning. We see the difficulties that have to be encountered. Where there is no party, proportional representation may work well. In the Madras University there is no party, either Muslim League Party or Congress Party. Everyone is an academician or a teacher and he looks after the interests of the students as to what courses of study should be prescribed. But where you have to form a Government and enforce law and order, proportional representation will not work well.

“ All told, the Government need not regret for the proposals that have been submitted and I have a vague feeling that our proposals are going to be adopted throughout the country. Although it might be said that provincial delimitation committees should be appointed, knowing as I do the tendencies of the Government of India, ultimately they will adopt the system of single-member constituencies as a uniform method throughout the country both for our State Assemblies and for the House of the People. Therefore, instead of bolstering up communalism through the backdoor, I want to face it straight and concentrate on political issues. I commend the proposition which I moved on behalf of the Government for the acceptance of the House.”

MR. CHAIRMAN :—“ Is a vote to be taken on the motion? ”

THE HON. SRI B. GOPALA REDDI :—“ The whole of the proceedings will be sent to the Election Commission. It is not as if anybody is anxious to secure a victory over another. If it is your wish, let the whole discussion be sent to the Election Commission.”

DR. A. LAKSHMANASWAMI MUDALIYAR :—“ Sir, in view of the fact that the whole discussion will be sent to the Election Commission and in view of the fact that we will have a further opportunity of discussing the detailed proposals, I submit there is no necessity for a vote to be taken now.”

JANAB ABDUL LATIF FAROOKHI :—“ I agree with the views of Dr. Lakshmanaswami Mudaliyar, Sir.”

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MR. CHAIRMAN :—" I also hold the same view. The entire proceedings including the amendments will be sent to the Election Commission and we need not take a decision. It will be taken that the matter has been talked over and not talked out."

THE HON. SRI B. GOPALA REDDI :—" Yes, Sir, the amendments need not be withdrawn. There will be no voting. The whole thing will go to the Election Commission."

MR. CHAIRMAN :—" The whole proceedings will go to the Election Commission. Now, there is no other business before the House. We do not know when the other House will pass the other Bills. I am not able to fix a definite date for our next meeting. So, the House will now adjourn *sine die*."

Then the House adjourned *sine die*.

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APPENDIX.

[Vide answer to starred question No. 12-A asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 8th August 1950, page 195 supra.]

Statement on the steps taken for the preparation of electoral rolls and to ensure their correctness.

The general enumeration of voters in 1948 was carried out by enumerators visiting every house and enumerating all qualified persons. After this general enumeration, opportunity was given to qualified persons, who were omitted to be enumerated, to apply for supplemental enumeration before a specified date. These applications were later verified locally and all qualified persons were included in the rolls. There was also a percentage check of the enumerators' work. The enumerators who verified the applications for supplemental enumeration also checked up at the same time any omitted houses and enumerated all qualified persons found therein.

During the recent supplementary enumeration of voters, the enumerators were instructed to enumerate in their house-to-house visits not only persons who had become qualified by virtue of the liberalized franchise qualifications, but also persons who were qualified even in 1948, but who for any reason escaped enumeration then. Copies of printed rolls were kept in the Revenue offices, offices of local bodies and with the village headmen, for inspection by the public, free of charge, to enable qualified persons whose names were not on the rolls to move to have their names included in the rolls. Adequate publicity of the arrangements made for the supplementary enumeration was given through the Press and the Radio. Advertisements were published in the English and language dailies appealing to the qualified persons to remain in their houses till the enumerators visited their houses. There was a percentage scrutiny of the enumerators' work in all areas. All possible steps have thus been taken to secure the correctness and completeness of the draft electoral rolls prepared on the basis of adult suffrage.

The draft electoral rolls for the Local Authorities' Constituencies of the Madras Legislative Council are prepared from the lists of voters furnished by these local authorities themselves. Vide publicity was given regarding the qualifications for voters in the Graduates' and Teachers' Constituencies and qualified persons were invited to apply before a specified date for inclusion as voters in these constituencies. Lists of teachers, possessing the requisite qualifications for inclusion as voters in the Teachers' Constituencies were obtained from the heads of all educational institutions coming up to the prescribed standard and the electoral rolls are

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prepared from these lists and the applications received from the voters themselves. The electoral rolls for the Graduates' Constituencies are prepared from the lists of Registered Graduates obtained from the three Universities in the State, the lists obtained from the heads of educational institutions, State and Union Government offices, offices of local bodies, Bar Associations and Clubs and other similar institutions of the graduates employed therein, the lists of voters compiled by the village officers, the executive officers of major panchayats and cantonments and the commissioners of Municipalities and the applications received from the voters themselves. The Collectors were asked to collect the information for preparing these rolls in all other possible ways also. Thus all practicable steps have been taken to ensure that the draft rolls for the constituencies of the Council are also correct and complete.

All these draft rolls will be published in due course as the preliminary electoral rolls. After the publication of the preliminary rolls, applications may be made within a date notified in this behalf for the inclusion of names or correction of entries in the rolls or for filing objections. After the disposal of the claims and objections, a list of amendments will be prepared; the preliminary roll together with the list of amendments will constitute the final roll on the basis of which elections will be held.

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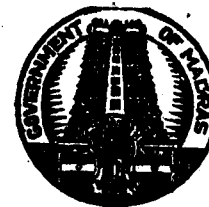
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OFFICIAL REPORT

THURSDAY, 31st AUGUST 1950

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THE MADRAS LEGISLATIVE COUNCIL.

Thursday, the 31st August 1950.

The House met in the Council Chamber, Fort St. George, at eleven of the clock, Mr. Deputy Chairman (SRI K. VENKATA-SWAMI NAYUDU) in the Chair.

JANAB ABDUL LATIF FAROOKHI:—" Before we proceed with the questions, Sir, I request you to grant us a day for discussing the food situation? "

DEPUTY CHAIRMAN:—" After the questions are over, we shall consider that question."

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Utilization of the by-products of the Sugar Industry.

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

(a) whether the attention of the sugar industry has been drawn to the suggestions of the Indian Tariff Board regarding the exploitation of the by-products of the industry such as canetrash, bagasse, pressmud and molasses; and

(b) what steps, if any, the Government intend to take to ensure the proper utilization of these valuable by-products?

THE HON. SRI K. MADHAVA MENON (on behalf of the Hon. Sri C. Perumalswami Reddi):—" (a) The Report of the Indian Tariff Board on the continuance of protection to the Sugar Industry is a publication available for sale to the public and the sugar factories would have obtained copies of the Report for their use. It is therefore considered unnecessary to invite the attention of the factories specially to the recommendations of the Board.

" (b) The Report is under consideration."

SRI R. SURYANARAYANA RAO:—" May I know, Sir, that in view of the fact that the recommendations are likely to promote the industrial development of the Province, should not Government take initiative and ask the industries to take up the manufacture of those by-products? "

THE HON. SRI K. MADHAVA MENON:—" That is why, Sir, I said, the report is under consideration. Government have called for a report from the Director of Industries on the report of the Indian Tariff Board. Further three factories in the Province are already engaged in the manufacture of by-products out of canetrash, bagasse, pressmud and molasses; and more especially in the shape of making of power alcohol and of bagasse for fuel purposes to save coal. As I said, we have asked the Director of Industries to send his report on the suggestion of the Indian Tariff Board."

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SRI B. BHIMA RAO :—“ Are Government aware that these molasses are being improperly employed for the illicit manufacture of alcohol and a large quantity of it is being consumed in the Hospet area? ”

THE HON. SRI K. MADHAVA MENON :—“ I think the Hospet factory is permitted to manufacture power alcohol out of molasses; it is quite possible that some quantity of molasses is being misused for illicit manufacture of alcohol, and perhaps when it is found out it will be prevented.”

SRI B. BHIMA RAO :—“ Sir, Will Government take action to prevent the misuse of such molasses? ”

THE HON. SRI K. MADHAVA MENON :—“ If the misuse is against law, Government will take necessary action and all proper action will be taken to prevent misuse.”

SRI R. SURYANARAYANA RAO :—“ Are Government sure that the manufacture of power alcohol has been taken up by any factory in this Province? ”

THE HON. SRI K. MADHAVA MENON :—“ Yes; three factories have already taken it up.”

SRI R. SURYANARAYANA RAO :—“ May I know whether there was any understanding arrived at by the Government with these factories in regard to the purchase of power alcohol when it is manufactured, and on that account, manufacture of power alcohol was delayed? ”

THE HON. SRI K. MADHAVA MENON :—“ I do not know, Sir; I want notice.”

Extension of service of the present Registrar of the Madras High Court.

* 14 Q.—JANAB ABDUL LATIF FAROOKHI: Will the Hon. the Minister for Education be pleased to state—

(a) who sanctions extension of service to superannuated Gazetted Officers serving in the Madras High Court;

(b) how many times the services of the present Registrar of the Madras High Court have been extended; and

(c) whether there is any proposal before the Government to give him another extension and if so, on what account?

THE HON. SRI K. MADHAVA MENON :—“ (a) The Honourable the Chief Justice of the High Court, Madras.

“ (b) No extension of service was granted to the present Registrar of the Madras High Court; he was retired from service on the 15th November 1948 and first re-employed for one year from that date and again for another year from the 15th November 1949.

“ (c) In view of the answers to clauses (a) and (b) the question does not arise.”

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SRI R. SURYANARAYANA RAO :—“ May I know whether the Hon. the Chief Justice of the High Court is competent to re-employ or give extensions of service to any of the officers employed in the High Court? ”

THE HON. SRI K. MADHAVA MENON :—“ Yes, Sir, the Constitution Act is quite clear on the point.”

Provision for rural housing in the Budget for 1950-51.

* 15 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Prohibition be pleased to state how the Government propose to utilize the provision for rural housing in the Budget for 1950-51?

THE HON. SRI N. SANJEEVA REDDI :—“ The provision made in the budget for rural housing will be utilized for the grant of state loans to housing societies proposed to be organized in villages in pursuance of the scheme sanctioned by Government in April 1950. Under this scheme, separate housing societies will be organized in rural areas, one village in each District being selected for the purpose. State loans will be advanced for the construction of about 20 houses in each village. The maximum amount of loan for each house will be restricted to Rs. 5,000. The societies will borrow money from the Government and pass on the loans to members of societies in instalments for construction of houses for their residence. A provision of Rs. 15 lakhs in the Budget Estimate for 1950-51 has been made as a beginning. Subject to the availability of funds, provision will be made in subsequent years also and the scheme extended to other villages as well.”

SRI R. SURYANARAYANA RAO :—“ May I know whether it is the policy of the Government to encourage construction of small houses to meet the needs of people with small incomes? ”

THE HON. SRI N. SANJEEVA REDDI :—“ That is exactly why we have reduced the maximum loan to five thousand rupees. It may be for a sum of two thousand or three thousand rupees even.”

SRI B. BHIMA RAO :—“ Sir, will Government supply necessary materials for the construction of middle class houses instead of giving them loans? ”

THE HON. SRI N. SANJEEVA REDDI :—“ Materials also are given at controlled rates wherever possible.”

Utilization of the balance of food bonus on the quantities of foodgrains procured in this State.

* 16 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Food be pleased to state with reference to the answer to question No. 87 given on the 7th January 1950, what the proposals of the Government are for the utilization of the balance of food bonus received from the Government of India on the quantities of foodgrains procured in the Madras State?

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THE HON. SRI J. L. P. ROCHE VICTORIA :—“ The Government of India originally sanctioned a sum of Rs. 210.43 lakhs as food bonus to Madras State on the quantities of foodgrains procured during the period November 1947 to February 1949. Out of this, a sum of Rs. 66.63 lakhs was adjusted to meet the losses incurred by this Government on the distribution of foodgrains procured from extra provincial sources in India during the period November 1947 to October 1948 and there was a balance of Rs. 143.80 lakhs pending adjustment. Since March 1949 upto the end of February 1950 a further sum of Rs. 183.92 lakhs has been estimated as due to this Government from the Government of India on the further quantities of foodgrains procured during that period. Thus the total amount available in the bonus fund for adjustment in favour of this State at the end of 1949-50 is estimated at Rs. 327.72 lakhs (143.80 + 183.92). The Government of India have since agreed to adjust from this bonus fund a sum of Rs. 228.67 lakhs representing the estimated total subsidy cost of approved Intensive Cultivation schemes in this State for the year 1949-50. The actual subsidy cost incurred on these schemes during 1949-50 is now being worked out, for the purpose of getting the necessary adjustment made by the Accountant General, Madras. The question of moving the Government of India to permit this Government to adjust the balance available in the bonus fund to the credit of this State against the further losses incurred by this Government on the distribution of food grains imported from extra Provincial Sources during 1949-50 is now engaging the attention of this Government.”

State-aid to Messrs. Mohan Industries, Limited, Tenali.

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

(a) whether any State-aid was given to the Messrs. Mohan Industries, Limited;

(b) if the answer to (a) is in the affirmative, the purpose for and the conditions under which the aid was given;

(c) whether the amount sanctioned has been disbursed;

(d) whether the Government satisfied themselves that the conditions of the grant were fulfilled before the amount was disbursed;

(e) whether the Government are aware that there are complaints that in this case the amount was disbursed before the fulfilment of conditions stipulated; and

(f) whether the Government will make a statement setting forth the facts of the case?

THE HON. SRI K. MADHAVA MENON (on behalf of the Hon. Sri C. Perumalswami Reddi) :—“ (a) Yes, Sir.

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“ (b) A copy* of the Government Order which contains the particulars is placed on the table of the House.

“ (c) Yes, Sir.

“ (d) The Government sanctioned the loan subject to certain conditions and it is the duty of the Director of Industries and Commerce to disburse the loan after the conditions are satisfied.

“ (e) The Government are not aware of any such complaints; but a reference to such non-compliance was made on 11th August 1949 on the floor of the Assembly by an honourable member of the House in a supplementary question. The question was answered by the Hon. the Minister for Industries at the time.

“ (f) In view of the answers given above, the Government do not consider it necessary to make any statement, as suggested.”

SRI B. BHIMA RAO :—“ Sir, was any preliminary test made that this area was suitable for the manufacture of bricks, tiles and so forth? ”

THE HON. SRI K. MADHAVA MENON :—“ The board which sanctioned the loan must have satisfied itself that the necessary materials would be available in that area.”

SRI B. BHIMA RAO :—“ Sir, in Bellary it turned out that the area is not suitable for the manufacture of bricks and tiles subsequent to the giving of the loan by the State; and so, the sum of fifty thousand rupees sanctioned as loan was not utilized.”

THE HON. SRI K. MADHAVA MENON :—“ Sir, the location of this industry is not in Bellary. It is in Tenali; and I think, Tenali is in the Guntur district; so a different place altogether.”

SRI B. BHIMA RAO :—“ But the geological area seems to be the same in both places. ”

SRI R. SURYANARAYANA RAO :—“ May I know when the Government came to know that payment was made without the fulfilment of the conditions stipulated? ”

THE HON. SRI K. MADHAVA MENON :—“ Government came to know that one of the conditions was not completely fulfilled; that is, a personal bond had to be given by the managing director. Government came to know that it was a mere omission. As soon as it was pointed out the firm executed the undertaking for personal liability, and now, all the conditions have been satisfied.”

SRI B. BHIMA RAO :—“ Are Government aware that in several cases, directors have been asked to give as security their own personal property besides the property covered by the company; while in this case, only personal security has been asked and taken? ”

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THE HON. SRI K. MADHAV MENON :—"Possibly, in the present case, there was sufficient personal property to cover the entire liability and that was sufficient to satisfy the requirements of the rule."

SRI R. SURYANARAYANA RAO :—"May I know what steps the Government take to see that the rules laid down by them are carried out, since it is seen from the present case that certain rules were not observed and may I also know when this was discovered?"

THE HON. SRI K. MADHAV MENON :—"As I said, there was only one condition which was not satisfied when the loan was disbursed, and that was the security bond or the personal liability by the directors. I cannot give the exact date when it was discovered. I can only say that as soon as it was found out the directors were asked to give the security bond and it was given."

SRI R. SURYANARAYANA RAO :—"May I know whether Government realize that this attempted grant of loan without fulfilling the conditions is grossly wrong, and may I know what steps have been taken by Government to deal with the officer who was responsible for this?"

THE HON. SRI K. MADHAV MENON :—"It was not such a gross wrong as my friend wants to make out; it was only an omission. And as soon as the directors were informed of it they have executed the security bond. In such cases the head of the department concerned would take necessary action against the officer responsible for such omission."

SRI R. SURYANARAYANA RAO :—"May I know whether Government take any pains to see that the conditions laid down by them are fulfilled, that is, in cases like the present. When they entrust their officers with the task of scrutiny, do Government take pains to see that they scrutinize properly; or is it a fact that no action is taken by them unless there is a complaint in this behalf?"

THE HON. SRI K. MADHAV MENON :—"In this particular case it is not a case of an officer's order not being carried out by his subordinate. It is a case of omission. Mistakes sometimes do happen because all of us are human beings. And as soon as the omission was found out, it was rectified."

SRI R. SURYANARAYANA RAO :—"May I know whether the factory is now manufacturing bricks and tiles?"

THE HON. SRI K. MADHAV MENON :—"Notice."

SRI R. SURYANARAYANA RAO :—"Have not Government nominated their own director on the board of directors of this factory?"

THE HON. SRI K. MADHAV MENON :—"No, Government nominate their director only in cases where the loan exceeds two lakhs."

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SRI R. SURYANARAYANA RAO :—"Then may I know what effective steps are being taken by them to see that loans given under State Aid to Industries Act are properly utilized?"

THE HON. SRI K. MADHAV MENON :—"If there is no nominee of Government on the board it does not mean absence of effective steps. Effective steps are being taken even now. There are rules framed for such cases, and those rules are being observed."

SRI R. SURYANARAYANA RAO :—"Are not the Government kept informed by the Director of Industries about the working of the various factories to which State aid has been given?"

THE HON. SRI K. MADHAV MENON :—"Periodical reports are being received."

SRI R. SURYANARAYANA RAO :—"If that is so, why do the Government say that they do not know whether the Mohan Industries are manufacturing bricks, tiles, etc., or not?"

THE HON. SRI K. MADHAV MENON :—"I said that standing here and off-hand I could not say as the paper was not available with me."

UNSTARRED QUESTIONS.

Quantity of hydro and thermal electrical energy produced in the State.

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

(a) the quantity of hydro and thermal electrical energy produced by (1) the Government, and (2) private licensees;

(b) what the percentage is of energy supplied to (1) urban and (2) rural areas;

(c) what is the percentage of energy supplied to (i) industry, (ii) irrigation including water-lifting for cultivation purposes, (iii) cinemas, (iv) theatres and (v) lighting purposes, public and private; and

(d) the number of pump-sets for which energy was made available in 1948-49 and 1949-50 by the Government and by the private licensees (districtwar)?

A.--(a)

		1946-47.	1947-48.	1948-49.	1949-50.
(Generation in millions of units.)					
(1) Government Electricity department—					
Hydro	..	297.86	356.22	436.77	463.09
Thermal	..	19.79	78.14	132.63	142.71
(2) Licensees—					
Hydro	..	..	..	..	..
Thermal	..	91.03	32.92	6.73	6.12

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(b)

	1948-49.		1949-50.	
	Hydro. PER CENT.	Thermal. PER CENT.	Hydro. PER CENT.	Thermal. PER CENT.
Urban a	81.0	94.0	82.4	93.4
Rural ..	19.0	6.0	17.6	6.6

(c)

	1948-49.		1949-50.	
	Hydro. PER CENT.	Thermal. PER CENT.	Hydro. PER CENT.	Thermal. PER CENT.
(i) Industry ..	56.0	34.0	58.4	33.0
(ii) Irrigation ..	12.5	1.1	12.0	1.3
(iii) Cinemas ..	0.8	1.0	0.76	1.1
(iv) Theatres ..	0.1	..	0.16	..
(v) Lighting purposes.	12.0	19.0	12.2	19.0

(d)

Serial number and district.	1948-49.		1949-50.	
	Government area.	Licencees' area.	Government area.	Licencees' area.
1 Coimbatore ..	839	37	1,129	41
2 Malabar ..	1	1	1	1
3 The Nilgiris ..	..	1	..	1
4 Madhurai ..	104	7	174	12
5 Ramanathapuram.	32	53	59	68
6 Tirunelveli ..	41	..	82	8
7 Tiruchirappalli ..	30	42	24	90
8 Salem ..	167	10	156	5
9 Tanjore ..	..	20	..	32
10 South Arcot ..	48	194	36	195
11 North Arcot ..	162	74	98	120
12 Chingleput ..	64	43	39	39
13 Chittoor ..	30	45	12	38
14 Madras ..	23	2	60	2
15 Nellore ..	..	..	..	..
16 Cuddapah ..	..	..	..	..
17 Anantapur ..	..	..	..	..
18 Bellary ..	..	..	..	1
19 Kurnool ..	..	..	..	..
20 Guntur ..	..	18	..	22
21 Krishna ..	116	1	49	1
22 East Godavari ..	3	..	5	..
23 West Godavari ..	..	..	..	2
24 Visakhapatnam ..	2	2	4	1
25 South Kanara ..	..	..	..	..
Total ..	1,662	550	1,928	679

Distribution of chemical manures.

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

(a) the quantities of chemical manures, imported and indigenous, which were available for distribution in the State during 1946-47, 1947-48, 1948-49 and 1949-50;

(b) the quantities allotted to each district or groups of districts (yearwar) and the basis on which such allotment was made;

a Big mill loads have been classed as urban irrespective of location.

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(c) whether tenders for the distribution of chemical manures were invited, and if so, the names of persons whose tenders have been accepted;

(d) whether the rates tendered were competitive;

(e) whether complaints against any firm or firms entrusted with distribution have been received, and if so, how they have been disposed of;

(f) whether it is proposed to invite tenders for distribution during 1950;

(g) whether the advantage of having a single firm for distribution is being canvassed; and

(h) the rates at which the manures are bought by Government and the margin of profit allowed to distribution?

A.—(a)

	Imported. TONS.	Indigenous. TONS.
I. Ammonium sulphate—		
1946-47 ..	60,800	Nil.
1947-48 ..	48,500	10,838
1948-49 ..	52,500	12,250
a 1949-50 ..	145,800	10,200
		(plus 40 per cent of factories production).
II. Ammonium phosphate—		
1946-47 ..	5,209	Nil.
1947-48 ..	1,500	..
1948-49 ..	400	..
1950 ..	Nil.	..
III. Super-phosphate—		
1946-47 ..	..	1,341
1947-48 ..	..	Nil.
1948-49 ..	..	6,500
1950 ..	..	35,900
IV. Granular ammonium phosphate—		
1946-47 ..	Nil.	..
1947-48 ..	..	..
1948-49 (actually received only in 1949-50).	10,000	..
1950 ..	Nil.	..

(b) It is not feasible to furnish districtwar allotments of fertilizers for the reason that the distribution was required to be made partly as straight fertilizer and

a The Government of India have since changed the duration of the fertilizer year to the period January to December from July to June.

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partly as manure mixtures as and when demands came in. Hence the allotment for the preparation of manure mixtures was made and supplied to the different manure mixing firms and the quantities that were distributed in the straight form through the departmental depots are furnished separately in the Appendix II^a. The distribution was based on the demands from the respective places, seasonal conditions, the fertility of the soil, the irrigational facilities and the quantities available for distribution. The quantities allotted for the year 1950 are shown in the Appendix II^b.

- (c) The system of selecting firms by the tender system for distribution of ammonium sulphate came into operation from the year 1947-48. Prior to that Messrs. Imperial Chemical Industries (India), Limited, Madras, were in sole charge of the work of distribution of chemical fertilizers in this State. In 1947-48, tenders for the distribution of fertilizers were invited from commercial firms and three firms were selected by Government for this purpose. These three firms, viz., (1) Sri Ranga Vilas Ginning and Oil Mills, Coimbatore, (2) Messrs. Lloyds Commercial Corporation, Limited, Madras and (3) Messrs. Imperial Chemical Industries (India), Limited, Madras, were entrusted with the distribution work on a regional basis. In the year 1948-49 the following seven firms were selected by Government:—

1. Messrs. Sri Ranga Vilas Ginning and Oil Mills, Coimbatore.
2. Messrs. Lloyds Commercial Corporation, Madras.
3. Messrs. Sri Rama Agricultural Implements Manufacturing Works, Kumbakonam.
4. Messrs. Sri A. Velayutha Raja, Bank Road, Rajapalayam.
5. Messrs. P. Pavanasa Nadar and Company, Madhurai.
6. Messrs. Rao and Reddi, Mylapore, Madras.
7. Messrs. The Indian Tobacco Corporation, Kilpauk, Madras.

In the year 1950 fresh tenders were again called for and the undermentioned 14 firms were selected by Government:—

1. Messrs. Sri Ranga Vilas Ginning and Oil Mills, Coimbatore.
2. Messrs. Lloyds Commercial Corporation, Mount Road, Madras.

^a Printed as Appendix II on pages 297-298 infra.

^b Printed as Appendix III on pages 298-299 infra.

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3. Messrs. A. Velayutha Raja, Rajapalayam.
4. Messrs. Rao and Reddi, Mylapore, Madras.
5. Messrs. The Indian Tobacco Corporation, Kilpauk, Madras.
6. Messrs. Soundararajan and Company, Govindappa Naick street, Madras.
7. Messrs. P. Ramaswami Gounder and Brothers, Karur.
8. Messrs. A. S. P. Ayyamperumal Nadar, Virudhunagar.
9. Messrs. the Coromandal Corporation, Armenian street, Madras.
10. Messrs. V. S. R. and Company, Madras.
11. Messrs. the Associated Commercial Syndicate, Nidadavole.
12. Messrs. the Chemical Engineering Corporation, Madras.
13. Messrs. Kamadhenu Fertilizers, Madras.
14. Messrs. Sri Nagaiah Choudry, Vijayavada.

Besides these, this year, the co-operative societies in each district have been entrusted with the distribution of chemical manures.

- (d) The rates tendered by the various tenderers were competitive and in some instances unworkable also. Government while appointing the tender firms considered from their previous experience that a commission of less than Rs. 15 a ton was not an economical rate which would assure a fair margin of profit to the distributor, and hence a uniform commission of Rs. 15 per ton was fixed for all the tender firms who were selected for the purpose. For the current year, a commission of Rs. 15 per ton for ammonium sulphate and Rs. 20 per ton for super phosphate has been allowed.
- (e) Complaints were received alleging black-marketing by the tender firms: Messrs. Lloyds Commercial Corporation, Messrs. Indian Tobacco Corporation, Messrs. Rao and Reddi, and Messrs. P. Pavanasa Nadar. These cases were investigated by the Joint Director of Agriculture and by the Criminal Investigation Department Police. As no substantial evidence of the alleged abuse by the firms could be proved, the cases were dropped.
- (f) This has been covered by answer to point (c) above.
- (g) The advantage of having a single firm for distribution was considered by Government previously and was rejected on grounds of being detrimental to fair and equitable distribution.

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- (h) As the Government of India, Ministry of Agriculture, is the authority arranging for the purchase of fertilizers both in the Union and abroad, the rates at which they are purchased by the Government of India are not known to this Government. However, they have fixed a pool price of Rs. 325 per ton in the case of ammonium sulphate, and Rs. 207 per ton in the case of super phosphate and at which this Government have been asked to sell the commodities. As explained with reference to item (d) the distributing commercial firms and the co-operative societies are allowed to add a commission of Rs. 15 per ton in the case of ammonium sulphate and Rs. 20 per ton in the case of super phosphate while they sell the stuff to the ryots, which includes all risks and handling charges and incidentals.

Reorganization proposals of the Retrenchment and Reorganization Committee.

3 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Finance be pleased to state—

(a) whether, besides retrenchment, the proposals recommended for reorganization by the Retrenchment and Reorganization Committee have been considered by the Government;

(b) if so, what the decisions of the Government are;

(c) whether proposals for the reorganization of the departments concerned with the development of cottage industries, rural development and the pooling of the Secretariat staff and treating it as one unit, are some of them in respect of which orders have been issued; and

(d) if the answer to (c) is in the affirmative, whether the Government will place these orders on the table of the House?

A.—(a) & (b) Yes; attention is invited to the statement placed on the table of the House with reference to Question No. 6 answered on 23rd December 1949, which showed the action taken by the Government, on the various recommendations of the Committee in regard to retrenchment as well as reorganization.

(c) & (d) Yes; the proposals were not accepted by the Government, but no formal orders were issued in regard to the question of reorganization of the departments concerned with the development of cottage industries and rural development. Orders rejecting the proposal in regard to the pooling of the Secretariat staff and treating it as one unit were issued in G.O. No. 2366, Public (Services), dated 22nd September 1948, a copy of which is placed on the table of the House.*

* Printed as Appendix IV on page 299 infra.

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

II.—ALLOTMENT OF A DAY FOR DISCUSSING FOOD SITUATION.

JANAB ABDUL LATIF FAROOKHI :—“ Sir, it is reported in the Press that the Hon. Minister for Food has said that the food situation in the State has improved. I should like to know what the exact position is. Therefore I request you to allot a day for discussing the food situation.”

THE HON. SRI B. GOPALA REDDI :—“ Will it suffice if the Hon. Food Minister makes a statement or does the hon. Leader of the Opposition insist on a discussion? Information on this point is necessary to enable us to arrange the time-table of business of both the Houses.”

JANAB ABDUL LATIF FAROOKHI :—“ Members will like to express their views. Therefore it will be better if a day is allotted for discussion.”

THE HON. SRI K. MADHAVA MENON :—“ We have no objection at all to have a discussion on the food situation. But the difficulty is about arranging the time table of business of both the Houses. The Assembly is meeting to-morrow and also the day after to-morrow. If it will be convenient to you and if it will satisfy the Members, we shall have the food discussion commencing from 2-30 p.m. on Saturday the 2nd September 1950. The House may sit even after 5 p.m. that day if it is convenient.”

JANAB ABDUL LATIF FAROOKHI :—“ We are thankful to the Government for this.”

III.—ADJOURNMENT MOTION *RE* WHOLESALE SEARCH FOR FOODGRAINS BY RATIONING AND POLICE OFFICIALS.

DEPUTY CHAIRMAN :—“ I have received notice of an adjournment motion from Mr. K. Uppi Sahib. It reads as follows :—

“ The business of the House be adjourned to discuss a definite matter of urgent public importance of recent occurrence, to wit the recent and wholesale searches for foodgrain carried out by the food rationing officers with the aid of the police in a part of the town of Arcot, thereby striking terror in the cultivating rural population not only of the locality but of the whole rural population of the province and its repercussion on food production in general.”

THE HON. SRI K. MADHAVA MENON :—“ Apart from the question whether the motion can be admitted as an adjournment motion or not, I wish to submit that the discussion on the food situation has been fixed for day after to-morrow, and this subject can very appropriately be discussed then. Therefore there is no necessity for moving this motion.”

JANAB K. UPPI :—“ Sir, it is a matter of striking terror in the minds of the rural population. My adjournment motion refers only to the policy of procurement and not to the food position as a whole. If the motion satisfies the rule and is in order, I submit that it should be taken up.”

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THE HON. SRI K. MADHAVA MENON :—" I do not go into the question of its admissibility at all. We are going to discuss the whole question of procurement and other aspects of the food problem day after to-morrow. My submission is that there is no purpose in discussing the subject within the limited time of an hour or two allowed for an adjournment motion when the whole food situation is coming up for discussion day after to-morrow.

" Rule 42 (iv) of the Council Rules says that the motion must not anticipate a matter which has been previously appointed for consideration. The food situation, to which the subject matter of the adjournment motion relates, has already been appointed for consideration day after to-morrow."

JANAB K. UPPI :—" A policy which strikes terror in the minds of the people is a serious matter. I want to discuss it and impress on the Government that it should not be continued any longer."

DEPUTY CHAIRMAN :—" The subject of the adjournment motion forms part of the food policy. Since the food policy is going to be discussed day after to-morrow, this subject also can be dealt with then."

IV.—MESSAGE FROM THE ASSEMBLY.

DEPUTY CHAIRMAN :—" I have to announce to the House that the Hon. Chairman has received messages from the Hon. Speaker of the Madras Legislative Assembly—

' (1) transmitting copies of the following Bills as passed by the Assembly in accordance with rule 99 of the Madras Assembly Rules on the 12th August 1950, and signed by him for the concurrence of the Council :—

(a) The Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1950 (L.A. Bill No. 19 of 1950),

(b) The Madras Co-operative Land Mortgage Banks (Second Amendment) Bill, 1950 (L.A. Bill No. 22 of 1950), and

(c) The Madras Agriculturists' Relief (Amendment) Bill, 1950 (L.A. Bill No. 20 of 1950),

(2) transmitting copies of the following Bills, as passed by the Assembly and transmitted to the Council for their consideration with a certificate that they are Money Bills :—

(a) The Madras Entertainments Tax (Amendment) Bill, 1950 (L.A. Bill No. 23 of 1950);

(b) The Madras Contingency Fund Bill, 1950 (L.A. Bill No. 21 of 1950), and

(c) The Madras City Municipal (Amendment) Bill, 1950 (L.A. Bill No. 24 of 1950). "

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V.—GOVERNMENT BILL.

THE MADRAS ESSENTIAL ARTICLES CONTROL AND REQUISITIONING (TEMPORARY POWERS) AMENDMENT BILL, 1950 (L.A. BILL NO. 19 OF 1950).

THE HON. SRI J. L. P. ROCHE VICTORIA :—" Sir, I beg to move—

' that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1950 (L.A. Bill No. 19 of 1950), as passed by the Assembly, be taken into consideration.'

" As set out in the Statement of Objects and Reasons, the Government consider that the life of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949, which expires on the 30th September 1950 should be continued for a further period of one year, that is, up to and inclusive of the 30th September 1951. Clause 2 is intended to give effect to this object. Clauses 3 and 4 of the Bill seek to bring section 5 of the Act in so far as it relates to the payment of compensation for movable property requisitioned or acquired under the Act, into accord with the provisions of Article 31 (2) of the Constitution."

DEPUTY CHAIRMAN :—" The motion is—

' that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1950 (L.A. Bill No. 19 of 1950), as passed by the Assembly, be taken into consideration.' "

The motion is now before the House for discussion.

* SRI R. SURYANARAYANA RAO :—" Mr. Deputy Chairman, Sir, when a similar Bill came up before this House in 1949, some of us on this side of the House wanted the Government to examine how far the provisions that they were enacting were necessary for the carrying on the administration. We found then that the Bill was a mere repetition of the previous Bills of the Defence of India Rules. Many of the provisions sought to be re-enacted were practically dead letters before. In bringing forward this Bill, we find that the Government have not examined how far the provisions that they want to re-enact now with the amendments are necessary. There is one such provision in the amendment proposed. May I ask in how many cases the powers of requisition and acquisition have been exercised? Are those powers, especially the power of acquisition, necessary at all? If the power has not been used in the past, why are the Government re-enacting the section and amending it to bring it into line with the Constitution? There are also curious provisions. I do not know how acquisition can be of a temporary character. I can understand requisition being of a temporary character. I read the Land Acquisition Act (Central Act) and the discussion on it. But nowhere did I find reference to 'temporary acquisition'. Suppose a building or a piece of land is acquired temporarily, compensation is settled under the provisions of the Act. When the temporary

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period ceases and the Government give back the house or land, is it their contention that the owner should give back the compensation that he has received and take possession of the property? I do not think the Land Acquisition Act or even the word 'acquisition' contemplates that it can be of a temporary character.

"One redeeming feature is clause 3 which proposes to omit sub-section (1) of section 5, thereby providing compensation for acquisition of movable property which is to be governed by Statute and not by the rules framed by the Government.

"The value of the immovable property to be paid is not the market value on the date of the acquisition but the value on the date of the requisition. This is nothing but expropriatory and unheard of legislation. Let us assume that to-day the Government requisition a building for housing, a co-operative store, and later on the store brings pressure on the Government to acquire the building for it. The value that the owner will get is not the market value on the date of the acquisition but the value on the date of the requisition. This is very unfair. Even as it is, the Land Acquisition Act is unfair inasmuch as the compensation payable is the value of the land as on the date of the notification under section 4 (1). We had a great deal to do with this section in connection with the acquisition of lands and houses in the Tungabhadra Project area. The lands and houses were notified under section 4 (1) of the Land Acquisition Act in 1941 or 1942 and now the Government want to give compensation based on the value on the date of notification. We have been contending that if a person is deprived of a house or an acre of land, he should be given sufficient compensation to enable him to purchase another house or an acre of land somewhere else for his use or to maintain himself.

11-30

a.m.

"Sir, we have been urging that justice should be done in the case of owners whose properties are to be acquired under this Act and I must acknowledge that the Hon. Minister for Public Works has been very sympathetic and has been trying to get *ex gratia* grants in certain cases, in addition to paying compensation under the Land Acquisition Act. That means that it is not as a matter of right that the landlords or houseowners get reasonable compensation for the properties acquired, but that the Government are pleased to give the *ex gratia* grants. In respect of properties coming within the purview of this bill, perhaps in some cases the houses requisitioned now might be acquired later on and some influence might be brought to bear upon the Government to secure an *ex gratia* grant in addition to the market value on the date of requisition. I do not know how and why this idea of fixing the value of the property as on the date of requisition had entered into the mind of the Government, overriding even section 4 (1) of the Land Acquisition Act. Does it mean that the order of requisition amounts to a notification under section 4 (1) of the Land Acquisition Act? Sir, I am not a lawyer, but I am afraid

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that there may be some legal flaw in this matter and difficulties might crop up later on. I do not know, Sir, whether the Hon. Minister had looked into it, but it seems to me that it is unjust and improper to fix the value from the date of requisition, when acquisition proceedings are started some years hence. Fortunately, Sir, the only redeeming feature of this measure is that it is going to be in force for only one year. But if the Government find it necessary, owing to circumstances beyond their control, they might again come up before this House and also the other House with a request to have the life of this Act extended for another year. I wish, Sir, that this amendment which the Government seek to introduce now, had not been introduced at all, and allowed the Land Acquisition Act to come into operation when they desire to acquire the land.

"Sir, there is another provision in this Bill, about which I should like to have some clarification. The Government are now requisitioning houses for the purpose of locating their offices or even for providing accommodation for their officers. May I know from the Hon. Minister whether the provisions of this Act can be applied, if in case they propose to acquire them later on, and whether such lands and buildings can be acquired permanently, by paying the value as on the date of requisition, even though their value might have appreciated considerably by the time the acquisition proceedings take place. It seems to me, Sir, that this is a most extraordinary piece of legislation which has been brought forward by the Government in order to deprive people of their rights to property. If really the Government want to acquire any property for any public purpose, by all means, let them do so, paying the owners the value that is due to them under the Land Acquisition Act, but not seek to apply this Act, which I am afraid, would inflict a hardship on those owners."

* THE HON. SRI K. MADHAVA MENON :—"Mr. Deputy Chairman, Sir, I think the same point was raised in the other House by my hon. Friend Mr. A. Vaidyanatha Ayyar and was answered by me. In fact, Mr. Vaidyanatha Ayyar's contention was that this Bill was more advantageous to the owners than perhaps the provision under the Land Acquisition Act, in regard to the payment of compensation. Section 5 (d) of the original Act says—

"The arbitrator in making his award shall have regard to—

(i) the provision of sub-section (1) of section 23 of the Land Acquisition Act, 1894, so far as the same can be made applicable; and

(ii) whether the acquisition is of a permanent or temporary character :

Provided that where the property requisitioned is subsequently acquired, the arbitrator, in any proceedings in connection with such acquisition, shall, for the purposes of the provisions of the said section 23, take into consideration the market value of the property at the date of requisition and not at the date of its subsequent acquisition.

"Sir, there is no provision for payment of compensation in the case of movable properties in the original Act, and that has been provided for in this Amending Bill. And in fact the other

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provisions in regard to the method of calculating compensation have been retained, and there is practically no difference between the original Act and this Amending Bill in that respect. The present amendment says—

‘The arbitrator in making his award shall have regard to—

(i) in the case of movable property, to its market value ;

(ii) in the case of immovable property, to the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894, so far as the same can be made applicable and to the fact whether the acquisition is of a permanent or temporary character :

Provided that where any property requisitioned is subsequently acquired, the arbitrator, in any proceedings in connexion with such acquisition, shall, for the purposes of this clause, take into consideration, the market value of the property at the date of the requisition as aforesaid and not at the date of its subsequent acquisition.’

“My hon. Friend Mr. R. Suryanarayana Rao will therefore see that this Amending Bill only seeks to work to the advantage of the owner, because the arbitrator will take not only the provisions of the Land Acquisition Act into consideration, but also the market value of the property on the date of requisition, for arriving at the compensation to be fixed for the property to be acquired. Perhaps my hon. Friend Mr. Suryanarayana Rao might object to the subsequent proviso in this Amending Bill. The same objection was raised by my hon. Friend Mr. A. Vaidyanatha Ayyar in the other House, but he would have noticed that the wording in the proviso is only a verbal alteration and does not in any way change the intention of the original provision. In the amended proviso, the words, “for the purposes of this clause”, have been substituted for the words “for the purposes of the provision of the said section 23” in the original Act. Therefore, Sir, there is practically no difference between the original Act and the amendment, except that the amendment provides for the payment of compensation in the case of movable properties also, which are to be acquired, after they have been requisitioned.

“Sir, it is true that in certain cases there might be some apparent unfairness, if compensation were calculated on the market value on the date of requisition. The owner might not know that his properties were going to be acquired and subsequently the value of the property might have enhanced or decreased. But the chances are that, in most cases, according to the present conditions the properties might have enhanced in value after the date of requisition. Perhaps it is this point that my hon. Friends Mr. Suryanarayana Rao in this House and Mr. Vaidyanatha Ayyar in the other House want to be clear about, and both of them want that the enhanced value should be paid to the property owners so that they might have the market value as on the date of acquisition and not on the date of requisition. Sir, if that were so, then it would amount to a matter of policy being laid down by the House, that is to say, that the Government would be tying down the hands of the arbitrator to decide compensation

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according to a certain method. As my hon. Friend Mr. R. Suryanarayana Rao has pointed out, under the Land Acquisition Act, after a notification under section 4 (1) has been published, the price on the date of notification shall be the price to be paid as compensation. Now he says that the date of requisition in this case would take the place of a notification under section 4 (1) of the Land Acquisition Act, and therefore it might not be fair to fix the compensation as on the date of requisition, but that compensation should be paid on the market value on the date of acquisition. My answer to him is this. Apart from the question whether the House is to lay down the policy as to what the Government should pay, I think, it is much better that we do not tie down the hands of the arbitrator and tell him that he should calculate compensation in such and such a manner. Therefore, we have simply said that he shall take the market value on the date of requisition into consideration in deciding the compensation to be paid. Of course, he would take various factors into consideration and then only he would decide the amount of compensation. We have said that the market value on the date of requisition should also form one of such factors for him to consider, in arriving at the compensation to be awarded. Sir, it is only right and proper that we should not allow the entire advantage of the unearned income to only one party to the transaction. Because the Government have requisitioned the property on a previous date, and want to acquire it later on, it should not be contended that the entire benefit of the unearned income should go to the owner only. That is the reason why we have said that if that property is to be subsequently acquired, the market value of the property as on the date of requisition should also be taken into consideration, in arriving at the compensation to be paid.

“Sir, I might mention at this juncture that no concrete case has arisen where properties which had been requisitioned are sought to be acquired by applying this Act. Nor is it the intention of the Government to deprive the owner of his property without paying fair and adequate compensation. My hon. Friend Mr. R. Suryanarayana Rao said that we are requisitioning houses for Government servants or for locating Government offices. I submit, Sir, that he is entirely wrong in thinking so. We are not requisitioning houses with the object of acquiring them at a later date under the Essential Control Articles Control and Requisitioning (Temporary Powers) Act. The nature of control that we are exercising under the Rent Control Act, is only this, viz., that we want to see that priority is given to Government servants when houses fall vacant. We are only stepping into the shoes of a tenant in such cases and not as prospective purchaser of those houses. The landlord still remains the owner and the relation between the landlord and the tenant continues as such. There is no question of acquisition in such cases and the Government will not go out of their way to acquire such houses either for their officers or for locating their offices.

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Even if any such extreme case arises, we have provided in this Bill that the owner should not be deprived of his fair and proper compensation and the arbitrator has been given full discretion to go into all these matters and give his award. With these words, Sir, I once again commend the Bill for the acceptance of the House."

DEPUTY CHAIRMAN :—" The question is —

' that the Bill to amend the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1950 (L.A. Bill No. 19 of 1950) as passed by the Assembly be taken into consideration.' "

The motion was put and carried.

Clause 2 was put and carried.

Clauses 3 and 4.

* SRI R. SURYANARAYANA RAO :—" Mr. Deputy Chairman, Sir, I move the following amendments standing in my name, namely :—

(1) *In new clause (d) (ii) proposed by clause 3 (ii) (c) omit the words 'and to the fact whether the acquisition is of a permanent or temporary character.'*

(2) *In new clause (d) proposed by clause 3 (ii) (c) omit the proviso.*

(3) *In clause 4 omit the words 'requisitioned or'."*

" Sir, the Hon. Minister for Law did not answer my point regarding this temporary or permanent character of the acquisition. He himself has admitted that there might be anomalies and hard cases and therefore perhaps he has not argued in favour of it. I suggest, Sir, that this provision should be omitted altogether. When there is at present an opportunity to rectify what we think is wrong, is it not better that we rectify it here and now instead of leaving it to the discretion of the arbitrator? Sir, by omitting these words 'and to the fact whether the acquisition is of a permanent or temporary character' in sub-clause 3 (ii) (d) (ii), all that we do is to allow the arbitrator to settle the value of the property under sub-section (1) of section 23 of the Land Acquisition Act. Sir, if, according to my amendments, this and the next proviso are also omitted, it comes to this that the mere fact that the land or the building had been requisitioned does not entitle the Government to have the property acquired without a notification under section 4 (1) of the Land Acquisition Act. What I want is that all the procedure laid down in the Land Acquisition Act should be gone through, when the Government decide to acquire the property, whether it is land or building, because when the land or building is requisitioned, the owner knows that it is only for a temporary period and that he

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would be put in possession of the same as soon as the necessity for such requisition ceases. But in this case, after some time, the Government, all of a sudden, make up their mind to acquire the property under this Act and not go through the process laid down in the Land Acquisition Act. That I submit, Sir, is unfair.

" Secondly, Sir, I cannot understand what is the meaning of the term 'temporary character of the acquisition'. My Hon. Friend the Minister for Law did not explain it clearly. The Government acquire the properties, pay compensation, whether it is the value on the date of requisition or on the date of acquisition, and then the properties pass into the hands of the Government. Then what is meant by temporary acquisition? I have not come across instances where they have temporarily acquired or felt the need for temporary acquisition. I can understand if they can give instances. I think it will be fair to everybody to take out this temporary character. What will the courts who have to interpret this think of us? We see that the courts are not favourably disposed to our legislatures. It is our duty to see that any legislation that we pass is just, fair and consistent with certain principles and procedure that we follow. I feel, Sir, that the Government will be well-advised to accept this amendment, and allow the ordinary courts of law to function.

11-45
a.m.

" The proviso to this clause is practically restricting the discretion of the arbitrator. The words used are 'shall for the purpose of this clause'. The Hon. the Minister for Law stated that it was only a direction, and that the arbitrator was not bound to be guided by it. But the words used in the proviso are 'shall' for the purpose of this clause, take into consideration . . . "

THE HON. SRI K. MADHAVA MENON :—" It is only 'shall take into consideration'."

* SRI R. SURYANARAYANA RAO :—" What does it mean? The arbitrator naturally will first ascertain the value on the date of requisition, and if the party wants him to take into consideration the market value at the time of acquisition, he is not bound to do so. He will simply say that the statute requires 'shall take into consideration the market value of the property at the date of the requisition', and he will pass the award. I think, Sir, that proviso should be dropped. I do not deny the right to Government to requisition or acquire properties when they are needed for public purposes. All that I want is that the persons who are affected by such acquisition should be dealt with fairly. I think that it is fair that we the Members of this House, whatever may be the views of the Government on this, should be fair to all parties affected by the provisions of this Bill.

" Sir, I move my amendments."

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

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* THE HON. SRI K. MADHAVA MENON :—“ Sir, with regard to the first amendment proposed by the hon. Member Sri R. Suryanarayana Rao, I wish to say that the only contingency that the Government can think of in the case of a temporary acquisition is that, after the period is over, the party, from whom the property was acquired, is entitled to take it back. But if it is a permanent acquisition, the Government after acquiring it can do anything they like with it. But what has been provided in this clause is that, whether it is temporary acquisition or permanent acquisition, the value should be the market value. I cannot exactly now visualize the contingencies where there should be temporary acquisitions for a particular period or permanent acquisitions. I can certainly visualize cases under the Land Acquisition Act, whether the acquisition is temporary or permanent in character. Even if it is temporary acquisition, the value should be paid according to the Land Acquisition Act. But if it is temporary acquisition, after the end of the period, the party will be entitled to get the property back. I cannot conceive of any other meaning than this. If temporary acquisition is not provided for, the party cannot get back the property. I do not see any particular difficulty if the amendment is accepted but there is this danger that all acquisitions will become permanent, and the parties will not be able to get back their properties after the period for which they were required by the Government. Here it is only a sort of pre-emption in legal parlance. If it is only a temporary acquisition, the party has got a right to get it back after the purpose is served. That is the only necessity to say permanent and temporary.

“ Regarding the other amendment, I have exhaustively dealt with it in my original remarks. We must be fair to all parties concerned. Take for instance that a particular property was requisitioned. At the time of requisition the market value of the property was only Rs. 1,000. At the time of acquisition the value has gone up to Rs. 2,000. The proviso as it stands does not prevent the arbitrator from giving him Rs. 2,000. He can give any amount between Rs. 1,000 and Rs. 2,000. The proviso says that he ‘shall take into consideration what the value of the property was’. The value of the building was only Rs. 1,000 at the time it was requisitioned. Subsequently, due to various reasons the value has increased to Rs. 2,000. It is open to the arbitrator to give the entire unearned income to the party. It is only a discretion or latitude given to the arbitrator to consider the market value of the property at the time it was requisitioned. He may take this also into consideration. I still maintain that the proviso does not say ‘shall pay’ the market value at the time it was requisitioned. If that is the wording, I can understand the argument of the hon. Member Mr. Suryanarayana Rao. That is not the wording. The wording is ‘shall, for the purpose of this clause, take into consideration the market value. . . .’ My hon. Friend would be right if the wording is ‘shall pay’. But it is not

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so. In fixing the value of the property, there are so many things to be taken into consideration, and the market value at the time of requisition, is one of those considerations. If the enhancement in price is not entirely due to any effort on his part, the arbitrator need not necessarily pay the market value on the date of acquisition or the market value at the time of requisition. Therefore, Sir, there is no necessity to accept the amendments. I oppose the amendments.”

* SRI R. SURYANARAYANA RAO :—“ Is not the purpose of requisition served by temporary acquisition? ”

* THE HON. SRI K. MADHAVA MENON :—“ There will be difficulty. In requisition, the limit within which the Government can use the property or alter it or make changes in it, is much less than in the case of acquisition.”

* SRI R. SURYANARAYANA RAO :—“ What is to become of the temporarily acquired property? If it is to be restored to the party, is the party, who receives compensation under this Bill, to pay back the amount of compensation he has received? So many difficulties will arise out of this proviso. I do not know how the Government do not envisage all this. To-day the Government may acquire a property temporarily. Later on they may not require it. As soon as it is acquired, the party is entitled to compensation. (The Hon. Sri K. Madhava Menon : ‘ Yes ’.) When the Government do not need the property, and hand it over to the party, they will ask him to pay back the compensation. All kinds of difficulties, which the court alone could envisage will arise. I think, Sir, the words ‘ temporary character ’ should be omitted. If the Government acquire any property, let them acquire it permanently. After all, they can sell it to others, when they do not need it, and make money out of it. Various difficulties will arise on account of this ‘ temporary character ’.”

THE HON. SRI K. MADHAVA MENON :—“ I really cannot understand the argument of the hon. Member Mr. Suryanarayana Rao. If the party wants the property back, he has to pay back the compensation.”

SRI R. SURYANARAYANA RAO :—“ You call it ‘ temporary character ’ anyhow.”

THE HON. SRI K. MADHAVA MENON :—“ The very distinction between permanent and temporary is that after the period for which the property is required, the party will be entitled to get it back.”

DEPUTY CHAIRMAN :—“ The question is—

‘ (1) In new clause (d) (ii) proposed by clause 3 (ii) (c) omit the words “ and to the fact whether the acquisition is of a permanent or temporary character ”.

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In new clause (d) proposed by clause 3 (ii) (c) omit the proviso.

'(2) In clause 4 omit the words "requisitioned or".'

The amendments were put and lost.

Clauses 3 and 4 were put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Sir, I move—

'that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1950 (L.A. Bill No. 19 of 1950), as passed by the Assembly, be passed.'

DEPUTY CHAIRMAN:—"The motion is—

'that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1950 (L.A. Bill No. 19 of 1950), as passed by the Assembly, be passed.'

The motion was carried.

VI.—ANNOUNCEMENT *RE* MONEY BILLS—CHAIRMAN'S FINDINGS.

DEPUTY CHAIRMAN:—"Before we proceed to the next item on the agenda, I have to make the following announcement on behalf of the Hon. Chairman regarding Money Bills, because the next Bill on the agenda is a Money Bill. The following findings are given by the Hon. Chairman regarding Money Bills:—

'(1) In the case of Money Bills also as in the case of other Bills, there ought to be three readings.

(2) If at the stage of second reading any recommendations or amendments to various clauses are approved by the House, the appropriate motion for the third reading will be as follows:—

"I move that the Bill be returned to the Legislative Assembly with the following recommendations."

(3) If there are no recommendations, the appropriate motion for the third reading will be 'that the Bill be read a third time and passed'.

(4) It is incumbent on the Government to take the Bill through all the three stages and make the appropriate motions if they want to proceed with the Bill. It will not be open to them to refuse to make the appropriate motion.

"The reasons for these motions will be given later."

THE HON. SRI B. GOPALA REDDI:—"Was this discussed at the Speakers' Conference?"

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DEPUTY CHAIRMAN:—"It was discussed at the Speakers' Conference."

DR. A. LAKSHMANASWAMI MUDALIYAR:—"Then what happens to the Bill that was passed at the last session?"

VII.—GOVERNMENT BILLS.

(1) THE MADRAS ENTERTAINMENTS TAX (AMENDMENT) BILL, 1950
(L.A. BILL NO. 20 OF 1950).

THE HON. SRI B. GOPALA REDDI:—"Sir, I move—

'that the Madras Entertainments Tax (Amendment) Bill, 1950 (L.A. Bill No. 20 of 1950), as passed by the Assembly and transmitted to the Council, be taken into consideration.'

"Sir, last year we passed the Cinematographs Tax Act and it was to be in force only for a year. That year has expired by the end of July. So, we had to issue an Ordinance to keep it alive pending the decision of the Legislature. This Bill seeks to give the Bill a life of four years from the date of its commencement. Already one year is over and for three more years we are seeking to keep it alive.

"As hon. Members are aware, the Act contemplates a show tax on every cinema show exhibited in the city and in the Municipalities—Rs. 2-8-0 for every show in the city, Rs. 2 for every show in first and second-grade municipalities, Rs. 1-8-0 for every show in third-grade municipalities and Re. 1 for every show in major panchayats with a population of not less than 10,000. There was a fear last year when we brought forward this legislation that it might seriously affect the cinema theaters altogether because the Government of India were coming forward with their measures and they were also collecting some money from the theatres. So, we want it to be in force for only a year. Now we find there is no serious detrimental effect on the cinema shows. On the other hand, our entertainments tax is on the increase. We got about 3 lakhs of rupees last year and we expect to get about 5 lakhs of rupees this year if this Bill is allowed to go through. There was also not much of serious opposition except a very formal resolution by the Film Chamber. Therefore, it is only a very small thing. The Government would get about 5 lakhs in a year and it is not an inconsiderable sum seeing that we are not in a very happy position just now. Therefore, I request that the House may give its approval for continuing it for three more years. We have been accustomed to it for the last one year and we may continue it for another three years."

DEPUTY CHAIRMAN:—"The motion is—

'That the Madras Entertainments Tax (Amendment) Bill, 1950 (L.A. Bill No. 20 of 1950), as passed by the Assembly and transmitted to the Council, be taken into consideration.'

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DR. A. LAKSHMANASWAMI MUDALIYAR :—“ Sir, the Hon. the Finance Minister has stated that this Entertainments Tax has given him an yield of over 3 lakhs of rupees last year and surely it will gradually increase because whether it is sales tax or entertainments tax, it grows by geometrical progression and that is the reason why I appeal to him on this occasion to extend his sympathy to certain associations which are now heavily taxed and which are now not in a position to fulfil their objects. The Hon. Finance Minister has recently stated that dramatic performances will be exempt from the entertainments tax so as to further the art of dramatization. I venture to put forward a plea that he will take a similar sympathetic attitude in regard to tournaments that are conducted by athletic associations. The Hockey Association, the Football Association, the Cricket Association and certain other athletic associations are being heavily taxed with regard to entertainments. I have here figures to show that these associations are sometimes in great deficit. The members of these associations are not profit-making members. The whole of the amount that is got by the tournaments is utilized, if there is any balance at all which is nil more often than not, for the furtherance of the very object of promoting athletics, physical welfare and team spirit in the youths of the country. I do not think there can be any better purpose than that to show that the Government would be doing a very helpful thing in promoting athletics if they were to see their way to exempt them from payment of this tax. I see, Sir, that section 8 of the Entertainments Tax Act says that the Provincial Government may by general or special order exempt any entertainment or class of entertainments from its liability to the entertainments tax. I am not asking the Hon. the Finance Minister to give me a definite promise but I would request him, and I hope the House will support me in that request, that when these Associations come and see him and wait in deputation on him, he may take into consideration all the facts of the case and subject to such reasonable safeguards as may have to be enforced, see that the entertainments tax is not imposed upon associations which are not profit-making concerns but which are definitely for the improvement of the physical culture of the youths of the nation.

“ The Hon. Minister need not be frightened that it will relieve him of a large amount of income to the State. I would only ask him to consider the possibility of another form of tax. In List II to the Constitution, you will find that there is provision in item 55 enabling the State Government to tax advertisements which are a common feature of most entertainments. I would ask the Government to take that power in two ways to tax the advertisements and also to impose penalties for those advertisements which are pasted on every person's property except perhaps that of the person who advertises. This disfigurement of the walls of the City of Madras in most places is a disgrace. Instead of making the City beautiful, we are making it horrible, by the pasting of advertisements on Government walls, private landholders' buildings and everywhere. In that connexion, I was very sorry to hear from the

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Hon. Chairman of the Standing Finance Committee of the Corporation of Madras that all that the Corporation was doing was to collect some tax from those people for their advertisements; they never worried whether these advertisements were pasted in proper places or not. I have been visiting many cities and I can tell you that there is no place outside probably our own country where such advertisements are tolerated. There are special boards for advertisements and special rates for fixing or pasting these advertisements and if only the Government will take up that particular step, in right earnest, they will be saving a great deal of disfigurement and a great deal of the loss of the landlord who has to remove those advertisements and whitewash his buildings. I think from that point of view the Hon. the Finance Minister will get a much better income by this sort of taxation as well as by way of penalty for pasting these advertisements on properties. In any case, I hope he will give a sympathetic hearing when a deputation waits on him in regard to relief from entertainments tax for those associations which promote athletics, sporting events and the physical welfare of the youths of the country.”

THE HON. SRI B. GOPALA REDDI :—“ Sir, this is a very simple tax on cinema shows and it does not touch the main structure of the entertainments tax at all. Anyway the hon. Gentleman has raised a very pertinent question and he has appealed to the Government to sympathetically consider the case of athletic associations. Sir, the athletic associations themselves do not pay the entertainments tax. Those who go and frequent these cricket matches or hockey matches are being asked to pay and not the associations. The question now arises whether those people who go and witness these matches can afford to pay these 2 annas in a rupee as entertainments tax or not. Therefore, it is a question which has to be considered very deeply, of course, with a little sympathy. But what I can say is that those who go to these matches can certainly afford to pay this small little entertainments tax and it is not the Associations that are being asked to pay but they are being asked to collect it from the people and pass it on to the Government.

“ That apart, only recently we had a wrestling match in the Corporation Stadium. I think the hon. Gentleman is also referring to wrestling matches and things like that. I asked my officers what the amount that they had collected by way of entertainments tax was. We got about Rs. 14,000 in a single show. Thousands of people with great enthusiasm throng to see a wrestling match. There is so much of excitement and tension and they do not mind paying this small entertainments tax while they witness a very thrilling wrestling match or boxing match. So, let them pay as they go. That is the slogan and I think it will not be a very bad slogan either. Anyway it is a matter to be considered. Sometime ago the Cricket Association enjoyed a little exemption. I did not see why this association should have this exemption and it had to be withdrawn last year. When all the other associations are not getting it, there is no point in giving exemption to this particular

[Sri B. Gopala Reddi] [31st August 1950]

association. Anyway, I shall certainly consider the matter very sympathetically. Of course, it raises a very fundamental issue. Recently a deputation of circus promoters waited on me. They said that they had to maintain a large number of tigers and wild beasts and feed them and that the cost of feeding had gone up tremendously and that they were being asked to pay the full entertainments tax. They pleaded for some concession on rationed articles. But they are enjoying concessional rate; they wanted complete exemption. If we go on in that manner, perhaps we may not be getting much from the entertainments tax. After all, this tax goes to the local bodies. It does not go directly into the Government coffers. We will be depriving the local administrative units of the little income that they are getting from the entertainments tax if we go on exempting.

"With regard to taxing advertisements, last year we attempted to levy tax on advertisements including advertisements in newspapers and there was a big opposition to it. Ultimately the Constitution came in the way and that item was included in the Union List. So, the States were deprived of that source of revenue. When newspaper and newspaper advertisements had been left out, we thought tax on other advertisements would not fetch us much because there is not much of a regular, organized advertisement system in our country and it is not much of an industry worth mentioning. Except the cinema advertisements, there is not much of a business advertisement in the proper sense and we will not be getting anything substantial. So, the time for considering the levy of an advertisement tax is not come, I think.

"With regard to disfigurement, I think it is for the municipalities to tackle this problem of disfigurement which makes the city 'horrible'. If they want more powers, they can certainly ask for them and we shall vest in them those powers and see that the indiscriminate pasting of advertisements does not occur in our cities.

"With regard to the amendment, in this Bill there is nothing else to say. As I said, there is not much of an opposition. Even the theatre owners themselves do not mind paying this tax and we are getting about 5 lakhs of rupees in a year."

DEPUTY CHAIRMAN:—"The question is—

'that the Madras Entertainments Tax (Amendment) Bill, 1950 (L.A. Bill No. 20 of 1950), as passed by the Assembly and transmitted to the Council, be taken into consideration'."

The motion was carried.

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

THE HON. SRI B. GOPALA REDDI:—"Sir, I now move—

'that the Madras Entertainments Tax (Amendment) Bill, 1950 (L.A. Bill No. 20 of 1950), be passed'."

DEPUTY CHAIRMAN:—"The question is—

'that the Madras Entertainments Tax (Amendment) Bill, 1950 (L.A. Bill No. 20 of 1950), be passed'."

The motion was carried.

31st August 1950]

(2) THE MADRAS CONTINGENCY FUND BILL, 1950 (L.A. BILL NO. 21 OF 1950).

THE HON. SRI B. GOPALA REDDI:—"Sir, I move—
'that the Madras Contingency Fund Bill, 1950 (L.A. Bill No. 21 of 1950), as passed by the Assembly and transmitted to the Council, be taken into consideration'."

12-15
p.m.

"I think the hon. Members will welcome this piece of legislation for creating a Contingency Fund of one crore of rupees. According to this, we will be asked to keep our expenditure not provided in the budget within that limit. Previously, Sri Suryanarayana Rao was complaining that we were bringing forward many supplementary demands going up to crores of rupees and sometimes even to 9 or 10 crores of rupees. He was also complaining that we were bringing forward such demands before the House at the end of the year after having incurred the expenditure. But hereafter, after the Contingency Fund is created, whatever is spent without a provision in the budget will be taken from this Fund and it will never exceed 100 lakhs. Every time we spend something, we will have to come before the House and ask that amount to be replenished so that we may always keep 100 lakhs as a permanent sum. Sir, I may say that this is only an advance of particular sums to Government in respect of which no budgetary provision could be made; and the earliest opportunity will be taken to get the approval of the House in the matter. I trust that the hon. Members are aware that in the Union Parliament also, a similar piece of legislation was undertaken creating Rs. 15 crores as permanent advance to the Government. Here, we have undertaken legislation to create a modest sum of Rs. 100 lakhs and I think the House will give its approval."

DEPUTY CHAIRMAN:—"The motion is—

'that the Madras Contingency Fund Bill, 1950 (L.A. Bill No. 21 of 1950), as passed by the Assembly and transmitted to the Council, be taken into consideration'."

The motion was carried.

DEPUTY CHAIRMAN:—"Since there are no recommendations, I will now put the clauses to the vote of the House."

Clause 2 was put and carried.

Clause 3 was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI B. GOPALA REDDI:—"Sir, I move—

'that the Madras Contingency Fund Bill, 1950 (L.A. Bill No. 21 of 1950), as passed by the Assembly and transmitted to the Council, be passed'."

DEPUTY CHAIRMAN:—"The motion is—

'that the Madras Contingency Fund Bill, 1950 (L.A. Bill No. 21 of 1950), as passed by the Assembly and transmitted to the Council, be passed'."

The motion was carried.

[31st August 1950]

(3) THE MADRAS CO-OPERATIVE LAND MORTGAGE BANKS (SECOND AMENDMENT) BILL, 1950 (L.A. BILL NO. 22 OF 1950).

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

'that the Madras Co-operative Land Mortgage Banks (Second Amendment) Bill, 1950 (L.A. Bill No. 22 of 1950), as passed by the Assembly, be taken into consideration.'

"Sir, at present there is no provision in the Madras Co-operative Land Mortgage Banks Act, 1934, for the issue of certified copies of documents obtained and kept by land mortgage banks in the course of their business or of any entries in such documents, for purposes of evidence in courts. When original documents have to be produced before Courts, it involves trouble and inconvenience and also delay which occurs in the return of documents by the Courts. Hence the Bill that is brought forward now provides for the grant of copies by the Bank of original documents obtained and kept by it in the course of its business, or of any entries in such document and also for the admissibility in evidence of such copies certified in the prescribed manner similar to what is contained in sub-section (3) of section 29-A of the Banks Act in respect of documents produced under sub-section (1) or (2) of that section. So, the Bill is very simple and non-controversial. Hence, I commend it for the consideration of the House."

DEPUTY CHAIRMAN :—" The motion is—

'that the Madras Co-operative Land Mortgage Banks (Second Amendment) Bill, 1950 (L.A. Bill No. 22 of 1950), as passed by the Assembly, be taken into consideration.'

SRI B. BHIMA RAO :—" Sir, I am generally in support of the Bill. But my only complaint is that it has not gone far enough. No doubt, it is very inconvenient for the authorities of the Land Mortgage Banks as well as the litigants to summon for the production of the original registers and documents and take certified copies therefrom, produce the certified copies and then ask for the return of the Land Mortgage Banks Registers. Sir, you as an Advocate, are conversant with the difficulties of not only the authorities of the Bank but also the members of the general public. Recently, I had myself a case in this month in which I had to summon for the originals of registers and prove the various entries by persons who made them in 1941, 45 and 48 and who were different persons. When the Land Mortgage Bank wanted the registers back, it had to produce certified copies and then take them back, and I may tell you that it took nearly one month in spite of best efforts. Surely, this is disadvantageous not only for the authorities of the Banks, but also for the public. Sir, my complaint is that the Bill must have gone further. The extracts must be treated as extracts of any Bank Register and must be received in evidence without any further proof as in the

THE MADRAS CO-OPERATIVE LAND MORTGAGE BANKS (SECOND 261 AMENDMENT) BILL, 1950 (L.A. BILL NO. 22 OF 1950)

31st August 1950] [Sri B. Bhima Rao]

case of the Bankers Book Evidence Act. Here, I find that it is limited for the purpose of replacing the original. How could the litigant prove the original produced in Court? So, the same difficulty that is experienced at present will come up again. I am pointing out these to the Hon. Minister so that he could minimise these difficulties and bring in a further amending Bill to make it admissible as in the case of the extracts of the Bankers books and make it evidence for all purposes without any further proof."

DEPUTY CHAIRMAN :—" The question is—

'that the Madras Co-operative Land Mortgage Banks (Second Amendment) Bill, 1950 (L.A. Bill No. 22 of 1950), as passed by the Assembly, be taken into consideration.'

The motion was carried.

Clauses 2 and 1 were put and carried.

The Preamble was put and carried.

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

'that the Madras Co-operative Land Mortgage Banks (Second Amendment) Bill, 1950 (L.A. Bill No. 22 of 1950) be passed.'

DEPUTY CHAIRMAN :—" The question is—

'that the Madras Co-operative Land Mortgage Banks (Second Amendment) Bill, 1950 (L.A. Bill No. 22 of 1950), be passed.'

The motion was carried.

(4) THE MADRAS AGRICULTURISTS' RELIEF (AMENDMENT) BILL, 1950 (L.A. BILL NO. 23 OF 1950).

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

'that the Madras Agriculturists' Relief (Amendment) Bill, 1950 (L.A. Bill No. 23 of 1950), as passed by the Assembly, be taken into consideration.'

"We made certain amendments to the Agriculturists' Relief Act about two years ago. Certain difficulties have been found in the working of the Act and hence the present amendments are brought forward. Though, the amendments as circulated, may appear to be rather big, I may say that I have put the amendments in the proper place. The amendments are two in principle. One is that, under Explanation III to section 8 of the Madras Agriculturists' Relief Act, 1938, as it now stands, includes not merely the case where there is no change in the identity of the debtor or creditor or where the change is only an apparent one cloaking benami transactions but also the case where an independent loan is raised for the purpose of discharging a previous loan

[Sri K. Madhava Menon] [31st August 1950]

and having no other connexion whatever with it. To regard such an independent transaction as a renewal of the original loan will give rise to considerable hardship. Of course, this was raised on the last occasion when I moved the amendment, that such a contingency might come. Now that it has arisen, we have taken steps to rectify it. It is not fair if an independent loan is taken to discharge a prior debt which may be treated as renewal of the original loan. So it is necessary to exclude such transactions from the purview of the Explanation. That is one amendment that I have to move. The other amendment is with regard to cases where the original debt is split up among the heirs, legal representatives or assigns of a debtor or creditor. As at present, the Act is not applicable to such cases. Sir, it is only fair that as long as it is part of the original debt, whether it is split up or not, the Act should be made applicable. It will cause considerable hardship if a debt, merely by reason of its having been split up is to be regarded as not covered by the Act. To remove this hardship, I have brought forward the second amendment. The third amendment is with regard to the usufructuary mortgages. At present, usufructuary mortgage means 'any mortgage by virtue of which the mortgagee is in possession of the property mortgaged, where no rate of interest is stipulated as due to the mortgagee.' A question has now arisen in this connexion. We, lawyers are able to find loopholes in the many Acts that are passed. For instance, suppose there are 100 items of property. Of these, 50 are given possession of and the other 50 are held as hypotheca. The point is whether these are usufructuary mortgages or hypotheca. The High Court has held that such cases are not usufructuary mortgages as part of the property is held as hypotheca and part as usufructuary mortgages. The present Act would not apply in such cases as they are neither complete hypotheca nor complete usufructuary mortgages. My point is that even where a part or portion of the property has been in possession of the mortgagee, the Act should be made applicable. Again, the existing provisions do not include cases where the mortgage provides for the payment of interest either in respect of a subsidiary liability incurred by the mortgagee or in respect of the principal amount secured by the mortgage or any portion thereof, over and above the usufruct from the property. These are some of the difficulties experienced in the actual working of the Act and which were pointed out by Mr. Karanth and others in their areas. Therefore, I have brought forward the third amendment to remove the difficulties that I have just now mentioned so that the Act could include the case of a mortgagee who is in possession of a portion only of the property, the other portion of which might have been hypothecated."

DEPUTY CHAIRMAN :—"The motion is—
'that the Madras Agriculturists' Relief (Amendment) Bill, 1950 (L.A. Bill No. 23 of 1950), as passed by the Assembly, be taken into consideration.'"

31st August 1950]

SRI B. BHIMA RAO :—"Sir, I support this Bill and want to say a few words while doing so. With regard to the points mentioned by the Hon. Minister, we felt the difficulties even on the last occasion. We felt in the case of persons who have got the interest of the poor agriculturists at heart, why should their debts be scaled down. This seemed to be quite unjust. Some of us referred to this even then. But somehow, the amendment as it then stood was carried by the Legislature. The unreasonableness of this was pointed out by the High Court at least now and we are rectifying it. I am quite glad about this.

"Now, Sir, with regard to the other, the case of usufructuary mortgage, my complaint is similar to the one I made with regard to the former one. It does not cover all the cases. As a lawyer, you must be aware of some transactions, originally by way of simple mortgage providing for some rate interest, in which, after a certain period the debtor finding himself unable to pay the debt makes a fresh arrangement with the creditor for the discharge of the debt. He tells the creditor, 'I shall place my property in your possession, you enjoy the usufruct thereof till the debt is discharged and then give back all the property to me'. Such cases are quite common in the district in which I practise and I believe some of my friends from the Andhra Desa will support me in that statement. Originally, it will be a simple mortgage. After a term, say five or six years, the creditor finds that the debtor does not have sufficient other resources to discharge the liability and so insists upon the buildings and other properties being placed in his possession till the debt is completely wiped out. This is done verbally and there is no written document, much less a registered document, to prove this arrangement. This kind of arrangement goes on for twenty years and thirty years. If there is a case wherein there is evidence of mortgage for 20 years, then the debt will be proportionately reduced and on payment of the balance the debtor is entitled to get back his property. But if such cases as I have mentioned which are frequent in occurrence, are taken up, what is the remedy? Sir, kindly look into the provisions of the Bill and see whether it covers transactions of such a kind. I am making this suggestion—I do not want to move an amendment—to the Bill of Hon. the Minister for Law. Let my Hon. Friend modify the terminology so that it may include transactions of this nature, which frequently come up before the Courts, and provide for a contingency like that. I am convinced that the amendment proposed to section 9 (A) of the Act will not be much helpful. I would therefore, recommend to the Hon. the Minister in charge of this Bill that instead of bringing in another amendment later on to cover such cases he may incorporate my suggestion in the present Bill itself."

SRI T. PURUSHOTHAM :—"Mr. Deputy Chairman, Sir, I entirely agree with my hon. Friend, Mr. Bhima Rao in his remarks. In the Circars, there are several such cases in which the creditor is in possession of the land and he enjoys the income therefrom. But the property is not returned to the debtor even

[Sri T. Purushotham] [31st August 1950]

after the fulfilment of the conditions of mortgage by him. Some provision must be made to meet such cases so that justice may be done to the affected persons."

* THE HON. SRI K. MADHAVA MENON :—" Mr. Deputy Chairman, Sir, my hon. Friend, Mr. Bhima Rao said that though he supported the Motion he was afraid there might be another loophole in the Bill which, as I have understood him, is this—that though a mortgage may appear as a simple mortgage at first, after a few years, it may be converted into a usufructuary mortgage and that it will not come within the purview of the Bill. I am unable to agree with him. If it is a case of a simple mortgage converted into a usufructuary mortgage, then it will fall within the definition of a renewal of a document and the nature of the document may be changed. So in the case of usufructuary mortgages the provisions in the Act relating to them will apply, viz., the provisions of Section 9 (A) of the Act as will be amended if this Bill is passed into law. In the case of simple mortgages the other provision, viz., reduction of interest to five per cent as long as the mortgages remain simple ones, will apply. So, I do not see any difficulty as is mentioned by my hon. Friend, Mr. Bhima Rao. Anyhow, I may say that I shall examine his suggestion also if a contingency is likely to arise and take all possible steps to meet the situation."

DEPUTY CHAIRMAN :—" The question is—

' that the Madras Agriculturists' Relief (Amendment) Bill, 1950 (L.A. Bill No. 23 of 1950), as passed by the Assembly, be taken into consideration '."

The motion was carried.

Clauses 2, 3, 4, 5, 6, 7, 8 and 9 were put and carried.

Clause 1 and the Preamble were put and carried.

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

' that the Madras Agriculturists' Relief (Amendment) Bill, 1950, be passed '."

DEPUTY CHAIRMAN :—" The question is—

' that the Madras Agriculturists' Relief (Amendment) Bill, 1950, be passed '."

The motion was carried.

(5) THE MADRAS CITY MUNICIPAL (AMENDMENT) BILL, 1950
(L.A. BILL NO. 24 OF 1950).

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

' that the Madras City Municipal (Amendment) Bill, 1950 (L.A. Bill No. 24 of 1950), as passed by the Assembly and transmitted to the Council, be taken into consideration.'

31st August 1950] [Sri K. Chandramouli]

" In the Statement of Objects and Reasons two points have been made quite clear and I think I need not dilate upon them at this juncture. Hitherto, the Corporation of Madras has been levying upon tram cars a half yearly tax of Rs. 100 per car. Considering the financial position of the Company with reference to their profits and also in view of the fact that the Government have permitted a rise in tramcar fares, the Government, at the instance of the Corporation, have decided to raise the tax from Rs. 100 to a maximum of Rs. 900 out of which, it is proposed that four-ninths of the amount will go to the Government. The Bill before the House is intended to achieve this object and I commend it to the House for consideration."

DEPUTY CHAIRMAN :—" The motion is—

' that the Madras City Municipal (Amendment) Bill, 1950 (L.A. Bill No. 24 of 1950), as passed by the Assembly and transmitted to the Council, be taken into consideration '."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Mr. Deputy Chairman, Sir, I wish to ask the Hon. the Law Minister to tell this House under which Article of the Constitution he thinks this taxation measure is *intra vires*."

* THE HON. SRI K. MADHAVA MENON :—" Sir, the amendment is to the Madras City Municipal Act which permits the licensing of transport by the Corporation. Local Administration is within the province of the State Legislature to legislate upon."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Sir, if it were merely a measure which gives powers to the Corporation to increase its tax on tramcars, it will be *intra vires*. But this particular measure seeks to have a State tax also imposed, four-ninths of the amount having to be credited compulsorily to the Government. Now, in regard to all taxation measures, it has been provided that particular authorities ought to be responsible for the levying of taxes. You will find in List II—State List—of the Constitution the taxation powers conferred on this State. Items 45 to 63 indicate the subjects and none of which will apply to this particular taxation measure. Secondly, Sir, you will find that in item 57 the State has got the power to impose a taxation on vehicles, whether mechanically propelled or not, suitable for use on roads, including tramcars. This is a power which the State has got to levy a wholesale tax on tramcars. You will find in Part XII that the question of joint taxation or sharing of taxation proceeds between the Centre or the Union and the States is very clearly defined. You will find the manner of distribution of revenues between the Union and the States in Articles 268, 269 and 270. Article 270 for instance, says—

' (i) Taxes on income other than agricultural income shall be levied and collected by the Government of India and distributed between the Union and the States in the manner provided . . . '

So, there is no provision in the Constitution which says that the Corporation or municipality can levy a tax and have it distributed

[Dr. A. Lakshmanaswami Mudaliyar] [31st August 1950]

between the State and the Corporation of the municipality concerned. Inasmuch as that provision is not there, I feel it is *ultra vires* of the powers of the Legislature to pass a Bill seeking under the City Municipal Act to impose a condition which, in essence, comes to two measures of taxation, a Local taxation and a State taxation. I am not now concerned with the merits of the Bill which I shall take up at a later stage. Item 5 of List II—State List gives powers to the Corporation and local bodies to raise taxes. If the Corporation is given power to raise the tax, it is all right. But to require the Corporation to compulsorily pay a certain amount as a tax to the State is not what is envisaged in the Constitution. This is a very vital point and I think it requires very careful examination at the hands of the Government. The City Municipal Act of 1919 came into force long before the Government of India Act and there is a great reason to believe that this was not what was contemplated. More than that the Constitution of India, 1950, clearly states the duties and powers of the Union as well as the States and I feel considerable hesitation in coming to the conclusion that that power vests in the State or is within the competency of the State."

12-45 P.m. * THE HON. SRI K. MADHAVA MENON :—" Sir, item 5 of List II—State List in the Seventh Schedule to the Constitution is—

'5. Local Government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration.'

Therefore this comes within the State List. We are only amending section 116 of the Madras City Municipal Act which gives the Corporation power to tax tramcars, carriages and vehicles. It is not a tax levied by the Government. It is a tax levied by the Corporation. The Government are only saying that 4/9ths of the proceeds of this tax should be credited to the Government. It is an adjustment between the Government and the Corporation. There is no question of any *ultra vires* coming in here. Even if there is any question of *ultra vires*, it has to be decided by the Courts and it cannot be raised here as a point of order. This is only a question of an amendment of a Local Administration Act, the Madras City Municipal Act and it comes under item 5 of the State List. It is entirely within the powers of this Legislature to pass this Bill. Whether it offends the Constitution or not, is a matter to be decided by the Courts. It is perfectly within the competence of this Legislature to pass this Bill. The question of *ultra vires* is not to be decided here."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Sir, I referred to item 5 of the State List in my remarks and said that the State has got power to legislate with regard to 'Local Government, that is to say, the constitution and powers of municipal corporations . . . But I find it hard to believe that under

[31st August 1950] [Dr. A. Lakshmanaswami Mudaliyar]

this power the Government can ask the Corporation compulsorily to pay the Government 4/9ths of the tax that it collects. Section 116 of the City Municipal Act says—

'(1) If the Council by a resolution determines that a tax on carriages and animals shall be levied, the Commissioner shall levy the said tax half-yearly on carriages and animals . . .

(2) The rates of the tax shall be determined by the Council provided always that they shall not exceed the maximum laid down in . . .

But this compulsory contribution to the State does not enable the Corporation to determine the rate of the tax to be levied, because another party steps in and says that the Corporation should pay in so much of the tax that is levied. It is not open to the Corporation to levy such a rate of tax that it considered reasonable. Apart from that, it offends against the very propriety of Local Administration Act in my opinion."

THE HON. SRI K. MADHAVA MENON :—" Sir, may I invite your attention to item 57 of the State List in the Seventh Schedule to the Constitution? It runs as follows :—

'57. Taxes on vehicles, whether mechanically propelled or not, suitable for use on roads, including tramcars subject to the provisions of entry 35 of List III.'

It is a State subject and the Government can tax tramcars or permit the Corporation to tax tramcars and take a portion of the tax so levied. There is a specific provision here."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" According to item 57, the State Government can tax tramcars themselves and give a subsidy to the Corporation. But it is not open to the Government to ask the Corporation to tax the tramcars and take a portion of the proceeds for their own purpose. I find no specific provision here for such a distribution of the tax between a local body and the State. That is my point. I leave it at that."

THE HON. SRI K. CHANDRAMOULI :—" Sir, I have to point out that even now the Corporation has a right to vary the rates of the tax within the maximum limit prescribed. We are not taking away that right. The Corporation has a right to determine the rate of tax without exceeding the maximum limit."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" In determining the rate of tax to be levied, it has got to bear in mind the extraneous consideration which is not quite consistent with the powers vested in the Corporation."

* SRI R. SURYANARAYANA RAO :—" Sir, I am afraid the Government want to hit at two birds at one shot. That is why they have got into a mess. (The Hon. Sri K. Madhava Menon : 'We have not got into a mess.') As Dr. Lakshmanaswami Mudaliyar pointed out, this is a measure dealing with the powers of a local body. To the extent to which the local body may be permitted to tax tramcars, by all means give that power. But if the Government want a share of the proceeds of the tax, or if they want to tax tramcars directly, let them introduce another Bill. As the Hon. Mr. Madhava Menon said, under item 57 of the State

[Sri R. Suryanarayana Rao] [31st August 1950]

List the State Government has got the power to tax tramcars. But why mix up the duties of the Corporation with those of the Government? By all means, the Government want money and we know it and we will come to it later on. But let them not make the Corporation responsible for making money for them. That is all I have got to say and that is what Dr. Lakshmanaswami Mudaliyar has stated. Give power to the Corporation to impose its own taxation. If the Government want to levy further taxation, let them bring in another Bill under item 57 of the State List in the Seventh Schedule, under which they can levy 'taxes on vehicles, whether mechanically propelled or not, suitable for use on roads, including tramcars, etc.' The Government are now taxing buses under the Motor Vehicles Taxation Act and they can go on adding to it. All that we say is: Let them not mix up these things. I think that is constitutionally wrong. I do not know, Sir, why our legal pandits in the Secretariat suggest all kinds of things which raise many doubts. Someone later on may take it to High Court where the poor judges have to sit for days and say that it is *ultra vires* of the powers of the State Government. Let the Government give the power to the Corporation to levy a tax on tram cars subject to a certain maximum limit. If the Government want 4/9ths of the proceeds of the tax, instead of increasing the maximum, let them bring a direct taxation Bill. That is all that we have to suggest at this stage, apart from going into the merits of the case at a later stage."

* THE HON. SRI K. MADHAVA MENON :—" Sir, we have not got into a mess. The hon. Member is unnecessarily raising a doubt where there is nothing. If Mr. Suryanarayana Rao's interpretation of Mr. Lakshmanaswami Mudaliyar's objection is correct, it amounts to this: The Government can authorize the Corporation to levy this tax by amending Schedule IV of the City Municipal Act which is an Act of the State Legislature. Clause 2 (ii) of this amending Bill says that the tax on tramcars shall be increased from Rs. 100 to Rs. 900. I hope there is no objection to that. Everybody says that it is correct. There is nothing wrong."

SRI R. SURYANARAYANA RAO :—" Legally."

* THE HON. SRI K. MADHAVA MENON :—" In amending Schedule IV to the City Municipal Act and enabling the Corporation to raise the tax on tramcars from Rs. 100 to Rs. 900, I am glad to learn that we are not getting into a mess. But I do not feel as Mr. Suryanarayana Rao thinks that the judges of the High Court would feel that as a result of this legislation they would have to spend some time in vain and so on. For whatever the judges do they are spending their time usefully."

" Then the other question is whether it is proper to ask the Corporation to credit 4/9ths of the proceeds of the tax to the Government. Sir, the Government have got the power to tax tramcars and there is nothing wrong in delegating that power of collecting taxes to the Corporation, asking them to take 5/9ths of

[31st August 1950] [Sri K. Madhava Menon]

the proceeds of the tax for themselves and credit 4/9ths of the proceeds to the Government. Practically it is the Government that takes the power and then it delegates it to the Corporation. After all, what is the danger that is likely to result from this course? Somebody may say that it is wrong for the Government to ask the Corporation to credit 4/9ths of the proceeds to them. Then the result will be that the entire proceeds of the tax will be credited to the Corporation. That is not a situation of which we need be afraid. Instead of the Government getting 4/9ths of the proceeds of the tax, that also will go to the Corporation. There will be no other danger."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" The whole Act may be declared *ultra vires*."

* THE HON. SRI K. MADHAVA MENON :—" Not at all. We are only amending Schedule IV to the City Municipal Act and increasing the rate of tax from Rs. 100 to Rs. 900. The only contingency is that the Government may not get a share of the proceeds of the tax. We are not very much worried about that. That will not happen. It is only a matter of assertion of opinion on this side or that side. There is nothing wrong whether we tax the tramcars ourselves when we have got the power to tax them or we ask the Corporation to collect this tax and pay a portion of the proceeds to the Government. Even if what we do is wrong, what will happen is, the Corporation will get the entire amount."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" I am afraid we would be setting a precedent which might later on prove disastrous, with regard to the relations between local bodies and the Government. Have we got the power to set such a precedent? It is not on the merits of the tax that I raise this issue at this stage. I have deliberately stated that so far as I can see, under the Constitution, there is no power for the Government to ask the Corporation to levy this tax and credit a portion of the proceeds to the Government. If the Corporation Council have a responsibility to their own clientele, it cannot be discharged by a measure of this kind, because the raising of this taxation is not absolutely of their own volition. If it offends against the very propriety of local self-Government if the Government should decide what the Corporation should do."

DEPUTY CHAIRMAN :—" I think this is a matter which has gone before the Corporation and they have already been consulted in the matter. I do not think that is a regular point of order; I take it that it is only intended just to bring to the notice of the House the difficulties which are likely to arise if this legislation is questioned in another place. As the House has been apprised of this difficulty, I think, we may go ahead with the motion before the House. It is for the hon. Members to vote as they please in this matter."

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"The motion is—

'that the Madras City Municipal (Amendment) Bill, 1950 (L.A. Bill No. 24 of 1950), as passed by the Assembly and transmitted to the Council, be taken into consideration'."

The motion was put and carried.

* SRI H. M. JAGANNATHAM :—" Mr. Deputy Chairman, under Rule 129 of the Council Rules, I beg to present a petition on behalf of the Madras Electric Tramways, Limited, signed by its Agent, Mr. L. D. B. Elphick for the consideration of hon. Members. The petitioner prays that the increase in tax may be postponed for the time being as the Company has been working at a heavy loss for the last two years and may be taken up when there is a return of prosperous times and the Company is able to meet the increased taxation. I formally present the petition to the Council."

(The petition was handed over to the Secretary to the Council.)

DEPUTY CHAIRMAN :—" Under Rule 131 of the Madras Legislative Council Rules—

'Every member offering to present a petition to the Council shall confine himself to a statement of the parties from whom it comes, of the number of signatures attached to it and of the material allegations contained in it and to the reading of the prayer of the petition.'

"The petition is in conformity with the rule. The Secretary will make an abstract of it and give it out to the Council."

SRI B. BHIMA RAO :—" The House should know what the complaint is. The substance of the complaint may be read out to the House, Sir."

DEPUTY CHAIRMAN :—" The prayer of the petition may be read out."

1 p.m. THE HON. SRI B. GOPALA REDDI :—" The hon. Member has stated that this Bill may be taken up at a later stage when the company is in a position to bear the tax, that it is now running at a loss, and all that; that is the prayer; I think, that is the operative portion of the petition."

THE HON. SRI K. MADHAVA MENON :—" We have only to record it and nothing more."

DEPUTY CHAIRMAN :—" If the House wants it, I think there is nothing wrong in the abstract being read out."

SRI B. BHIMA RAO :—" Now that a request has been made that the abstract may be read out, it is better to have it read out."

DEPUTY CHAIRMAN :—" The Secretary will now read the prayer in the petition."

"The Secretary to the Council then read the prayer contained in the petition."

DEPUTY CHAIRMAN :—" Mr. Jagannatham has got some amendments to clause 2; he may move them."

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SRI H. M. JAGANNATHAM :—" Do you allow a general debate on this, Sir? "

DEPUTY CHAIRMAN :—" In the second reading, you may discuss the matter contained in the concerned clause."

JANAB ABDUL LATIF FAROOKHI :—" On a point of order, Sir; we have not yet passed the first reading stage. Are we not to discuss the question generally now? The Bill has only been moved now, and it is open to the Members either to oppose it or to express their views thereon. I think amendments should be taken up only afterwards, in the second reading stage."

DEPUTY CHAIRMAN :—" The first reading is over; let us now take up the Bill clause by clause."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" What has happened is this: we have been going on with the consideration of a likely point of order that might be raised; that was the question we were discussing and I was not going into the merits of the question at all. The next thing was a discussion of the merits of the Bill. I submit for your consideration that what happened was that it was suggested that an issue might later on be raised as a point of order, but I myself refrained from doing so."

DEPUTY CHAIRMAN :—" I am sorry; after the point of order was raised, I definitely put the question that the first reading be passed. The House agreed to it. I am sorry the Members did not follow me then. Now the Bill will be taken up for consideration clause by clause."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" I am sorry, Sir."

* SRI H. M. JAGANNATHAM :—" I move, Sir, the amendment standing in my name, viz.—

'that the proposed sub-section (3) to section 116 be deleted.'

I submit it is not right that the Government should encroach on the Corporation's slender finances while it has got to incur such a huge amount of expenditure every year. The Corporation throughout the 365 days of the year has been begging the Government either for a free grant or for a half-free grant or for a loan with interest or a loan without interest. Whatever may be the tax that is proposed to be collected from the tramway company, I think it should be left entirely to be spent by the Corporation and the Government should not go in for shares with the Corporation. Sir, you, as the ex-Chairman of the Taxation and Finance Committee of the Corporation, know the financial difficulties of the Corporation. I request the Members to vote for the deletion of this sub-section which is proposed to be introduced by clause 2 of the Bill. With these few words, I move the amendment. (The Hon. Sri B. Gopala Reddi : 'Do you agree to raise the amount to Rs. 900?') I shall come to it later on."

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* SRI R. SURYANARAYANA RAO :—“ Sir, as I have also given notice of an amendment of a similar nature, I rise to second Mr. Jagannatham's amendment. The point has been discussed at considerable length in connexion with the point raised by Dr. Lakshmanaswami Mudaliyar. The Hon. Minister for Local Self-Government in introducing the Bill made two points with which every one of us here will agree. He said that the financial position of the Corporation is such that some additional revenues must be found for it. We all agree. Again, he said that this legislation is being undertaken at the instance of the Corporation. It is just possible that the Corporation has requested the Government to enable it to increase its revenues, its financial resources, and it is quite possible that it has suggested this source; but I am sure that the Corporation did not bargain that while it should be allowed to increase the tax on tram-cars, it should pay four-ninths of it to the State. All that the Corporation might have asked and legitimately asked—and I think it was perfectly justified in doing so—is that it should be enabled to increase its revenue from this particular source. What I say is: by all means assist the Corporation, by increasing the maximum. To what extent the Corporation should be enabled to increase the tax is quite a different matter; on that point I think the Hon. Minister for Finance wanted a definite assurance from Mr. Jagannatham. That there is need to increase the revenues of the Corporation is agreed; and the Corporation is quite justified in asking the Government to come to its assistance. At the same time, it never wanted this particular provision to be put into the Bill. I have been closely following in the papers the proceedings of the Corporation of Madras in regard to this matter; and I am sure the Corporation never bargained that it should collect the tax and pay a portion of it to the Government. No respectable self-governing institution is likely to come forward and say, ‘I shall collect the tax for you; if you will please agree, I shall give you four-ninths of it’. The Corporation is after all a body which is practically as big as this Government so far as the City is concerned; no doubt the Corporation derives its powers from this Legislature; but I am sure it would never have agreed to this condition. The object of this Bill is, for the reasons adduced by Dr. Lakshmanaswami Mudaliyar, to give power to the Corporation to increase the upward limit of the tax on tram-cars; please do not ask the Corporation to go into shares with you in regard to the revenue so derived. Later on, I will show that even this is not going to assist the Corporation much; I shall give figures to show that for all the trouble that the Corporation is to take, it will get only about Rs. 10,000 more. Anyway, from a constitutional point of view, I feel it is wrong that such a provision should go into this enactment. Secondly, as I have already said, the Corporation should not be asked to collect the tax and pay a portion of it to Government. If the Government want to levy a tax in order to improve their own financial resources, let them undertake legislation for taxing vehicles, mechanically propelled or not, etc., according to the Constitution. I should therefore like this particular clause to be

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omitted, to avoid not only certain constitutional complications which may arise, but also from the point of view that if you want to enable the Corporation to augment its revenues, in all fairness, you must give it the power to increase the tax without going in for shares. As the hon. Dr. Lakshmanaswami Mudaliyar said, it is on its own volition that the Corporation should increase the tax. You fix Rs. 900 as the limit and allow the Corporation to fix it to-morrow at Rs. 300 or Rs. 200, i.e., to increase the present tax by Rs. 100 or Rs. 200. But out of the increase, why do you want four-ninths? That will mean that you are indirectly compelling the Corporation to increase the tax as much as possible, so that its share of five-ninths may become as big as possible.”

THE HON. SRI K. MADHAVA MENON :—“ But the present limit is only Rs. 100.”

* SRI R. SURYANARAYANA RAO :—“ But you are not giving any power to the Corporation to fix the tax within the limit you now prescribe. I feel, Sir, that this is a very reasonable amendment which the Government should be pleased to accept. In moving this amendment, the intention is not to take away any power which the Corporation at present possesses, to fix the tax on tram-cars.”

DR. A. LAKSHMANASWAMI MUDALIYAR :—“ Sir, in supporting this amendment, I should like to bring to the notice of this House certain fundamental principles that are involved, which I think we ought to take note of. I have already said that this measure may be copied with regard to other municipalities also. So far as I can see, it is a measure that is likely to give rise to a great deal of controversy as to whether the Government have got the power or not to make the Corporation collect and pay a part of the tax to them. I deliberately did not want to raise a point of order at that stage, but I do say there is some principle involved in this. As I understand it, all taxation measures and resolutions passed by the Corporation are subject to the approval of the Government; and I do not think the Corporation itself can increase the outer limit of the tax without the concurrence of the Government. If therefore this Bill is passed and the Corporation says to-morrow ‘well, we can take advantage of this measure for increasing the present tax; so, let it be Rs. 300 but not Rs. 900,’ the Government will not be in a position to give that unbiased consideration to such a resolution as they are expected to give in dealing with it. Interested parties as they themselves will be,—I do not think I am taking any extreme view whatever—I suggest the Government may not be in a position to give that dispassionate consideration which they ought to give, in regard to resolutions passed by the Corporation Council. That is another reason why I feel that a measure of this description is not in the best interests of local self-government. The taxation measure itself will, as pointed out by my friend, Mr. Suryanarayana Rao, bring in very little of additional finance to the Government; it would be in fact nothing, when considered in relation to

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the obviously very large issues—which I have not exaggerated—which may arise and which I suggest this House should take note of. On these grounds, Sir, I support the amendment to delete this particular sub-section.”

SRI B. NARAYANASWAMI NAYUDU :—“ I want to say a few words with regard to this amendment. The real question to my mind is whether you can delegate the power to tax to somebody else. With whom does it rest now? Does it rest with the local body, or with the State Government or with the India Government? This Bill really wants the Corporation to levy a tax and transmit the proceed, or a portion of it, to the State Government. Does this Government have the power to ask the Corporation to levy the tax on their behalf and pass it on to them? That is the real point raised by Dr. Lakshmanaswami Mudaliyar and no answer has been forthcoming. Under what authority do you want the municipal corporation to increase the tax? The Corporation derives its power to levy the tax under section 98 of the City Municipal Act. You want now, by this Bill, the Corporation to levy the tax not only for itself but for the State Government also. I ask: what right has the Corporation to collect the tax and pass it on to the State Government? Where is the section in the Act which says that the Corporation Council may levy a tax and pay a part of the proceeds to the Government of Madras? It can no doubt levy a tax for its own purposes; it has the authority to do so under section 98 of the City Municipal Act. And who passes the taxation measure in this respect? It is the Corporation Council, taking advantage of the local self-governing power given to it under the City Municipal Act. So, it is the Corporation Council that levies the tax and not the Government. The Government can simply enable the Corporation to levy the tax through a legislation passed by this Legislature. But here you want the Corporation of Madras to suggest a method to increase its revenues, you say you will pass the measure, but at the same time, you want that a part of the proceeds should go to the State Government. How can that be done under Section 98, as it is the Council that has to levy the tax for any purpose? According to section 98 of the City Municipal Act, the power is given to the Council to levy the tax and if you go to section 116, it says—

“ If the council by a resolution determines that a tax on carriages and animals shall be levied . . . ”

Therefore, it is the Corporation that is given the power to levy the taxes and that too only for the purposes specified. Now, can you ask the Council by a resolution to determine a tax on carriages and animals and ask them to give the proceeds thereof to you? Is the Council of the Corporation of Madras to be the taxing collecting authority for the State revenues? How can that be? On the other hand, taxation powers are given to us under the Constitution Act and you can levy a tax, as my hon. Friend, Dr. Lakshmanaswami Mudaliyar has pointed out. What you are now proposing

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to do is, to ask the Corporation of Madras to levy a tax as a statutory authority and to divert the proceeds thereof to the State revenues. Who is the authority to determine the tax? Is it the Corporation Council? This Council and the Assembly are the bodies entitled to pass Bills or raise the tax. Now, you are trying to take away the power of the Assembly and the Council to raise the tax and putting it on the Council of the Corporation by bringing in this amendment. It is not merely a question of a matter of order, but the real question is, whether the local Legislature is competent to request the local administrations or municipal councils to do it for them. Probably, they themselves feel they are fed up because people will worry them and they could not pass a law here and therefore they request the local bodies to do it with regard to raising the maxima or minima, so that they could pass a resolution with 20 or 25 members according to party requirements. But, I ask, where is this power given? They cannot do so without the sanction of the Legislature. Can you ask the City Municipal Corporation or any other local body to levy a tax for you and ask them to pass on a portion of the tax to you? I say it infringes the very principle of taxation and therefore it must be deleted. Then again, the question of transmission of a certain proportion of the tax to the provincial treasury is certainly beyond the jurisdiction of the municipal council. In the first place, they cannot levy a tax for the provincial Government, nor can they remit a portion of that to the Government. It is only the Assembly or the Council that can levy a tax. I submit therefore, both on the question of point of order and on the merits of it, this is an indirect way of taxation. They are many subterfuges this Government are seeking to make and this is another subterfuge in order to get money. They do not want to ask the Council or the Assembly to raise the taxation. I want to know who has got that authority? Is it the Assembly's vote or the vote of the Council of the Corporation of Madras, or is it the local bodies vote or the Council's vote that should decide it? How can you go and ask the Corporation Council to raise the tax for you? And, how can you authorize it and how can you ask the Corporation to transmit a portion of the proceeds to you? I have never heard of, what we call, local boards raising a tax and giving it to the State Government.”

* MRS. M. HENSMAN :—“ Deputy Chairman, Sir, I do not wish to take up the time of the House by repeating what has been said by other hon. Members. But I would like to draw the attention of the House to one or two sections of the City Municipal Act. Now, section 40 deals with the powers of the Provincial Government, which include, power to call for records, power to cause inspection to be made, or the taking of action by the person who is to take action, submission of copies of proceedings, etc., but there is no provision in that section to give powers to the State Government to have anything to do with increasing taxation. On the other hand, when it comes to section 98-A (2), we find—

“ When the council shall have determined to levy any tax or duty for the first time or at a new rate, the commissioner shall forthwith publish a notice in the manner laid down specifying the date . . . ”

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Now, it is the Corporation that has to levy a new tax or a tax at a new rate, but there is no provision here for the Provincial Government to certify or announce a new tax or a new rate. On the other hand, it is the Commissioner who publishes the notice and it is he who specifies the date, etc., under section 98-A of the Act.

"Then again, Sir, coming to the question of taxes referred to in section 116, I fail to see how the proposed amendment can form sub-section (3) of section 116. For instance sub-sections (1) and (2) of section 116 say—

(1) If the Council by a resolution determines that a tax on carriages and animals shall be levied, the commissioner shall levy the said tax half-yearly on carriages and animals kept within the city which are of the kinds specified in Part III of Schedule IV.

(2) The rates of the tax shall be determined by the council, provided always that they shall not exceed the maximum laid down in Part III of Schedule IV."

According to the schedule that maximum for every tramcar is Rs. 50 for every half-year. The schedule gives the maximum taxes for other kinds of vehicles, bulls, elephants, camels, bicycles, tri-cycles, etc., and for everything the maximum rate is given there . . ."

THE HON. SRI B. GOPALA REDDI :—"What about perambulators?"

Mrs. M. HENSMAN :—"Nothing is mentioned for go-carts or perambulators. I think that has not been put down and so we need not have to pay anything for that. It must have been due to women's influence that this exemption was made. Now, my point is, according to sub-section (2) of section 116, the taxes shall be determined by the Council, provided they shall not exceed the maximum. So, I do not see how, as it is proposed in the other amendment, you can change Rs. 100 to Rs. 900 at the behest of anybody, not even the Council itself. If sub-section (2) of section 116 is changed by an order of the Government, then of course something might be done, but so long as these two sub-sections (1) and (2) of section 116 stand as they are, I think this proposed sub-section (3) cannot be added on to the section, since it is a contradiction in terms. I humbly submit, from my rather inadequate knowledge of law, but from my wider knowledge of commonsense that I do not see how the proposed sub-section (3) can depend upon sub-sections (1) and (2).

"In conclusion, I wish to say, that in any case, the Bill as passed by the Assembly, puts no date to any of the clauses. Now, Sir, if the House wishes to refer this Bill to the Assembly and if the Assembly chooses to leave it without a date—for a precedent we have the Betting Tax Bill where no date has been put on the Bill that was passed by both the Houses of the Legislature, and perhaps the Hon. Minister in charge has reserved the power to fix the date of action—the Assembly may refer it back to the City Council and ask them to alter section 116 (1) and (2) and then indeed this clause to raise the tax from Rs. 100 to Rs. 900 may come in. But, so far as the section stands as it is, unless such a provision is made, I do not see how we can put in this new sub-section (3) that is proposed.

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"Then again, Sir, hon. Members who have spoken, particularly, Mr. Suryanarayana Rao, referred to four-fifths of the tax being paid to the State Government, whereas, I think in the Bill it is stated four-ninths. Here, I would like to draw attention to what has been said by much abler people than I on the subject. I submit that the powers of the State Government as put down in Section 40 of the City Municipal Act, do not include powers relating to raising the tax or collecting the tax. Now, the Hon. Minister in charge wants four-ninths of the tax on tramcars to be paid to the State Government and then he supplements it by raising the tax from Rs. 100 to Rs. 900. I submit that it is the tram passenger who has to pay all this increase. I think the Hon. Minister made mention that this Government has allowed the tram fares to be increased. By how much? By half-anna. There is no route in this City on which the increase is more than half-an-anna from end to end both for new tramcars and for the tramcars that are now in motion. I would ask the Hon. Minister seriously to consider, especially section 116 (1) and (2) of the Act and the Bill as proposed, and refer the Bill back to the Assembly for necessary action."

* DR. P. S. SRINIVASAN :—"Deputy Chairman, Sir, with regard to the law in the matter, whether it would be right for this Government to levy this tax or ask the Corporation to levy this tax and take a portion of the tax, I leave it to the Hon. Minister to reply. But, with regard to the statement made by my hon. Friend, Mr. Suryanarayana Rao that the Corporation will get only Rs. 10,000. I think he has to be corrected. According to the petition submitted by the Electric Tramway Company they say, they have paid to the Corporation Rs. 21,000 per year. That is for 105 tramcars that are running on the line. At that rate, they will be getting, for 105 cars, about Rs. 50,000 and it is not a small sum. It will give an increased income to the Corporation which will go a long way in the matter of improving its revenue."

DEPUTY CHAIRMAN :—"Is the hon. Member, Mr. Jagannatham, moving his other two amendments also?"

SRI H. M. JAGANNATHAM :—"As there are only five more minutes before luncheon hour, I would like to move them after lunch, Sir."

SRI B. NARAYANASWAMI NAYUDU :—"I think if all the amendments are moved, it will facilitate the Hon. Minister to give a reply to all of them."

The House then rose for lunch.

(After lunch—2-30 p.m.)

* SRI H. M. JAGANNATHAM :—"Mr. Deputy Chairman, Sir, I beg to move that—

'In the amendment proposed to rule 10 of Schedule IV for the proposed figures "900" substitute the figures "300".'

My reasons for this are as follows."

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THE HON. SRI K. MADHAVA MENON:—"There is considerable love for the Corporation in the House." (Laughter.)

* SRI H. M. JAGANNATHAM:—"Sir, the increased tax on tramcars from Rs. 100 to Rs. 900 is too much. I know the Government have made up their mind about this enhancement and so whatever arguments I might put forth on this occasion will be of little avail. But still from the point of view of the common man, from the point of view of the ordinary tram-user, I will be failing in my duty if I do not give expression to the vital considerations that have to be borne in mind while passing this amendment.

"Sir, this is a case of indirect taxation on the poor. The burden of this heavy tax is going to be shifted on to the shoulders of the poor wage-earners in the City and not on the rich who have their own motor cars. It is all very well to say, 'we are not taxing people, but only the company. We have recently permitted them to raise the fare from nine pies to one anna per mile stage. Why not they be asked to pay?' But is that the real proposition? The tramway company, as they have clearly shown in their balance sheet, have been working at a loss for the last two years. In 1948 the loss was Rs. 1½ lakhs and in 1949, Rs. 1 lakh despite all the increase of population in the City. What has been the result of the increased fares? Unless you get more passengers, or at least unless you get the same passenger traffic, which, they now say, has gone down by 21,800 per day, you cannot make any additional income. The company estimated to gain by the increase nearly half a lakh of rupees every month, but in the first month in which the new fares were introduced, they got only Rs. 25,000. So, there is no denying that there has been considerable drop in the passenger traffic and these passengers must have gone over to the State Transport buses. So the little additional income the company was able to get is more than off-set by the higher charges for electricity demanded by the Government and the proposed enhancement of the tax on tramcars which this amendment seeks to levy.

"Sir, while our great national leaders in the early years of their coming into power were very enthusiastic about nationalization of industries, they are now convinced that private enterprise has a very important place in the national economy. Indeed the Government of India have given a number of tax reliefs to private enterprises in their last budget. If I remember right, they have also promised much more reliefs in future.

"Now, Sir, here is a vital industry—Transport Services—operated by a private company which has been working at a heavy loss for the last two years. They have not been able to pay any bonus to the employees in spite of the strikes. Either the Government should take over the service, nationalize it also like the bus transport service, or, Government should allow the company to function with benefit to the public, satisfaction to their staff and profit to the shareholders. There can be no other choice before the Government.

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"Sir, I am quite clear by this amendment, Government will be killing the goose that lays the golden egg. The company will naturally, I think, reduce the number of cars they put on the road, which will mean reduction of staff, unemployment to workmen and more and more inconvenience to the travelling public. Already both the Government Transport and the Tramways are not able to cope with the traffic during the peak hours, and many employees of firms in the City are forced to walk all the distance to their home late in the night. Do Government want to make the situation worse by forcing the company to reduce the number of tramcars? Do they wish to invite labour trouble? There is no doubt that the company will be forced to retrench the staff. Therefore, Sir, I would ask Government even at this late hour to drop their proposal or limit the tax to Rs. 300."

SRI R. SURYANARAYANA RAO:—"Sir, I beg to move my amendment which seeks to fix the maximum of Rs. 400 per car as the tax. My amendment runs thus—

'In the amendment proposed to rule 10 of Schedule IV, for the proposed figures "900" substitute the figures "400".'

Sir, in moving my amendment, I would like Government to tell us whether they have examined the balance-sheet and profit and loss account of the Tramway Company and satisfied themselves that it can bear tax to the extent of Rs. 900 they propose. Sir, from the figures which have been furnished by the Tramway Company, which I am sure Government cannot challenge, I find the company has been running at a loss. Is it the intention of Government that they should make the company run on greater losses and get into liquidation? Is it fair to ask a losing concern to pay more tax so that its losses may increase? That is one point I wish to make.

"The second point is, what will be the next step of the Tramway Company if this tax is imposed. It will seek to increase the fares. And who is to pay this increased fare? It is the citizen. Sir, the citizens of this City and this province have been made to bear all kinds of burdens. My friend, the Hon. Finance Minister is keen on finding out any commodity which is available for putting a sales tax. (Laughter.) Now, next to food and clothing, transport is the most important consideration for those living in cities like the City of Madras. By this measure, the tramway fares will be increased, or the tramway company would be compelled to withdraw some of their coaches from the line, as they would not be able to pay the enhanced tax. So, ultimately it is the citizen that would be hit by this measure. Evidently, it looks as though the Hon. Finance Minister wants every citizen to be at his mercy (laughter) because he wants to increase the income of the Government Bus transport. Instead of providing more facilities to citizens by making the transport as cheap as possible—now that the city is spreading itself out—and help it to expand and enable the people to live in distant parts and from there go to their place of employment easily and quickly. Government are now indirectly compelling the Tramway Company to increase their fares, and make those who make use of the tramway to pay more fares, or compelling the company to withdraw

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their tramcars from the line, and thereby put the citizens to great hardship. Either of these results will take place, if the increased tax is levied.

"Again, Sir, increased fare means decreased returns to the company, which, in its wake would lead to withdrawal of cars from the line, and that would lead to retrenchment, unemployment and labour trouble. Already the tramway company labour is restive; because they feel the amenities they are entitled to are not provided for them. So the ultimate result will be the unfortunate and unnecessary labour trouble in the City of Madras.

2-45 P.M. "My friend, Dr. Srinivasan, this morning corrected me, and I accept his correction and I am thankful to him for it, regarding the revenue to Corporation from this tax. At present the revenue at the existing rate of tax is Rs. 21,000 to the Corporation at the rate of Rs. 100 per car for 105 cars. The revenue from the new tax proposed, at the rate of Rs. 900 per car, amounts to Rs. 1,89,000; and four-fifths of it, Government will take, that is, Rs. 84,000, and the Corporation will take the balance. It is true that the finances of the Corporation will be greatly augmented. But my amendment practically helps the Corporation to retain, by having the tax at Rs. 400 per car, as much as they will be getting if Government amendment is accepted. In the interests of the citizens of the City who need transport very badly, I feel it is wrong to raise the rate of tax on tramcar from Rs. 100 to Rs. 900 all of a sudden. The increase is as much as nine times. If the facts stated by the Tramway Company are correct and I hope they are correct, the company is working at a loss. I would like the Government to consider whether it is fair to impose this additional burden on the company and whether we should not accede to the prayer contained in its petition to stop this increase for the present and, when the times are propitious, impose such additional taxation as might be necessary.

"My hon. Friend the Minister for Law said this morning that as soon as this Bill was passed into law, the Corporation would be required to levy a tax of Rs. 900 per tramcar. It is not so. Rs. 900 is only the maximum. If the Corporation Councillors feel that they need not impose Rs. 900, it is open to them to levy the tax at a reduced rate, or retain the existing rate of tax. But, as the Government are anxious to get a share of the revenue, perhaps forces will be at work to influence the decision of the Corporation. Let us leave the Corporation to itself, fix a lower maximum and allow it to exercise its choice within that maximum. I do not think it is fair to increase the tax to the extent to which it is proposed to do. I do not know on what basis the Government have arrived at this rate of Rs. 900. Perhaps they must be thinking that the Tramway Company is making a huge profit—hidden profit of which we are not aware from the published accounts. Knowing that the company is running at a loss and will not be able to bear the additional burden in spite of the increase in fares, it is not fair to raise the tax unless the Government have made up their mind to permit the company to increase the fares further. With these words, I move my amendment to substitute Rs. 400 in the place of the proposed Rs. 900."

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THE HON. SRI B. GOPALA REDDI :—"Rs. 400 is worked out on what basis?"

*SRI R. SURYANARAYANA RAO :—"On no basis. As the accounts of the Tramway Company show that it cannot bear any additional burden, we would like the proposed increase to be dropped altogether. But if the Government's intention is to assist the Corporation to increase its revenue, perhaps the Corporation will levy the tax in such a manner as to indirectly compel the Tramway Company to hand over the concern to it. The Corporation is very anxious to take over the tramways. Perhaps this is another method of compelling the Tramway Company to hand over its assets and liabilities to the Corporation. I quite agree that there is no case for increasing the tax. But if the Government want to increase the tax at all in view of the increase in fares, the increased revenue must go to the Corporation. They have got the power to say to what extent the Corporation can increase the tax when the proposal comes up before them. I believe that any increase in tax by the Corporation has to secure the permission of the Government. Let the Government fix a lower maximum of Rs. 400 and allow the Corporation to so adjust the rate of tax as to conform to the ability of the Tramway Company to bear the burden."

SRI M. D. T. KUMARASWAMI MUDALIYAR :—"I second the amendment."

*THE HON. SRI K. MADHAVA MENON :—"I appreciate the suggestion of the hon. Sri B. Narayanaswami Nayudu that the amendments should not have been clubbed together. The amendment proposed by Sri H. M. Jagannatham and Sri R. Suryanarayana Rao to delete the proposed sub-section (3) to section 116 seeks to give the entire benefit of the increased tax to the Corporation. I quite understand their sympathy for the Corporation. The second amendment is just the reverse. In effect it says that the Corporation does not want the money, that the Tramway Company is in financial difficulties and that the tax need not be raised. I do not think that even the Tramway Company can put its case so well as Mr. Jagannatham did. He referred to the difficulties of the Tramway Company, how its balance sheet showed that it was working at a loss, the possibility of retrenchment of labour consequent on increasing the tax and so on. Perhaps Mr. Narayanaswami Nayudu anticipated the funny position that has arisen now when he suggested that these contradictory amendments need not be clubbed together.

"Mr. R. Suryanarayana Rao was very vehement about the Government taking a share of the revenue from the Corporation. I quite appreciate his plea on behalf of the Corporation. Every one of us wants to make the City beautiful. Dr. Lakshmanaswami Mudaliyar thinks that we are making the City horrible."

"Much sympathy was shown for the Tramway Company. I do not know what profit it is making. Except the petition that has been put before the House, I have no details of its income and expenditure."

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" Mr. Suryanarayana Rao asked what the sanctity was that was attached to this figure of 900. For every transport bus we are levying a tax of Rs. 30 per seat per quarter or Rs. 120 per seat per year. The seating capacity of the smallest tram-car is about sixty. Very often it carries a considerably larger number of passengers and let us proceed even ignoring this overloading. On the basis of the tax paid by a transport bus, a sixty-seater tram-car will have to pay a tax of Rs. 7,200 per year. We propose to fix the maximum only at Rs. 900 per half-year. In fact, the Corporation passed a resolution seeking permission to increase the maximum to Rs. 3,000, perhaps with a full knowledge of the condition of the Tramway Company and the other taxes it has to pay. Much sympathy was exhibited by Mr. Jagannatham for the poor traveller who has no motor-car and who has to go about walking or travel in a tram-car. It is out of consideration for the poor traveller that we have fixed the maximum at Rs. 900 and not at Rs. 3,000 as was suggested by the Corporation.

" The amendment of Mr. Jagannatham and Mr. Suryanarayana Rao to reduce the maximum to Rs. 300 and Rs. 400 respectively does not help anybody in any way except perhaps the Tramway Company. I am not in a position to say whether the Company is in need of any help or not.

" Sri Narayanaswami Nayudu and Dr. Lakshmanaswami Mudaliyar doubted the propriety of asking the Corporation to pay a part of the revenue to the Government. I do not want to be dogmatic, as the procedure may be capable of different interpretations. Under the City Municipal Act, the Government have power to impose on the Corporation duties other than those imposed by the Act. Under that power, the Government can ask the Corporation to collect the tax and pay a portion of it to them. The procedure can be defended on another ground also. Just as the City Municipal Act is a power given by the Legislature to the Corporation, the Legislature will be giving power to the Corporation to pay a portion of the tax to the Government by passing this Bill. That is my submission."

THE HON. SRI B. GOPALA REDDI :—" Sir, I do not want to go into the constitutional or legal aspect of the question whether it is desirable that the Government should authorize the Corporation to levy tax at an enhanced rate and ask for a portion of the revenue to the State exchequer. I am viewing it only from the propriety point of view. I do not think there is anything improper about it. It is a question of internal adjustment between the Government and the Corporation. When we can make every petty dealer to be our Sales Tax Collector, there is nothing wrong in our authorizing the Corporation to levy a tax at their discretion subject to a specified maximum without any kind of compulsion and asking it to contribute a portion of the revenue to the State exchequer. Perhaps there may not be many precedents for it in this country or in other countries. While the Government collect the tax and give a share to the Corporation, no objection is raised. But when the Corporation collects a tax and the Government ask for a share,

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objections are raised on the ground of law, constitution and propriety. The Government collect the Entertainments Tax and give about ninety per cent, to the Corporation, municipal council or other local body concerned. Likewise, the Government collect the Motor Vehicles Tax and give about Rs. 90 lakhs to the district boards and municipalities as toll compensation out of the revenue derived from that tax. A stamp duty of 5 per cent in the City and municipal areas and 4 per cent in other areas is levied. The duty is collected by the Registration Department of the Government and out of it over Rs. 2 crores is paid to the local bodies every year. Thus the Government collect the Entertainments Tax, Motor Vehicles Tax and stamp duty on transfer of property and give a portion of it to the Corporation and other local bodies. When that is possible, I do not see why the reverse of it cannot be possible. It need not necessarily be one-way traffic. The Corporation can collect certain taxes and pay a portion of it to the Government.

" Sri R. Suryanarayana Rao pertinently asked whether it was fair to enhance the tax to Rs. 900. We have not enhanced the tax; we are only giving power to the Corporation to enhance it. The provision made is only permissive and not binding. After considering the financial position of the Tramway Company and all other relevant matters, it is open to the Corporation to enhance the tax suitably subject to the maximum of Rs. 900 or not to enhance it at all.

" Apart from that, Sir, he asked whether it was desirable that 3 p.m. the Tramway Company should be asked to pay 900 per cent more than what they are paying to-day. But, Sir, take the case of a poor man who owns a bus or two. Without much of a capital, he buys the bus, and puts it on the road. He has then to pay Rs. 3,600 a year by way of motor vehicle taxation. He has to meet the petrol charges and tyre charges and he has got to pay for the conductor and the driver and besides these, he has got to meet some expenses by way of repairs and renewals, because he cannot maintain a workshop of his own. And with all these expenses, he has got to pay a tax of Rs. 3,600 per year, while the Tramway Company, because it is an English Corporation working here for a very long time, pays only a tax of Rs. 200 a year per tram-car with a standing capacity of 40 and a seating capacity of 35 passengers. Is it fair to ask the poor bus-owner—for he is indeed poor when compared to the Tramway Company—to pay Rs. 3,600 per year as motor vehicle taxation, while the big Tramway Company carrying about 75 passengers in a tram-car pays only Rs. 200 to the Corporation? Sir, I cannot understand the justice, the propriety and the ethics of this preferential treatment. Yet my hon. Friend Mr. R. Suryanarayana Rao pleads for that English company and says that it will go into voluntary liquidation if the tax is raised. Sir, I am pleading for the other man, the bus-owner, because I want that there should be some sense of justice and some sense of proportion between the tax paid by him and the tax paid by the Tramway Company. There should be some sense of equity in this matter and that is why I want to enhance the tax on the Tramway Company and bring it on a par with the bus tax. Therefore the Corporation of Madras has rightly

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asked us that they should be permitted to enhance that tax from Rs. 100 to Rs. 3,000. We had carefully gone into the matter and we had come to the conclusion that it might be raised to Rs. 900 at the most. Now the entire motor vehicles tax is taken away by the State Government, though the roads in the City of Madras are maintained by the Corporation. The Corporation gets no share from the motor vehicles tax. We are taking away the entire tax but we are only paying a small amount by way of toll compensation on some basis which is not commensurate with the use to which the Corporation roads are put to, by the motor users. Therefore, there is nothing fundamentally wrong in the Corporation's request to enhance the tax on the Tramway Company and there is also nothing wrong on the part of the Government asking that 4/9ths of the proceeds of that tax should go to the State Government. Now we have been getting a portion of the licence fees collected by the Panchayats and municipalities. Similarly we must get a portion of this tax from the Corporation.

"Sir, there was also the other point raised about the enhancement of the tram-fares. The Tramway Company asked us to permit them to enhance the rates of fares and the Government agreed to it. The Registrar of Joint Stock Companies went into the question and computed that the Tramway Company would get about Rs. 6 lakhs per year by means of this enhanced fare. The company's deficit during the last two years was not much. I think it was about Rs. 80,000 in the year before last and one lakh of rupees during last year. But they have been earning huge profits in the previous years and declaring huge dividends to their shareholders in England all those years. Nobody has said anything about it and nobody has pleaded that they should pay an enhanced tax to the Corporation, even though the finances of the Corporation are in no way better. The shareholders of the Tramway Company who are in England had been getting huge dividends all these years and that was not also mentioned by my hon. Friend Mr. H. M. Jagannatham, who pleaded so very forcibly for the Tramway Company."

SRI H. M. JAGANNATHAM:—"During the last 24 years, they have paid dividend only for 12 years, Sir."

THE HON. SRI B. GOPALA REDDI:—"But, what is the rate of dividend they had declared during the years in which dividends were paid to the shareholders? (An hon. Member: 'Cent per cent!') Unless they had made huge profits, they would not have paid such huge dividends to their shareholders. But they never paid any enhanced tax to the Corporation all those years. But because during the last two years, the company has sustained some loss, Hon. Members are pleading very eloquently for the company and are threatening that it would go into liquidation, that the public would be put to considerable suffering and all that. I submit, Sir, that they are simply shedding crocodile tears, when they plead on behalf of the Company."

SRI B. NARAYANASWAMI NAYUDU:—"Sir, there was no tears till now in this House from hon. Members, still less crocodile tears!"

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JANAB K. T. M. AHMED IBRAHIM:—"When the Government allowed the Tramway Company to increase its rate of fares, did not the Government go into all these matters? Why did the Government give permission to enhance the fares?"

SRI R. SURYANARAYANA RAO:—"Are the Government going to permit any further increase, if the Tramway Company asks for it again?"

THE HON. SRI B. GOPALA REDDI:—"Sir, the Tramway Company said that by this enhancement of 25 per cent, i.e., from 9 pies to 12 pies, it would get about Rs. 6 lakhs of additional income per annum. We thought that from this increased income, the Corporation of Madras and also the Government might get a share and that is why we permitted the enhancement of fares. But just now it comes and says that its expectations had not proved correct, that there had been a diminution in the number of passengers, that the travelling public had taken to other forms of transport such as rickshaws and buses and hence pleads that this tax should not be enhanced. Sir, that is a matter which the Corporation of Madras would go into and I am sure, the Corporation would certainly consider the financial position of the Tramway Company and also the company's income by way of increased fares, and impose only such tax as would be fair and equitable. What we now say is, we shall permit the Corporation to increase the tax up to a maximum limit of Rs. 900. It may be Rs. 200 or Rs. 300 or Rs. 400. That is a matter that would be left to the discretion of the Corporation and we do not compel the Corporation that it should levy the maximum tax of Rs. 900. We have simply fixed the maximum and we would leave it to the Corporation to do as it deems fit and proper. Therefore, Sir, there is nothing fundamentally wrong in our present Amending Bill. This is only a participation in the allocation of revenues. We have been amending our taxation measures from time to time and we have been sharing the taxes with the local bodies and the Corporation of Madras and this is one of such measures, in which we have asked the Madras Corporation to share the proceeds from this tax between the Corporation and the State Government in the ratio of 4/9 and 5/9, because we want to place this tax on a par with the motor vehicle taxation. Otherwise it will be unfair for the motor-owners to be paying their tax entirely to the Government and nothing to the Corporation at all. The Tramway Company do not now pay anything to the Government, but pays its tax only to the Corporation. So the State Government has a right to come into the picture and whatever is given to the State, will again come back to the Corporation in a different shape. In any case, Sir, the Corporation will not be allowed to be starved and the Government will certainly come to its aid, whenever it is in need of finance. As a matter of fact, Sir, the Local Finance Enquiry Committee has been purposely set up to enquire and make suggestions to augment the sources of revenue for local bodies and when that Committee came here from Simla, I myself gave evidence as to how best the finances of local bodies could be augmented and placed on a sound basis. We are awaiting the report of that Committee and if

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they suggest that more finances should be made available to the local bodies, then certainly we shall think of giving even the 10 per cent of the Entertainment tax that we are now getting from the cinema theatres. Now we are getting about Rs. 5 lakhs from cinema houses. Perhaps from one point of view, it is legitimately a municipal tax and must be paid to the municipality. Therefore it is up to the Government to pay back these taxes to the local bodies and it is certainly obligatory on the part of the Government to see that the Corporation is not starved. It is not as though we want to strangle the Corporation or to take away its legitimate taxes. Therefore, Sir, there is nothing illegal or unconstitutional about this sharing of the tax between the Corporation and the State Government and I do not think that even if anybody would venture to go to the High Court to obtain a writ to declare this legislation *ultra vires*, he would succeed in such attempt, because we have no doubt about our constitutional position in this matter and we are confident that no such thing would happen. This is only a question of propriety. After all, Sir, propriety is always bilateral and not unilateral. When we help the Corporation to augment its finances, we also do want to get a share of its revenues in order to augment our own resources. So, there is nothing wrong in what we have done, Sir.

“ With these words, Sir, I commend the Bill for the acceptance of the House.”

* THE HON. SRI K. CHANDRAMOULI :—“ Mr. Deputy Chairman, Sir, after having heard the speech of my Hon. Colleague, the Finance Minister, I have very little to say by way of reply and I should like to place only one or two points before the House. My Hon. Colleague has answered most of the points raised by hon. Members opposite in the course of this debate. I do not propose to go into those points again. I should like to make one point clear before I proceed to the others.

“ The first point is that the Corporation passed a resolution on 3rd May 1949 asking the Government to permit it to enhance the tax on the Madras Electric Tramway Company at the rate of Rs. 6 for each seating accommodation and Rs. 3 for each standing accommodation. As all hon. Members know, there are about 105 tramcars now running in the City. Previously, when the Madras Corporation asked the Government to increase the tax, we went into the question and even on the statements furnished by the company itself, we found that it was actually working at a profit of Rs. 4 lakhs annually. According to the calculation of the Corporation, the company was making an average profit of Rs. 30,000 per mensem. At that time, we thought that such a high taxation as proposed by the Corporation was not justifiable and feasible and therefore we deferred the proposal. But now, when the Corporation has come up again with the present proposal for enhanced taxation, we find that even according to the audited balance-sheet of the company for the year ending 31st December 1949, the company has made a net profit of 800 pounds. Of course, the company has not paid any dividend for the last year and this year, but all the same, it has shown a net profit. So,

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hon. Members cannot argue that the company will go into liquidation if this tax is enhanced. Even according to its own statement, the company expects to get an additional revenue of about Rs. 6 lakhs per year on account of the increased rate of fares. But now only two months' figures have been placed before hon. Members by the company and even according to those two months' figures, we see that it has got a profit of Rs. 24,000 and Rs. 10,500 respectively during the last two months. Even at this rate, it is possible for the company to make a profit of nearly Rs. 2½ lakhs this year. It cannot therefore be argued that the company would incur a loss or that it would go into voluntary liquidation and all that. I cannot understand the plea put forward by hon. Members on behalf of the company and the threats they held out that the number of tramcars would be reduced or that there would be labour troubles or that the public would be put to much inconvenience, if the tax is increased. All these statements are simply exaggerated and only tend to create confusion in the minds of the public. Quite recently, the Directors of the company interviewed us and had a talk with us. They furnished us certain figures and from those figures we were very clear that the company is running on a profit and if we patiently wait for one full year, the company would certainly make enough profits to pay the tax and at the same time earn a decent margin of profit. From these two months' figures, we cannot conclude that it would make a loss and that all those harrowing pictures that hon. Members have sought to paint, would follow in their train.

“ Sir, I have already made it clear, that the tax of Rs. 500 that is now proposed is the maximum that the Corporation can levy. The corporation has the discretion to reduce it, in accordance with the capacity of the Tramway Company to pay. It may levy Rs. 400 or Rs. 500 or even less. Its discretion has not in any way been interfered with. Therefore, Sir, we have not at all made any unreasonable or abnormal proposal in the Bill before us. My Hon. Colleague, the Finance Minister has made the point clear that there is nothing wrong in the Government's asking for a share in the proceeds of that tax. But still when hon. Members have pleaded so much on behalf of the Corporation, I can quite appreciate their anxiety that the financial position of the Corporation should not in any way be weakened. The Government are also of the same opinion and they do not stand on false prestige. I am therefore prepared on behalf of the Government to accept the amendment of my hon. Friend, Mr. Jagannatham and Mr. R. Suryanarayana Rao for the deletion of the proposed sub-section (3) to section 116. The Government would not object to the amendment, because hon. Members are so forcible in that respect. But under no circumstances would the Government accept the contention that the company would go into liquidation owing to this taxation. I therefore request hon. Members to withdraw all the other amendments, except the one I have just now referred to, namely the deletion of sub-section (3) of section 116, which the Government are prepared to accept, in accordance with the wishes of hon. Members of this House.”

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3-15
p.m.

DEPUTY CHAIRMAN :—" The motion is—

'Delete the proposed sub-section (3) to section 116'."

The amendment was put and carried.

DEPUTY CHAIRMAN :—" I now put the other two amendments of the hon. Members Sri H. M. Jagannatham and Sri R. Suryanarayana Rao to the vote of the House."

THE HON. SRI K. CHANDRAMOULI :—" Sir, I would request the hon. Members Sri H. M. Jagannatham and Sri R. Suryanarayana Rao to withdraw their amendments in view of the acceptance by the Government of their first amendment."

SRI H. M. JAGANNATHAM :—" I withdraw my amendment, Sir."

SRI R. SURYANARAYANA RAO :—" I also withdraw my amendment, Sir."

The amendments were, by leave of the House, withdrawn.

Clause 2, as amended, was put and carried.

Clause 1 was put and carried.

The preamble was put and carried.

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

'that the Bill be returned to the Legislative Assembly with the following recommendation :—

"Delete the proposed sub-section (3) to section 116'."

DEPUTY CHAIRMAN :—" The motion is—

'that the Bill be returned to the Legislative Assembly with the following recommendation :—

"Delete the proposed sub-section (3) to section 116'."

SRI B. NARAYANASWAMI NAYUDU :—" Sir, this is the first time that the Government have been pleased to accept an amendment from the Opposition. (Applause). I hope this will not be the last time. On a vital matter like taxation, I am glad that the Government have accepted this amendment. I hope hereafter there will be no question of prestige. When we feel that a certain thing is right, we must stand up and accept it. That alone is true democracy. I congratulate the Government on the bold step they have taken. We all owe this to Dr. Lakshmanaswami Mudaliyar who pointed this out. I myself did not notice it. I am very grateful to him for pointing out this."

DEPUTY CHAIRMAN :—" The motion is—

'that the Bill be returned to the Legislative Assembly with the following recommendation :—

"Delete the proposed sub-section (3) to section 116'."

The motion was carried.

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(6) THE MADRAS LAND ENCROACHMENT (AMENDMENT) BILL, 1950.

* THE HON. SRI K. MADHAVA MENON :—" Sir, I beg leave to introduce the Madras Land Encroachment (Amendment) Bill, 1950, and move—

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

"Sir, this is a very small Bill. The Government are leasing certain lands for a temporary purpose and for a temporary period. Occasions might arise when at the end of a period the lease has to be terminated automatically or has to be terminated before the period of lease for reasons like the non-compliance with the conditions of the lease. For non-compliance with the conditions of the lease, resumptions are made. It has been the practice of the Government to take possession of the land under the Land Encroachment Act. Where the parties do not surrender possession, the provisions of the Land Encroachment Act were applied. Now doubts have arisen whether the Government can, as a matter of fact, apply the provisions of the Land Encroachment Act in those cases. We want to clear the doubts that in cases where lands have been leased, and those leases have been cancelled for breach of the conditions of the lease, the provisions of the Land Encroachment Act can be invoked to take possession of the land. The practice adopted for a number of years may not be the law if some doubts are raised. Since doubts have been raised, to clear all those doubts, this Bill is brought forward. Sir, I move."

DEPUTY CHAIRMAN :—" The motion is—

'that the Madras Land Encroachment (Amendment) Bill, 1950, be taken into consideration at once'."

SRI T. PURUSHOTHAM :—" Sir, I rise on a point of information. After the coming into force of the Zamindari Abolition Act, the Government have passed orders with regard to some tenants who were in possession of some zamindari lands. Will they be ejected under the Land Encroachment Act? When it is clearly laid down in the Zamindari Abolition Act that any dispute with regard to the possession of those lands will be decided by a Tribunal, how can this Government eject any tenant under the provisions of the Land Encroachment Act? Is it for this purpose that this amending Bill is brought forward? If so, how can this be valid in view of what is contained in the Zamindari Abolition Act."

* THE HON. SRI K. MADHAVA MENON :—" Sir, this Bill has nothing to do with the Zamindari Abolition Act or the Rent Reduction Act. The proposed section is clear. It says—

"Where a lease of land which is the property of the Government expires or is terminated by the Government or any other authority competent in that behalf, the lessee or any other person remaining in possession of the land after such expiry or termination, or

where land granted to any person is liable to be resumed by the Government for the breach or non-observance of any of the conditions subject to which the grant is made and the Government or any other authority competent in that behalf have passed orders resuming the land for such breach or non-observance, the grantee or any other person remaining in possession of the land after the passing of those orders,

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shall, for the purposes of sections 3 to 15, be deemed to be a person unauthorisedly occupying such land.'

It must be a lease of land belonging to the Government, or it must be a grant of land subject to certain conditions, the breach or the non-observance of which, will entail resumption by Government. There must be a specific grant of land by the Government or a specific lease for the provisions of this Act to be applied. In other cases, this Act will not be applied."

DEPUTY CHAIRMAN :—" The motion is—

' that the Madras Land Encroachment (Amendment) Bill, 1950, be taken into consideration at once '."

The motion was carried.

Clause 2 was put and carried.

Clause 3 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

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

' that the Madras Land Encroachment (Amendment) Bill, 1950, be passed '."

DEPUTY CHAIRMAN :—" The motion is—

' that the Madras Land Encroachment (Amendment) Bill, 1950, be passed '."

The motion was carried.

(7) THE MADRAS REPEALING AND AMENDING BILL, 1950.

* THE HON. SRI K. MADHAVA MENON :—" Sir, I beg leave to introduce the Madras Repealing and Amending Bill^a 1950, and move—

' that the bill be taken into consideration at once.'

" Sir, hon. Members need not be frightened by the volume and the number of pages that are found in this Bill. There are a number of obsolete and spent out Acts on the Statute Book from 1859 onwards. So many Acts which have been passed, were temporary, or have worn out or have become spent out, but still they are on the Statute Book. From the time of adaptation of the laws under the New Constitution, we have been examining whether these Acts should be retained. For instance there is the Moplah Outrages Act. It is stated that the Government can cancel it by a notification. We have cancelled it by a notification. There is the Moplah Outrages Act Continuance Act. We have cancelled it by a notification. Still these Acts are on the Statute Book. A number of subsequent enactments have cancelled the previous enactments, but still the old Acts are on the Statute Book. This Bill contains two Schedules. The First Schedule deals with those Acts which are to be repealed. The Second Schedule deals with amendments to certain previous enactments. The amendments, in all cases, are only verbal. In the Madras

^a Published in the Fort St. George Gazette, dated 1st August 1950.

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Land Revenue Assessment Act, 1876, in section 2, for the words ' official gazette ' in the second paragraph, the words ' District Gazette ' are proposed to be substituted. Because, the term official gazette has been defined as *Fort St. George Gazette*, and that publication in the District Gazette will not be a sufficient publication. In the Local Authorities' Loan Act, 1888, the amendment proposed is, in section 1, before the words and figures ' Local Authorities' Loan Act, 1888 ', the word ' Madras ' shall be inserted. In the case of a plural subject and singular predicate, we have substituted the singular predicate. We have examined all the Acts to the extent possible to correct any grammatical mistakes there may be. In the Madras Stamp (Amendment) Act, in Schedule I-A, Article 26, for the words ' greatest value ', we have substituted the words ' greater value '. Similarly, in the Madras University Act, in section 45, for the words ' its institutions ' we want to insert the words ' their institutions '. Again in section 53, for the words ' it deems fit ', we have suggested the words ' they may deem fit '. These are all verbal amendments. I took so much time to explain all this, because Mr. Suryanarayana Rao has tabled an amendment that the Bill be referred to a Joint Select Committee of the two Houses. Not that I have any objection to refer the Bill to a Joint Select Committee if the House so thinks. After all there is nothing to be lost or gained by reference to a Joint Select Committee. In every case the House will see that the amendments proposed are all verbal to correct grammatical and other mistakes.

" In the Annamalai University Act, I want that for the words ' he deems fit ', the words ' they deem fit ' shall be substituted. So, this is the nature of the amendments that are proposed. I have looked into them carefully. Even in making these amendments I had made some mistakes which were found out subsequently. Therefore, I have myself given notice of one or two amendments. No particular purpose will be served by referring this Bill to a Select Committee. Hence, I move that the Bill be taken into consideration at once."

DEPUTY CHAIRMAN :—" The motion before the House is 3-30

' that the Madras Repealing and Amending Bill, 1950, be taken into consideration at once '."

* SRI R. SURYANARAYANA RAO :—" Sir, I am obliged to the Hon. Minister for answering my point anticipating my motion for reference to a Joint Select Committee. As the hon. Members of this House are aware, this is the third time when we are considering such a Bill in this House. I entirely agree that there are many obsolete enactments and the sooner they are removed from the Statute book the better for all. But apart from what the Hon. Minister has quoted, I refer him to the amendment moved to the Madras City Municipal Act (page 329 of the *Fort St. George Gazette*, dated 1st August 1950). The amendment is that in column (3) of the entry relating to section 285-A, for the words ' twenty rupees ', the words ' two hundred rupees ' shall be substituted. Sir, this is not a small matter. This is one which has to be looked into carefully. Another amendment there is, that in

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Schedule VIII, in column (3) of the entry relating to section 285-A, for the words 'two hundred rupees' the words 'twenty rupees' shall be substituted. Only these things struck me and I immediately thought that it would be better to refer the Bill to a Joint Select Committee. (The Hon. Sri K. Madhava Menon: 'It relates to fines'.) Whether it is fine, licence fee, or anything else, it will not take more than an hour if a few people sit together, examine the matter and once for all dispose of these alterations."

* THE HON. SRI K. MADHAVA MENON:—"The original section is very ridiculous, regarding these two hundred rupees and twenty rupees. The intention was to impose a fine of two hundred rupees for a first offence and a daily fine of twenty rupees for a continuing breach, under that section. But just the reverse was put in the section. So, as it remained, the fine for the first offence was Rs. 20 and for every day of continuation of that offence the fine was Rs. 200. This was a mistake that had crept in. So, we want it to be corrected."

* SRI R. SURYANARAYANA RAO:—"I may also tell the Hon. Minister that copies of this Bill were supplied to many Members only to-day. As soon as I got notice of it, I came to the office, obtained a copy and skipped through it. Most of the Bills were not supplied to us before they were introduced to-day. I had, therefore, no time as wanted to give notice of amendments. As there were so many alterations to be made, I thought it was curious that this error should have been allowed to exist so long. I thought that a few people, perhaps even lawyer members of both the Houses, might sit together and once for all dispose of the matter. Of course, everybody is anxious that obsolete legislation should be removed from the Statute Book and all errors should be corrected. There may be some other errors also, even commas and full-stops creeping in and giving a lot of trouble. That was the object with which I gave notice of the motion to refer the Bill to a Joint Select Committee. I am not very anxious that a Joint Select Committee should examine it. If the Hon. Minister assures me that he has gone through the Bill and that he will go through the Bill again as he has done now and given notice of two amendments himself, and see that the other mistakes that still persist in these Statutes are corrected by way of an Amending Bill, I am not anxious that it should be referred to a Joint Select Committee. I do not propose to move my amendment. All that I request the Hon. Minister is to go through and examine this matter once again and correct all errors, some obvious, some grammatical and some topographical."

* THE HON. SRI K. MADHAVA MENON:—"The former two Repealing and Re-enacting Bills that were introduced were not with reference to old obsolete Acts. A number of legislations were passed during the Advisers Regime between 1942 and 1945. They were valid only for one year after the termination of the Advisers' Regime. So, we considered which of those things should be repealed, and which should be re-enacted. In one batch, we brought the Repealing and Re-enacting Bill which was referred to a Select Committee. They considered that some of them should

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be considered and extended for another year. We have considered them and brought forward the Bill. I can assure the House that not a single amendment is in this Bill where a question of principle is involved. If any more mistakes are found out, we shall certainly rectify them."

DEPUTY CHAIRMAN:—"The question is—
'that the Madras Repealing and Amending Bill, 1950, be taken into consideration at once'."

The motion was carried.

Clauses 2, 3 and 4 and the First Schedule were put one after another and carried.

The Second Schedule.

THE HON. SRI K. MADHAVA MENON:—"Sir, I move—
'that in column (4) of the Second Schedule—

(1) in the entry relating to the Madras City Land Revenue Act, 1851 (Central Act XII of 1851), for the word "Crown", substitute the word "Government".

(2) in the entries relating to the Madras Shops and Establishments Act, 1947 (Madras Act XXXVI of 1947), for item (i), substitute the following:—

"(i) In section 2, for clause (7), the following clause shall be substituted, namely:—

'(7) "factory", means any premises which is a factory within the meaning of the Factories Act, 1948.'"

DEPUTY CHAIRMAN:—"The motion is—
'that in column (4) of the Second Schedule—

(1) in the entry relating to the Madras City Land Revenue Act, 1851 (Central Act XII of 1851), for the word "Crown", substitute the word "Government".

(2) in the entries relating to the Madras Shops and Establishments Act, 1947 (Madras Act XXXVI of 1947), for item (i), substitute the following:—

"(i) In section 2, for clause (7), the following clause shall be substituted, namely:—

'(7) "factory", means any premises which is a factory within the meaning of the Factories Act, 1948.'"

The amendments were carried.

The Second Schedule as amended was put and carried.

Clause 1 was put and carried.

The preamble was put and carried.

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

'that the Madras Repealing and Amending Bill, 1950, as amended, be passed'."

DEPUTY CHAIRMAN:—"The motion is—
'that the Madras Repealing and Amending Bill, 1950, as amended, be passed'."

The motion was carried.

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(8) THE MADRAS MAINTENANCE OF PUBLIC ORDER (AMENDMENT) BILL,
1950 (NOT INTRODUCED)

THE HON. SRI K. MADHAVA MENON :—" Sir, I do not propose to introduce the Madras Maintenance of Public Order (Amendment) Bill, 1950, to-day. It may be passed over."

DEPUTY CHAIRMAN :—" Item II (9) in the agenda, viz., the Madras Maintenance of Public Order (Amendment) Bill, 1950, is passed over. Then we take up the next Bill on the agenda."

(9) THE MADRAS LEGISLATURE (PROHIBITION OF SIMULTANEOUS
MEMBERSHIP) BILL, 1950.

THE HON. SRI B. GOPALA REDDI :—" Sir, I introduce the Madras Legislature (Prohibition of Simultaneous Membership) Bill, 1950, and move—

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

Article 190 (1) of the Constitution reads as follows :—

' No person shall be a member of both Houses of the Legislature of a State and provision shall be made by the Legislature of the State by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other.'

I am bringing this Bill under this Article. If a Member who is a Member of the Second Chamber or the Legislative Council is elected to the Assembly or *vice versa*, what should happen? All these things are governed by this Bill. What happens if a Member is elected both to the Union Parliament and to this House is governed by Article 101? It is already laid down in the Constitution. So, we need not trouble ourselves with what would happen to such persons. If a person is a Member of a Council and if he is elected to the Assembly and *vice versa* or if he is simultaneously elected to both the Assembly and to the Council, what will happen? That is covered by this Bill.

" It is fortunate that our State is going to have a bicameral Legislature. That is governed by Article 168 of the Constitution which says that Madras shall have a Legislative Council also. I may recall to the Members that the Joint Select Committee Report published in 1934 or 1935 originally did not provide for a Second Chamber for Madras. But on representations made by certain parties here or I do not know whether it was on a specific Resolution of the House, a Second Chamber was provided for Madras ultimately in the Government of India Act, 1935 and we have been functioning since 1937 with a Second Chamber. In the new Constitution also, our Constitution framers have thought it right that Madras should be one of the States where a Legislative Council is also provided. That is the view of the Government also. It is appropriate that this Bill should be introduced first in the Upper House because it affects the bicameral Chamber. It is proper that the Upper House is considering it first. After it is passed, it will go to the Assembly. I suppose it is too late in the day to go into the question whether we should have a Second Chamber or not. I do not think this is the time for it because it is already provided in the Constitution that Madras shall have a Second Chamber. Hereafter, of course, the Union Parliament can legislate on the

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recommendations of the Assembly whether the Legislative Council should continue or not. That will come a little later. But as far as we are concerned to-day, it is presumed that we will have two Chambers and we must provide under Article 190 what should happen if a person is elected to both the Chambers. I think this is a non-controversial Bill and we need not go into the entire question of Second Chambers and whether they are useful or not. I request that this Bill may be taken into consideration at once."

DEPUTY CHAIRMAN :—" The question is—

' that the Madras Legislature (Prohibition of Simultaneous Membership) Bill, 1950, be taken into consideration '."

The motion was carried.

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

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI B. GOPALA REDDI :—" Sir, I move—

' that the Madras Legislature (Prohibition of Simultaneous Membership) Bill, 1950, be passed '."

DEPUTY CHAIRMAN :—" The question is—

' that the Madras Legislature (Prohibition of Simultaneous Membership) Bill, 1950, be passed '."

The motion was carried.

I now adjourn the House to meet again at 2-30 p.m. on Saturday, the 2nd September 1950.

The House then adjourned.

3-45
p.m.

[31st August 1950]

APPENDIX I.

[Vide answer to starred question No. 17 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 31st August 1950, pages 234-235 supra.]

His Excellency the Governor of Madras is pleased to sanction, subject to the conditions specified below, the grant of a loan of Rs. 1,00,000 (Rupees one lakh only) to Messrs. Mohan Industries, Limited, Sarala Nagar, Tenali, for starting a business for the manufacture of bricks, tiles, pipes, pottery, earthenware, China and ceramic wares and for undertaking at a later stage, the manufacture of biscuit and confectionary as an additional line.

2. The conditions are—

(a) Messrs. Mohan Industries, Ltd., Tenali, shall execute a mortgage deed hypothecating to the Government as security for the due repayment of the loan with interest,

(i) the assets of the Company free of all encumbrances, and

(ii) the additional assets to be acquired by the Company with the loan now sanctioned.

The Directors of the Company who are also partners of the Managing Agents of the Company should, in addition to the assets offered by the Company, execute personal security bonds guaranteeing the repayment of the loan.

The Director of Industries and Commerce should be satisfied that the immovable assets offered as security are free of all encumbrances.

(b) The entire proceeds of the loan shall be utilized for the manufacture of tiles, bricks and other materials mentioned in paragraph 1 above.

(c) If it shall be proved, to the satisfaction of the Government that the loan sanctioned has not been fully applied for the purpose for which it is granted, the balance of the loan, or such portion of it as the Government may determine, with interest and costs, if any, shall be recovered as provided for in section 18 of the Madras State Aid to Industries Act, 1922 (Madras Act V of 1923).

(d) The loan will bear interest at 5 per cent per annum and shall be repaid in ten annual instalments of Rs. 12,951 each, the first instalment being repaid on 1st June 1950 and the subsequent instalments on the 1st of June of every following year until the loan with interest has been repaid. For the period in excess of twelve months intervening between the date of disbursement of the loan and 1st June 1950, simple interest on the whole amount shall be paid with the first annual instalment.

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(e) On every instalment of the loan which is not paid on the due date, additional interest at 7½ per cent shall be levied as penalty up to the date of its repayment.

(f) The annual instalment of the loan shall be paid at the nearest Government Treasury to the credit of the Government.

(g) And the borrower shall abide by all the provisions of the Madras State Aid to Industries Act, 1922 (Madras Act V of 1923) and the rules framed thereunder.

3. The loan will be disbursed in one instalment on the execution of the mortgage deed referred to above.

4. The expenditure on account of the disbursement of the loan shall be debited to "Loans and advances bearing interest—Advances under special laws (State Aid to Industries)—Advances made by the Director of Industries and Commerce". The Director is requested to apply for additional appropriation of funds in due course, if necessary. The Accountant-General is authorized to admit the expenditure in audit pending the provision of funds.

APPENDIX II.

[Vide answer to unstarred question No. 2 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 31st August 1950, pages 239-242 supra.]

Distribution of ammonium sulphate through the agricultural depots.

Name of the district.	1946-47.	1947-48.	1948-49.	1949-50.
	TONS.	TONS.	TONS.	TONS.
1 North Visakhapatnam.	320	660	700	854
2 South Visakhapatnam.	180	629	500	828
3 East Godavari ..	1,240	1,720	2,445	1,661
4 West Godavari ..	1,435	1,360	1,465	2,198
5 Krishna	460	1,060	873	954
6 Guntur	1,626	1,440	850	3,189
7 Kurnool	100	230	350	80
8 Bellary	355	480	800	Nil.
9 Anantapur	400	394	280	239
10 Cuddapah	416	692	1,285	1,172
11 Nellore	1,233	620	1,910	683
12 Chingleput	1,880	1,530	1,310	1,597
13 South Arcot	1,772	988	2,000	1,652
14 Chittoor	666	470	920	479
15 North Arcot	1,148	800	2,495	1,790
16 Salem	573	1,352	440	913
17 Coimbatore	1,519	1,434	890	1,534
18 Tiruchirappalli ..	2,107	3,041	773	1,556
19 Tanjore	1,842	2,696	950	923

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Name of the district.	1946-47.	1947-48.	1948-49.	1949-50.
	TONS.	TONS.	TONS.	TONS.
20 Pattukottai	481	559	464	1,697
21 Mathurai	1,457	1,595	1,090	609
22 Ramanathapuram ..	597	1,053	2,150	300
23 Tirunelveli	1,270	1,050	1,110	..
24 Malabar	510	2,090	20	340
25 South Kanara	123	260	175	510
26 The Nilgiris	Nil.	5	35	Nil.
	<u>23,710</u>	<u>28,208</u>	<u>26,280</u>	<u>25,758</u>

APPENDIX III.

[Vide answer to unstarred question No. 2 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 31st August 1950, pages 239-242 supra.]

Quantities of sulphate of ammonia and super-phosphate allotted to Madras State during 1950 and the target fixed for each district.

Name of the district.	Sale as straight fertilizer.	
	Ammonium sulphate.	Super-phosphate.
(1)	(2)	(3)
	TONS.	TONS.
1 North Visakhapatnam	1,693	234
2 South Visakhapatnam	1,692	234
3 East Godavari	6,250	938
4 West Godavari	6,375	938
5 Krishna	2,875	469
6 Guntur	8,300	1,172
7 Kurnool	650	94
8 Bellary	1,685	234
9 Anantapur	1,000	140
10 Cuddapah	4,675	703
11 Nellore	2,775	375
12 Chingleput	7,100	1,078
13 South Arcot	3,000	469
14 Chittoor	1,215	188
15 North Arcot	3,950	609
16 Salem	3,000	469
17 Coimbatore	8,310	1,172
18 Tiruchirappalli	14,750	2,344
19 Tanjore	6,115	937
20 Pattukkottai		
21 Mathurai		
	4,025	609

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Name of the district.	Sale as straight fertilizer.	
	Ammonium sulphate.	Super-phosphate.
(1)	(2)	(3)
	TONS.	TONS.
22 Ramanathapuram	3,310	469
23 Tirunelveli	4,200	609
24 Malabar	2,675	422
25 South Kanara	565	94
26 The Nilgiris	15	Nil.
Total ..	<u>160,000</u>	<u>15,000</u>

Manuring mixing firms for incorporation in manure mixtures

34,000	18,900
<u>134,000</u>	<u>33,900</u>

APPENDIX IV.

[Vide answer to unstarred question No. 3 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 31st August 1950, page 242 supra.]

G.O. Ms. No. 2366, Public (Services), dated 22nd September 1948.

[Public Services—Madras General Service (Class IX—Assistant Secretaries to Government) and Madras Secretariat Service—Departments of the Secretariat to be treated as one single unit for purposes of promotion, confirmation, etc.—Proposal dropped.]

Order—No. 2366, Public (Services), dated 22nd September 1948.

Under rule 5 of the special rules for Class IX (Assistant Secretaries to Government) of the Madras General Service and rule 14 of the Madras Secretariat Service Rules, each department of the Secretariat is treated as a separate unit for purposes of first appointment, discharge for want of vacancies, re-appointment of approved probationers and probationers, confirmations and promotion. Representations were made to Government that this provision in the rules has resulted in unequal promotion in the departments of the Secretariat thereby causing heart-burning and discontentment to senior members of the staff and that in the interest of efficiency and justice the disparity should be removed by treating all departments of the Secretariat as a single unit for the purposes mentioned above. The Government after consulting the Retrenchment and Reorganization Committee and examining the case carefully in all its aspects have come to the conclusion that no change in the existing position is called for at present.

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APPENDIX V.

[Vide item V on page 245 supra.]

L.A. BILL No. 19 OF 1950.

(As passed by the Assembly.)

A Bill to amend the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949.

WHEREAS it is expedient to amend the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1950.

Amendment of section 1, Madras Act XXIX of 1949.

2. In section 1, sub-section (3) of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949 (hereinafter referred to as the said Act), for the words, figures and letters "up to and inclusive of the 30th September 1950", the words, figures and letters "up to and inclusive of the 30th September 1951" shall be substituted.

Amendment of section 5, Madras Act XXIX of 1949.

3. In section 5 of the said Act—

(i) sub-section (1) shall be omitted, and sub-sections (2) and (3) shall be renumbered as sub-sections (1) and (2) respectively;

(ii) in sub-section (1) as so renumbered—

(a) in the opening paragraph, for the words "immovable property", the words "movable or immovable property" shall be substituted;

(b) in clause (b), after the words "over the area", the words "in which the movable property is requisitioned or acquired or" shall be inserted;

(c) for clause (d), the following clause shall be substituted, namely :—

"(d) The arbitrator in making his award shall have regard—

(i) in the case of movable property, to its market value;

(ii) in the case of immovable property, to the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894, so far as the same can be made applicable and to the fact whether the acquisition is of a permanent or temporary character :

Provided that where any property requisitioned is subsequently acquired, the arbitrator, in any proceedings in connexion with such acquisition shall, for the purposes

Madras Act XXIX of 1949.

Madras Act XXIX of 1949.

Central I of 1894

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of this clause, take into consideration the market value of the property at the date of the requisition as aforesaid and not at the date of its subsequent acquisition."

4. The provisions of section 5 of the said Act, as amended by section 3 of this Act, shall apply where a claim for compensation is outstanding or in dispute at the commencement of this Act, in a case where movable property has been requisitioned or acquired on or after the 26th January 1950.

D. K. V. RAGHAVA VARMA,
Secretary to the Legislative Assembly.

APPENDIX VI.

[Vide item VII (1) on page 255 supra.]

L.A. BILL No. 20 OF 1950.

(As passed by the Assembly.)

A Bill to amend the Madras Entertainments Tax (Amendment) Act, 1949.

Madras Act VII of 1949.

WHEREAS it is expedient to amend the Madras Entertainments Tax (Amendment) Act, 1949, for the purpose hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Madras Entertainments Tax (Amendment) Act, 1950.

2. In section 1 of the Madras Entertainments Tax (Amendment) Act 1949, after sub-section (2), the following sub-section shall be added, namely :—

"(3) This Act shall cease to be in force on the expiry of four years from the date notified under sub-section (2) :

Provided that section 8 of the Madras General Clauses Act, 1891, shall apply upon the expiry of this Act as if it had then been repealed by a Madras Act."

Madras Act of 1891.

3. The Madras Entertainments Tax (Amendment) Ordinance, 1950, is hereby repealed.

Madras Ordinance of 1950.

D. K. V. RAGHAVA VARMA,
Secretary to the Legislative Assembly.

I certify that this is a Money Bill.

J. SIVASHANMUKHAM PILLAI,
Speaker.

Amendment of section 1, Madras Act XVII of 1949.

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APPENDIX VII.

[Vide item VII (2) on page 259 supra.]

L.A. BILL No. 21 OF 1950.

(As passed by the Assembly.)

A Bill to provide for the establishment of a Contingency Fund for the State of Madras.

WHEREAS Article 267, clause (2), of the Constitution, provides that the Legislature of a State may by law establish a Contingency Fund in the nature of an imprest;

AND WHEREAS it is expedient to establish such a Contingency Fund for the State of Madras; It is hereby enacted as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Madras Contingency Fund Act, 1950.

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

(3) It shall come into force at once.

Establish-
ment of a
Contingency
Fund.

2. (1) There shall be established for the State of Madras a Contingency Fund in the nature of an imprest, called "the Contingency Fund of the State of Madras", and consisting of a sum of one crore of rupees withdrawn from the Revenue Reserve Fund of the State.

(2) Such Contingency Fund shall be at the disposal of the Governor of Madras; and he shall have authority to make advances therefrom for the purpose of meeting any unforeseen expenditure, pending authorization of such expenditure by the State Legislature by law under Article 205 or Article 206 of the Constitution.

(3) As often as any such expenditure is authorized by law as aforesaid, the State Government shall recoup to the Contingency Fund an amount equal to the advance taken from such fund to meet the expenditure.

Power to
make rules.

3. The State Government may, by notification in the Fort St. George Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

D. K. V. RAGHAVA VARMA,
Secretary to the Legislative Assembly.

I certify that this is a Money Bill.

J. SIVASHANMUKHAM PILLAI,
Speaker.

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APPENDIX VIII.

[Vide item VII (3) on page 260 supra.]

L.A. BILL No. 22 OF 1950.

(As passed by the Assembly.)

A Bill further to amend the Madras Co-operative Land Mortgage Banks Act, 1934.

Madras Act
X of 1934.

WHEREAS it is expedient further to amend the Madras Co-operative Land Mortgage Banks Act, 1934, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Co-operative Land Mortgage Banks (Second Amendment) Act, 1950.

Madras Act
X of 1934.

2. In the Madras Co-operative Land Mortgage Banks Act, 1934, after section 32-A, the following section shall be inserted, namely:—

Insertion of
new section
32-B in
Madras Act
X of 1934.

"32-B. Any mortgage bank or the Central Mortgage Bank may grant copies of any documents or entries in documents, obtained and kept by it in the course of its business, or of any entries in such document; and any copy so granted shall, when certified in such manner as may be prescribed, be admissible in evidence for any purpose in the same manner and to the same extent as the original document, or the entries therein, as the case may be."

D. K. V. RAGHAVA VARMA,
Secretary to the Legislative Assembly.

APPENDIX IX.

[Vide item VII (4) on page 261 supra.]

L.A. BILL No. 23 OF 1950.

(As passed by the Assembly.)

A Bill further to amend the Madras Agriculturists Relief Act, 1938.

Madras Act
IV of 1938.

WHEREAS it is expedient further to amend the Madras Agriculturists Relief Act, 1938, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Agriculturists Relief (Amendment) Act, 1950.

Madras Act
IV of 1938.

2. In section 8 of the Madras Agriculturists Relief Act, 1938 (hereinafter referred to as the said Act)—

Amendment
of section 8,
Madras Act
IV of 1938.

(a) in Explanation III, for the words "whether by the same or a different debtor and whether in favour of the same or a different creditor", the words "whether by the same debtor or by his heirs, legal representatives or assigns or by any other person acting on his behalf or in his interest and

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whether in favour of the same creditor or of any other person acting on his behalf or in his interest" shall be substituted;

(b) after Explanation III, the following Explanation shall be added, namely:—

"*Explanation IV.*—Where a debt has been split up, whether before or after the commencement of this Act, among the heirs, legal representatives or assigns of a debtor or of a creditor and fresh documents have been executed in respect of the different portions of such debt, the provisions of this section shall continue to apply in respect of each of the different portions."

Amendment
of section 9,
Madras Act
IV of 1938.

3. In section 9 of the said Act—

(a) in the proviso to clause (1), for the words "whether by the same or a different debtor and whether in favour of the same or a different creditor", the words "whether by the same debtor or by his heirs, legal representatives or assigns or by any other person acting on his behalf or in his interest and whether in favour of the same creditor or of any other person acting on his behalf or in his interest" shall be substituted;

(b) after the proviso aforesaid, the following proviso shall be added, namely:—

"Provided further that where a debt has been split up, whether before or after the commencement of this Act, among the heirs, legal representatives or assigns of a debtor or of a creditor and fresh documents have been executed in respect of the different portions of such debt, the provisions of this section shall continue to apply in respect of each of the different portions."

Substitution
of new
section for
section 9-A,
Madras Act
IV of 1938.

4. For section 9-A of the said Act, the following section shall be substituted, namely:—

Special
provision
in respect of
usufructu-
ary mort-
gages.

"9-A. (1) This section applies to all mortgages executed at any time before the 30th September 1947, and by virtue of which the mortgagee is in possession of the property mortgaged to him or any portion thereof—

(a) where no rate of interest is stipulated for as due to the mortgagee, or

(b) where a rate of interest is stipulated for as due to the mortgagee in respect of the principal amount secured by the mortgage or any portion thereof, in addition to the usufruct from the property, or in respect of any other sum payable to the mortgagee by the mortgagor in his capacity as such.

Explanation.—A mortgagee shall be deemed to be in possession of the property mortgaged to him or any portion thereof, notwithstanding that he has leased it to the mortgagor or any other person.

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(2) The mortgagor shall be entitled to redeem the whole of the property mortgaged, notwithstanding that the time, if any, fixed in the mortgage deed for redeeming the mortgage has not arrived.

(3) Where the mortgagee has been in possession of the whole of the property mortgaged to him for an aggregate period of less than thirty years, the mortgagor shall not be entitled to redeem the mortgage, unless he pays to the mortgagee—

(i) the difference between the principal amount secured by the mortgage and an amount bearing to the principal amount the same proportion as the period during which the mortgagee has been in possession bears to thirty years;

(ii) where any interest on the principal amount secured by the mortgage or any portion thereof has been stipulated for, in addition to the usufruct from the property, the arrears of such interest as scaled down under section 8 or 9 read with section 12, or under section 13, as the case may be; and

(iii) all other sums payable to the mortgagee by the mortgagor in his capacity as such, together with the interest, if any, due thereon.

(4) Where the mortgagee has been in possession of only a portion of the property mortgaged to him for an aggregate period of less than thirty years, the mortgagor shall not be entitled to redeem the mortgage, unless he pays to the mortgagee—

(i) the difference between the portion of that principal amount secured by the mortgage which is attributable to the portion of the property in the possession of the mortgagee and an amount bearing to that portion of the principal amount the same proportion as the period during which the mortgagee has been in possession bears to thirty years;

(ii) where any interest has been stipulated for, in addition to the usufruct from the property, the arrears of interest on the portion of the principal amount referred to in clause (i), such arrears being scaled down under section 8 or 9 read with section 12, or under section 13, as the case may be;

(iii) the balance of the debt as scaled down under section 8 or 9 read with section 12, or under section 13, as the case may be; and

(iv) all other sums payable to the mortgagee by the mortgagor in his capacity as such, together with the interest, if any, due thereon.

(5) (a) Where the mortgagee has been in possession of the whole of the property mortgaged to him for an aggregate period of thirty years or more, then, notwithstanding anything

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contained in sections 8, 9, 12 and 13, the mortgage debt shall be deemed to have been wholly discharged with effect from the expiry of the period of thirty years or where such period expired before the commencement of the Madras Agriculturists Relief (Amendment) Act, 1948, with effect from the commencement of that Act—

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1948.

(i) if no interest has been stipulated for on the principal amount secured by the mortgage or any portion thereof, in addition to the usufruct from the property ;

(ii) where such interest has been stipulated for, if no arrears of interest are due from the mortgagor ; and

(iii) if no other sums or interest thereon are due to the mortgagee by the mortgagor in his capacity as such.

(b) Where the mortgagee has been in possession of the whole of the property mortgaged to him for an aggregate period of thirty years or more, then, in cases not governed by clause (a), the mortgagor shall not be entitled to redeem the mortgage unless he pays to the mortgagee—

(i) the arrears of interest stipulated for in addition to the usufruct from the property, as scaled down under section 8 or 9 read with section 12, or under section 13, as the case may be ; and

(ii) all other sums due to the mortgagee by the mortgagor in his capacity as such and referred to in sub-clause (iii) of clause (a) together with any interest due thereon.

(6) Where the mortgagee has been in possession of only a portion of the property mortgaged to him for an aggregate period of thirty years or more, the mortgagor shall not be entitled to redeem the mortgage unless he pays to the mortgagee—

(i) where, in addition to the usufruct from the property, any interest has been stipulated for, the arrears of interest on that portion of the principal amount secured by the mortgage which is attributable to the portion of the property in the possession of the mortgagee, such arrears being scaled down under section 8 or 9 read with section 12, or under section 13, as the case may be ;

(ii) the balance of the debt not attributable to such portion of the property as scaled down under section 8 or 9 read with section 12, or under section 13, as the case may be ; and

(iii) all other sums payable to the mortgagee by the mortgagor in his capacity as such, together with the interest, if any, due thereon.

(7) For the purposes of this section, the portion of the principal amount secured by the mortgage which is attributable to the portion of the property in the possession of the mortgagee shall be determined in the manner prescribed by rules made under this Act.

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(8) The mortgagor shall not be entitled to redeem a mortgage under sub-section (2) or obtain possession of the mortgaged property by virtue of sub-section (5) (a), unless he pays to the mortgagee the cost of the improvements, if any, effected by him to the mortgaged property.

(9) (a) (i) Except in cases falling under sub-section (5) (a), where the mortgaged property or, as the case may be, the portion thereof in the possession of the mortgagee has been leased back to the mortgagor by the mortgagee, the rent due to the mortgagee under the lease (after deducting from such rent any revenue, tax or cess paid or payable by mortgagee in respect of the property) shall be deemed to be the interest on the mortgage debt or the portion thereof attributable to the portion of the property aforesaid and the provisions of section 8 or 9 read with section 12, or of section 13, as the case may be, shall apply to the entire debt.

(ii) Nothing contained in sub-section (3) or sub-section (4) shall apply to any debt falling under sub-clause (i).

(b) In cases falling under sub-section (5) (a), where the property has been leased back to the mortgagor by the mortgagee, nothing contained in that sub-section shall affect the right of the mortgagee to recover any rents due to him under the lease for any period before the date on which the mortgage debt is deemed to have been wholly discharged by virtue of that sub-section, if such rents have not become barred by limitation under any law for the time being in force.

(10) Nothing contained in this section, except sub-sections (1) and (2), shall apply to any mortgage—

(i) in respect of property situated in the South Kanara district or in the taluks of Chirakkal, Kottayam, Kurumbranad and Wynaad in the Malabar district ;

(ii) in respect of property situated in any other area in the cases mentioned below :—

(a) Where during the period after the 30th September 1937 and before the 30th January 1948, the equity of redemption in the property subject to the mortgage has devolved either wholly or in part on a person, by or through a transfer *inter vivos* either from the original mortgagor or from a person deriving title from or through such mortgagor otherwise than by a transfer *inter vivos*, then, to the whole or such part, as the case may be.

(b) Where, during the period aforesaid, the mortgagee or any of his successors-in-interest has transferred either wholly or in part the mortgagee's rights in the property *bona fide* and for valuable consideration, then, to the whole or such parts, as the case may be :

Provided that the transferee of a mortgage shall not be entitled to recover in respect of such mortgage, anything more than the value of the consideration for the transfer ; but nothing herein contained shall, in cases where the property

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or portion thereof has been leased back to the mortgagor, affect the right of the transferee to recover the rents, if any, due under the lease, if such rents have not become barred by limitation under any law for the time being in force.

(c) Where the mortgagee's interest in the property subject to the mortgage or any part of such interest belonged to, or devolved on, two or more persons and during the period aforesaid, a partition has taken place among such persons, then, to the whole or such part of the interest, as the case may be.

(11) Where the equity of redemption in the property subject to the mortgage belonged to, or devolved on, two or more persons and any one of them or any person claiming under any one of them has, during the period referred to in sub-section (10), clause (ii) (a), redeemed the entire mortgage, nothing contained in this section shall affect the rights or the reliefs to which the person redeeming the mortgage might be entitled to under any other law for the time being in force as against the other persons aforesaid."

Amendment of section 10, Madras Act IV of 1938. 5. In section 10, sub-section (2), of the said Act, for clause (i), the following clause shall be substituted, namely:—

"(i) any mortgage of the description referred to in sub-section (1) of section 9-A, except to the extent provided for in that section ;".

Insertion of new section 23-B in Madras Act IV of 1938. 6. After section 23-A of the said Act, the following section shall be inserted, namely:—

Modifications in the application of section 23-A to certain cases. "23-B. The provisions of section 23-A shall apply to a judgment-debtor claiming to be entitled to the benefits of the Madras Agriculturists Relief (Amendment) Act, 1950, subject to the modification that for the reference to the Madras Agriculturists Relief (Amendment) Act, 1948, a reference to the Madras Agriculturists Relief (Amendment) Act, 1950, and for the reference to the 30th September 1947, a reference to the 25th April 1950 shall be substituted."

Amendment of section 24, Madras Act IV of 1938. 7. In section 24 of the said Act, for the words, figures and letter "section 23 or section 23-A", the words, figures and letters "section 23, section 23-A or section 23-B" shall be substituted.

Amendment of section 25-A, Madras Act IV of 1938. 8. In section 25-A of the said Act, in sub-section (1), clause (e), for the words, figures and letter "section 23 or section 23-A", the words, figures and letters "section 23, section 23-A or section 23-B" shall be substituted.

Amendments to have retrospective effect in certain cases. 9. The amendments made by this Act shall apply to—
(i) all suits and proceedings instituted after the commencement of this Act ;

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(ii) all suits and proceedings instituted before the commencement of this Act in which no decree or order has been passed, or in which the decree or order passed has not become final, before such commencement ;

(iii) all suits and proceedings in which the decree or order passed has not been executed or satisfied in full before the commencement of this Act:

Provided that no creditor shall be required to refund any sum which has been paid to or realized by him before the commencement of this Act.

D. K. V. RAGHAVA VARMA,
Secretary to the Legislative Assembly.

APPENDIX X.

[Vide item VII (5) on page 264 supra.]

L.A. BILL No. 24 OF 1950.

(As passed by the Assembly.)

A Bill further to amend the Madras City Municipal Act, 1919.

Madras Act of 1919. WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919, for the purpose hereinafter appearing ;
It is hereby enacted as follows:—

1. This Act may be called the Madras City Municipal Short title. (Amendment) Act, 1950.

Madras Act of 1919. 2. In the Madras City Municipal Act, 1919—
(i) to section 116, the following sub-section shall be added, namely:—

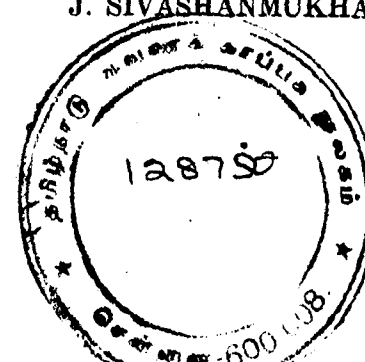
"(3) Four-ninths of the proceeds of the tax on tram-cars levied under this section every half-year shall be paid to the State Government ;";

(ii) in rule 10 of Schedule IV, for the figures "100", occurring against the entry "For every tram-car," the figures "900" shall be substituted.

D. K. V. RAGHAVA VARMA,
Secretary to the Legislative Assembly.

I certify that this is a Money Bill.

J. SIVASHANMUKHAM PILLAI,
Speaker.



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