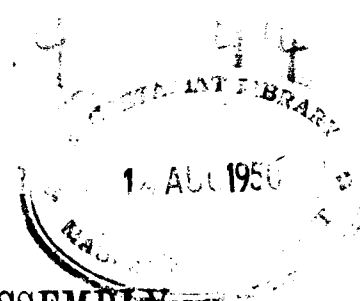


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MADRAS LEGISLATIVE ASSEMBLY DEBATES

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

16th, 17th and 19th to 21st December 1949, 5th, 6th and
9th to 12th January 1950.

Volume XXII (Nos. 1 to 11).

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THE MADRAS LEGISLATIVE ASSEMBLY.

Friday, the 16th December 1949.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Selection of Civil Assistant Surgeons, Class I.

[* 211 Q.—

MR. SPEAKER:—“The hon. Member Sri Raghavayya is not in his place. The answer will be printed in the proceedings.”]

SRI V. RAGHAVAYYA: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether there was any selection of Civil Assistant Surgeons, Class I, by the Madras Public Service Commission recently for reserved seats;

(b) if so, the number of the reserved seats for which selection has been made;

(c) the number of applications that were received; and

(d) the basis on which the selection was made?

THE HON. DR. T. S. S. RAJAN:—“(a) It is presumed that the question relates to the selection made by the Commission of the candidates *without war service*, for appointment as Civil Assistant Surgeons, Class I, and if so, the answer is in the affirmative.

“(b) There were 82 vacancies in the cadre of Civil Assistant Surgeons, Class I (Men), and 3 vacancies in the cadre of Civil Assistant Surgeons, Class I (Women).

“(c) There were 173 applications from male candidates and 14 applications from women candidates.

“(d) The selection was generally based on merit keeping in view the rule relating to communal representation. Candidates possessing high qualifications or experience in various specialities were given preference for selection for appointment in the teaching or specialist departments.”

Construction of shutters in the Vedaranyam-Nagapattinam canal.

* 212 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Public Works be pleased to state with reference to the answer given by him on the floor of the House to starred question No. 262 on 13th September 1948 regarding the construction of shutters in the Vedaranyam-Nagapattinam canal, what steps the Government have taken so far and when the work is expected to be completed?

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THE HON. SRI M. BHAKTAVATSALAM:—"The proposal was to convert the existing bridge across the Lawford Straight Cut into a regulator and to construct a new regulator across the Adappar Straight Cut. These were intended to conserve the high tide and drainage water in the Vedaranyam canal to maintain navigable level. But the scheme for improving the Vedaranyam canal provides for widening the canal from 20 feet to 30 feet and to lower the bed of the canal from minus 2 feet to minus 3 feet. Since the canal has been navigable in its present condition, it is also considered unnecessary to maintain a lower level than at present in the interest of navigation. Further, the two cuts across which the regulators were proposed are connecting links for the Adappar and Harischandranadhi to the sea across the Vedaranyam canal. If the regulators are closed, there will not be flow of the rivers to the sea and consequently water will back up the rivers. Such rise in the water-levels of the rivers during flood periods is likely to cause submersion of the marginal lands. The construction of the two shutters has therefore been omitted in the revised scheme for improvements to Vedaranyam canal, which is now under consideration of Government."

SRI A. VEDARATNAM PILLAI:—"Are the Government aware that on account of the new drainage channels cut open from the main canal, navigation becomes almost impossible in summer? If so, what steps will the Government take to remove the difficulty?"

THE HON. SRI M. BHAKTAVATSALAM:—"I have no such information, Sir, I would suggest to the hon. Member that he might have a discussion at some convenient time with me and the Chief Engineer in charge of Navigation together."

JANAB M. A. MUHAMMAD IBRAHIM:—"May I know whether this canal is a purely navigation canal or whether it is an irrigation canal too?"

THE HON. SRI M. BHAKTAVATSALAM:—"I would like to have notice, Sir."

The recent disturbance in the Annamalai University.

* 213 Q.—SRI T. S. PATTABHIRAMAN (on behalf of Sri T. Viswanatham): Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government have received any report on the disturbance that took place recently in the meeting held to commemorate the Founder's Day in Annamalai University area;

(b) if so, whether the Government will place a copy of the report on the table of the House, and if not, whether they will call for a report;

(c) whether it is a fact that similar disturbances have occurred more than once recently; and

[16th December 1949]

(d) what action the Government propose to take to prevent such disturbances in future?

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

" (b) The report is a confidential document and it is not in the public interest to place it on the table of the House.

" (c) It is not clear what other incidents are referred to.

" (d) It will be for the University authorities to determine the action necessary. Government assistance to the extent justified will be given."

MR. SPEAKER:—"Before supplementary questions are put, I should like to remind hon. Members that the University is an autonomous body and supplementary questions will be allowed only so far as the Government are concerned in the matter."

SRI T. S. PATTABHIRAMAN:—"With regard to the Police action and the disturbances, may I know whether the students wanted only an opportunity on that occasion to put forth their grievances for redressal and that there was no regular disturbance?"

MR. SPEAKER:—"May I know how this question whether the students wanted to represent their case to the Vice-Chancellor or not arises out of this. How are the Government responsible for it?"

SRI T. S. PATTABHIRAMAN:—"My submission is that the students made certain submissions to the Vice-Chancellor and it was given the colour of a Communist outbreak and the Police interfered on behalf of the Government. My point is that the Police interference was not at all justified."

MR. SPEAKER:—"The hon. Member may put it in the form of a question."

SRI T. S. PATTABHIRAMAN:—"May I know whether the Vice-Chancellor's requisition of the Police was not a proper one and the stationing of the Police there even 15 days after the incidents of the Founder's Day was unjustified and unwarranted?"

THE HON. SRI K. MADHAVA MENON:—"It is certainly justified and warranted, Sir. If any disturbance of law and order takes place, whether it is in the University premises or anywhere else, the Police and the magistracy will go there to restore law and order and it will be restored, Sir."

SRI T. S. PATTABHIRAMAN:—"Will the Hon. the Minister be pleased to note that the 'disturbance' was not at all a real disturbance, but the occasion was utilized by the Vice-Chancellor to put down the normal routine of the students?"

[16th December 1949]

MR. SPEAKER:—"How can the Government be aware of it? How is the Minister to know whether the Vice-Chancellor wanted to put down the mischief of the students or not? It is an internal affair."

SRI T. S. PATTABHIRAMAN:—"My submission is that the Police need not have gone there because there was no occasion for them to go there. The Police had gone there unnecessarily to harass the students on behalf of the Vice-Chancellor?"

THE HON. SRI K. MADHAVA MENON:—"The Police had never gone there to help in the normal activity of the University. They had gone there only to see that there is no breach of the peace or disturbance of the normal working of the University."

SRI KALLUR SUBBA RAO:—"May I know from the Hon. Minister whether it is a fact that the Indian National Flag was removed by the Vice-Chancellor and the Dravida Kazhagam flag was hoisted in its place?"

THE HON. SRI K. MADHAVA MENON:—"My information is it is absolutely wrong, Sir. The Vice-Chancellor will never remove the Indian National Flag from the University if there was one there."

SRI T. S. PATTABHIRAMAN:—"May I know whether the Police were stationed in the University premises for more than a month afterwards and even casual visitors including the members of the Senate were searched before they were allowed to go in?"

THE HON. SRI K. MADHAVA MENON:—"There was an order under section 144 in force in that area which includes the University area also. It was the duty of the Police to see that the order was being obeyed there."

Subsidy for digging wells.

* 214 Q.—SRI N. GOVINDASWAMI NAYUDU: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether it is a fact that before the sanctioning of subsidy for a well the applicant has to produce any certificate from the Revenue authorities that no old well existed at the site intended for digging the well;

(b) whether it is a fact that, even after producing a certificate as is referred to in clause (a), the site has to be inspected by the Revenue Inspector and Deputy Tahsildar and reported on before subsidy is granted; and

(c) whether the Government have received any complaint that the period between the inspection of the Revenue Inspector and that of the Deputy Tahsildar is long and that disbursement of subsidy is thereby unduly delayed?

THE HON. SRI H. SITARAMA REDDI:—" (a) & (b) No certificate of the kind referred to was insisted on before the

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payment of subsidy loans, but the site had to be inspected by the Revenue Inspector and Deputy Tahsildar before the grant.

"(c) Some complaints were received by the Government, but the Board issued instructions to Collectors to see that the interval between the receipt of well subsidy applications and the inspection of the site by the Deputy Tahsildar was as short as possible."

THE HON. SRI M. BHAKTAVATSALAM:—"Subsidy கடன் கொடுப்பதற்கு முன்பு குறிப்பிடப்பட்ட சரிபாக்கெட் வேண்டுமென்று நிர்வாகம் செய்யப்படவில்லை."

"ஆனால் ரெவின்யூ இன்ஸ்பெக்டரும், தாசிஸ்தாரும் பணம் கொடுப்பதற்கு முன்பு அந்த இடத்தைப் போய் பார்க்க வேண்டியதாக இருக்கிறது."

"அரசாங்கத்திற்கு சில புதர்கள் வந்தது. கலெக்டருக்கும், ரெவின்யூ போர்டுக்கும் subsidy-க்கு அபிவிருத்தி வருவதற்கு மிடையே அந்த இடத்தை டிபுடி தாசிஸ்தார் போய் பார்ப்பதற்கு அதிக கால தாமதம் ஏற்படக்கூடாது, கூடிய சீக்கிரத்தில் செய்யவேண்டுமென்று போர்டுக்கும் கலெக்டருக்கும் அரசாங்கம் உத்தரவு போட்டிருக்கிறது."

SRI N. GOVINDASWAMI NAYUDU:—"அதேபோல் subsidy கடன் கொடுப்பதில் காலதாமதம் ஏற்பட்டு ஏறக்குறைய 150 பேர்களுக்கு இன்னும் பணம் கொடுக்கப்படவில்லை என்பது கனம் மந்திரி அவர்களுக்குத் தெரியுமா? என்று கேட்கிறேன்."

THE HON. SRI H. SITARAMA REDDI:—"சம்பந்தமில்லை."

SRI R. V. SWAMINATHAN:—"The Hon. Minister told us at the last meeting that the Government were going to extend the well subsidy scheme. May I know whether the Government have considered the question and whether they are going to continue the scheme?"

THE HON. SRI H. SITARAMA REDDI:—"We have had an oral assurance from the Government of India that we might continue the scheme. We have addressed the Government of India to let us know definitely and we are awaiting their orders."

[* 215 Q.—

MR. SPEAKER:—"The Hon. the Minister for Food is not keeping good health. He has requested me to take up this question to-morrow. The question will be taken up to-morrow."

Adult education in the Province.

* 216 Q.—SRI M. KANNIAPPAN: Will the Hon. the Minister for Education be pleased to state—

(a) the allotment made so far for the propagation of adult education in the Province;

(b) the number of centres started by the Government in the Province with trained teachers; and

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(c) the authority responsible for the working and administration of the Adult Education Programme and whether there is any non-official committee or individual connected with it?

THE HON. SRI K. MADHAVA MENON:—“(a) The allotment made so far for the spread of adult education in the Province is—

1948-49, Rs. 1,54,500.

1949-50, Rs. 1,56,500.

“(b) If the question relates to adult literacy centres, 450 adult literacy schools have been sanctioned of which 200 have been opened.

“(c) The Director of Public Instruction is responsible for adult education. There is a sub-committee of the Provincial Advisory Board of Education for advising Government on matters relating to adult education. A non-official has been assisting in the work in the Andhra Desa.”

BEGUM SULTAN MIR AMIRUDDIN:—“May I know what contribution the Central Government are giving to this Government in respect of adult education?”

THE HON. SRI K. MADHAVA MENON:—“No contribution has been given yet. A contribution has been promised on certain conditions.”

SRI A. VEDARATNAM PILLAI:—“May I know whether the Government have got any proposal to start adult education centres for women and if so, what they are?”

THE HON. SRI K. MADHAVA MENON:—“In certain areas where adult schools have been opened, schools for women also have been opened.”

BEGUM SULTAN MIR AMIRUDDIN:—“May I know the amount of contribution promised by the Central Government?”

THE HON. SRI K. MADHAVA MENON:—“The amount of contribution promised is Rs. 1.57 lakhs provided this Government also contribute an equal amount.”

SRI L. N. GOPALASWAMI:—“May I know how much has been spent out of the allotment during this year?”

THE HON. SRI K. MADHAVA MENON:—“I cannot give the exact figures, Sir, but I am trying my best to see that the entire amount of Rs. 1.57 lakhs is spent this year.”

JANAB M. S. ABDUL MAJID:—“May I know whether the Hon. Minister is satisfied that this one lakh and odd rupees will be sufficient for adult education?”

THE HON. SRI K. MADHAVA MENON:—“That is not at all sufficient, Sir. We want many hundreds of lakhs of rupees. But that is all we can provide this year.”

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BEGUM SULTAN MIR AMIRUDDIN:—“May I know whether visual instruction is also being given in these adult education centres and whether these centres are provided with projectors?”

THE HON. SRI K. MADHAVA MENON:—“They are provided to the extent possible and practicable. The Director of Public Instruction has certain films and projectors with him and they are being lent to the various schools according to convenience.”

Starting of a tuberculosis sanatorium at Peapally in Kurnool district.

* 217 Q.—SRI G. VENKATA REDDI (on behalf of Sri N. Venkatasubbayya): Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that there was a proposal to start a tuberculosis sanatorium at Peapally in Kurnool district;

(b) whether any expert committee was sent to examine the proposal with reference to the environmental and climatic conditions prevailing in the locality and if so, who constituted that committee and what opinion was expressed by them;

(c) whether a copy of their report will be placed on the table of the House; and

(d) what action the Government have taken up to start the sanatorium?

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

“(b) Yes. A joint inspection of the site for the Sanatorium was made by Dr. P. V. Benjamin, Medical Superintendent of the Madanapalle Sanatorium, and Dr. K. Vasudeva Rao, Superintendent of the Government Tuberculosis Hospital, Madras. The inspection was arranged by the Surgeon-General. The officers expressed the opinion that the site was suitable for the starting of a Tuberculosis Sanatorium, but pointed out that the main difficulty would be to secure an adequate supply of water.

“(c) In view of the answers to clauses (b) and (d) and the need for economy in the use of paper, the Government do not consider it necessary to accept this suggestion.

“(d) The Government examined the proposal but in view of the need for postponing costly building schemes as an anti-inflationary measure, it was deferred.”

SRI A. VEDARATNAM PILLAI:—“May I know whether the Government have got any proposal of starting new sanatoria in this Province? If so, where are they to be started and when are they going to be started?”

MR. SPEAKER:—“It is a very general question; let the hon. Member put a separate question.”

JANAB ABDUL HAMEED KHAN:—“May I ask when the Government expect to start a sanatorium in Peapally and how many patients they expect the sanatorium to house?”

11-15
a.m.

[16th December 1949]

THE HON. DR. T. S. S. RAJAN:—"The whole question of the starting of the sanatorium is still in the stage of consideration. It has been considered first of all whether the site was suitable; that was settled; but the water-supply question has loomed large. Any sanatorium must have a fairly sufficient supply of water to be successful and they have not yet found it."

SRI P. NATESAN:—"When the Government are not in a position to run one sanatorium properly, where is the necessity for them to go and investigate the starting of others in different parts of the Province? It will be only an absolute waste. Until they can find funds necessary for the purpose, what is the idea in wasting time on investigations, more especially as I said when they are not able to run the existing sanatorium efficiently?"

THE HON. DR. T. S. S. RAJAN:—"The Government do not accept the charge that the existing sanatoria are not run properly."

DR. M. J. SAMUEL:—"May I know whether the Government are aware of the fact that they have engaged certain bore-hole drilling machines in that area and they have found good water-supply recently?"

THE HON. DR. T. S. S. RAJAN:—"Certainly; if that water is suitable and fit for drinking purposes for the patients of the sanatorium, the matter will be certainly pursued."

SRI P. NATESAN:—"Arising out of the answer given by the Hon. Minister, that the Government are not satisfied with the present decision, is it not a fact that in the Tuberculosis Hospital in Madras, people are asked to sleep on the floor or are refused admission?"

THE HON. DR. T. S. S. RAJAN:—"It simply shows the great demand for more sanatoria."

SRI L. N. GOPALASWAMI:—"May I know what the approximate cost of such a sanatorium would be?"

THE HON. DR. T. S. S. RAJAN:—"It all depends on the number of patients that are to be accommodated in each sanatorium."

SRI R. V. SWAMINATHAN:—"As there is evidence that in each district there is a proposal to have a sanatorium, will the Government consider a scheme to have only one sanatorium in the southern districts and spend more money on it for making it a modern well-equipped sanatorium?"

Compulsory collection of contributions for the execution of irrigation projects and works.

[* 218 Q.—

MR. SPEAKER:—"The hon. Member Janab S. Muhammad Ismail is not in his place. The answer will be printed in the proceedings."

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JANAB S. MUHAMMAD ISMAIL: Will the Hon. the Minister for Public Works be pleased to state whether the Government propose to collect contributions from the public compulsorily in order to execute the irrigation projects and works in the Province?

THE HON. SRI M. BHAKTAVATSALAM:—"The Government have under consideration a proposal for the enactment of a comprehensive irrigation law. It is proposed to include therein a provision for the levy of betterment fee on lands, the capital value of which is enhanced as a result of a new irrigation project or an improvement or alteration to an existing one undertaken by the Government. There is a proposal to give this provision retrospective effect from the 15th August 1947. In accordance with sanction to new works, the Government have been giving directions to the Board of Revenue and to the Chief Engineer (Irrigation) to give wide publicity to the Government's intention to levy betterment fee on the lands benefited by such works."

* 219 Q.—MR. SPEAKER:—"This question will be taken up to-morrow."

Candidates sent for overseas training in Electrical Engineering in 1949.

[* 220 Q.—

MR. SPEAKER:—"The hon. Member Janab S. Muhammad Ismail is not in his place. The answer will be printed in the proceedings."]

JANAB S. MUHAMMAD ISMAIL: Will the Hon. the Minister for Education be pleased to state whether any candidates have been sent overseas at the cost of Government for training in Electrical Engineering in the year 1949?

THE HON. SRI K. MADHAVA MENON:—"Yes. One Government servant was deputed to the United Kingdom in March 1949."

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

II.—MESSAGE FROM THE COUNCIL.

MR. SPEAKER:—"I have to announce to the House that I have received messages from the Hon. the President of the Madras Legislative Council transmitting copies of the following Bills as agreed to by the Council without any amendment on 26th November 1949 and signed by him:—

1. The Madras Buildings (Lease and Rent Control) Bill, 1949 (L.A. Bill No. 26 of 1949).
2. The Madras Prohibition (Amendment) Bill, 1949 (L.A. Bill No. 27 of 1949).
3. The Madras Drugs (Control) Bill, 1949 (L.A. Bill No. 28 of 1949).
4. The Madras Tenants and Ryots (Protection) Bill, 1949 (L.A. Bill No. 29 of 1949).

[Mr. Speaker] [16th December 1949]

5. The Madras Preservation of Private Forests Bill, 1949 (L.A. Bill No. 30 of 1949).
6. The Madras Jute Goods Control Bill, 1949 (L.A. Bill No. 31 of 1949).
7. The Madras Hackney Carriage (Amendment) Bill, 1949 (L.A. Bill No. 33 of 1949).
8. The Indian Treasure Trove (Madras Amendment) Bill, 1949 (L.A. Bill No. 34 of 1949).
9. The Madras Rivers Conservancy (Amendment) Bill, 1949 (L.A. Bill No. 35 of 1949).
10. The Tuticorin Port Trust (Amendment) Bill, 1949 (L.A. Bill No. 36 of 1949).
11. The Madras Registration of Births and Deaths (Amendment) Bill, 1949 (L.A. Bill No. 37 of 1949).
12. The Provincial Small Cause Courts (Madras Amendment) Bill, 1949 (L.A. Bill No. 38 of 1949)."

III.—ELECTION OF MEMBERS TO THE INDIAN PARLIAMENT.

JANAB M. S. ABDUL MAJID:—"On a point of information, Mr. Speaker, may I know whether the Hon. Speaker has received any instruction from the Hon. Speaker of the Indian Parliament with regard to the election of members to that Parliament?"

MR. SPEAKER:—"So far I have not received any information."

GOVERNMENT MOTION.

IV.—DRAFT RULES UNDER THE MADRAS ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI) ACT, 1948.

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

'That in pursuance of section 40, sub-section (2) of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, the following draft of the rules^a which it is proposed to make in exercise of the powers conferred by sub-section (1) of that section, be approved.'

"Sir, the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, received the assent of His Excellency the Governor-General on 2nd April 1949 and became law on 19th April 1949 being published in the *Fort St. George Gazette*. Under the Act, the estates notified will be surveyed and settled on ryotwari principles and the gross annual demand will be determined in accordance with the provisions of the Act. The basic annual sum for each estate will be determined under section 39 of the Act and the compensation payable under section 37 of the Act will also be determined at that time. In respect of inam estates or parts thereof which were held immediately before the

^a Printed as Appendix I on page 63 infra.

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notified date by any religious, educational or charitable institution, the Government will pay to the institution every year as 'tasdik' allowance, the basic annual sum in respect of that estate and will, in addition, make good any diminution in income.

"Section 40 (1) of the Act lays down that the compensation payable to any person under the Act may be paid in such form and manner, at such time or times and in one or more instalments as may be prescribed by the rules made by the Government.

"The Government have decided that the compensation should be paid in cash for all estates. The rules, under discussion give the details.

"The Government have also decided to allow 3 per cent per annum on the portion of the compensation still remaining to be paid on the date of payment of the first instalment. The sums payable to religious and educational institutions under section 38 will be paid by deduction from the beriz of the village concerned.

"These rules were also placed before the Legislative Council and there was discussion, and they have been approved by the Legislative Council."

MR. SPEAKER:—"Motion moved—

'that in pursuance of section 40, sub-section (2) of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, the following draft of the rules^a which it is proposed to make in exercise of the powers conferred by sub-section (1) of that section, be approved.'

SRI R. V. SWAMINATHAN:—"The Government are justified in bringing the rules so far as payment of compensation is concerned, and they have taken proper steps to help the zamindars. But they must also take proper steps to protect the ryots who have been suffering. We have several times pointed out in this House that protection should be given to the tenants; but the Hon. Minister, except giving very nice answers, has not taken any proper steps to protect the ryots. I take this opportunity to again emphasise that the ryots are not given the help that they expected to get out of this Zamindari Abolition Act. I am therefore drawing the attention of the Hon. Minister to that fact on this occasion."

THE HON. SRI H. SITARAMA REDDI:—"Sir, though the point raised by the hon. Member has no particular relevancy to the rules now under discussion, I should like to assure the hon. Member that the Government are anxious to see that the rights of the ryots are very much protected and all the provisions of the Act will be duly taken note of so far as they are intended to give protection to the ryots. I do not really understand what aspect of protection the hon. Member is referring to. So far as rent reduction is concerned, it is going on briskly and we expect to complete the reduction of rents by the 31st March 1950. In every part of the province the rent reduction work will be

^a Printed as Appendix I on page 63 infra.

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completed and by that time the ryots will have had the advantage of paying reduced rents. So far as the estates taken over are concerned, we have already given necessary facilities to the ryots and I can assure the hon. Member that every protection that is allowed under the Act will be given to the ryots."

SRI R. V. SWAMINATHAN:—"On a point of personal explanation, Sir. The Hon. Minister said that what I said was not at all relevant to the subject before the House. Sir, the proposal before the House relates to the rules framed under the Zamindari Abolition Act; since what I said also related to the same Act, I wanted to bring it to the notice of the Hon. Minister."

MR. SPEAKER:—"The question is—

'that in pursuance of section 40, sub-section (2) of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, the following draft of the rules which it is proposed to make in exercise of the powers conferred by sub-section (1) of that section, be approved.'"

The motion was carried.

V.—GOVERNMENT BILLS.

(1) THE PLACES OF PUBLIC RESORT (AMENDMENT) BILL, 1949.

THE HON. DR. T. S. S. RAJAN:—"Sir, I beg to introduce the Places of Public Resort (Amendment) Bill, 1949, and move—
'That the Bill be taken into consideration at once.'

"I want only to say a few words. It is a very simple amendment that we want. It has become necessary on account of the operation of the Act itself. Five hundred square feet is about the area that has got to be covered in cases where licence is to be obtained under the Act. We have come to know that a lot of things are being done inside an area of 500 square feet. The provision in the Act of an area of 500 square feet has led to a lot of undesirable things happening without a licence. So we have thought it necessary to bring in an amendment that this provision must apply to all places covered by a licence for public entertainment. Now, games, gambling and things of that sort, get scot-free on account of this particular provision. The idea of the Government is that these places ought to be brought under the provision by taking away the limit of 500 square feet mentioned in the Act. It is a very simple amendment with a view to avoid undesirable things happening under the cover of a licence provided for in the Act. I now introduce the Bill, Sir, and move that it be taken into consideration at once."

MR. SPEAKER:—"The question is—

'that the Places of Public Resort (Amendment) Bill, 1949, be taken into consideration at once.'"

The motion was carried.

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

^a Published in the Fort St. George Gazette, dated 23rd August 1949.

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

'That the Bill be passed into law'."

MR. SPEAKER:—"The question is—

'that the Places of Public Resort (Amendment) Bill, 1949, be passed into law'."

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

(2) THE MADRAS COMMERCIAL CROPS MARKETS (SECOND AMENDMENT) BILL 1949.

THE HON. SRI A. B. SHETTY:—"Mr. Speaker, Sir, I beg 11-30
to introduce the Madras Commercial Crops Markets (Second a.m.
Amendment) Bill, 1949, and move—

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

"Sir, market committees have been started under the provisions of the Act to enforce the rules and bye laws framed under it and adequate financial rules have to be framed in respect of various categories of expenditure relating to market committees. Section 18 of the Act does not authorize the issue of such rules and the rules can be issued only after taking specific powers in this behalf by suitable amendment of that section and the Bill, therefore, it is proposed to amend the section so as to enable the Government to issue suitable financial rules."

MR. SPEAKER:—"Motion moved—

'that the Madras Commercial Crops, Markets (Second Amendment) Bill, 1949, be taken into consideration at once.'"

JANAB M. A. MUHAMMAD IBRAHIM:—"Mr. Speaker, Sir, I wish to have an assurance from the Government whether, while taking powers from the House to make rules with regard to financial matters, they have any idea of introducing cesses or licence fees or lease fees. If that is so, they should express themselves to that effect before they take such powers."

THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir, no cess or licence fee can be levied by way of rules framed under the Act. The Act must specifically authorize the levy. These are rules for regulating the procedure to be followed by the committees in respect of financial commitments."

MR. SPEAKER:—"The question is—

'that the Madras Commercial Crops Markets (Second Amendment) Bill, 1949, be taken into consideration at once.'"

The motion was carried.

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

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

'that the Bill be passed into law.'"

^a Published in the Fort St. George Gazette, dated 20th September 1949.

14 THE MADRAS COMMERCIAL CROPS MARKETS (SECOND AMENDMENT)
BILL, 1949

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MR. SPEAKER:—"Motion moved—
'that the Madras Commercial Crops Markets (Second Amendment) Bill, 1949, be passed into law.'"

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, I did not wish to say anything about this Bill but for the fact that the Government should have indicated, in my opinion, the nature of the rules which they propose to make, the scope of the rules, whether they would be uniform in all cases. It is desirable that in such legislations, though simple it may seem, they should not give rise to complications later on. It is better that rules made should be such as would not impinge on the authority of any local administrative organization set up for the purposes of giving effect to the provisions of the Act. In fact it would have been very convenient if along with the statement of objects and reasons which states that powers do not seem vested in Government for making rules regarding the procedure to be followed by the market committees in financial matters and therefore, they are taking them, they had indicated to what extent the rules would be necessary and what range they would cover. We should not bind down the authority of each one of these market organizations and to a very large extent they should be free to operate within the limits prescribed for them under the Act. For instance, the account rules framed by the Accountant-General or somebody authorised for the purpose could be usefully adopted. I wish, Sir, an indication had been given so as to enable the House to have a clear view of the object of the Government in bringing in this piece of legislation."

THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir, might I submit that the proposed amendment itself is indicative of the way in which the rules are to be framed and it is stated herein:

'financial matters generally including the manner in which and the restrictions and conditions subject to which, expenditure may be incurred'

We had occasion, Sir, when certain committees had incurred certain expenditure which they were not entitled to do for the purposes of the committees concerned and we examined whether it would be possible to restrict those powers of expenditure but under the rules as they exist, it was not possible and after getting the powers, which is the object of the Bill, we have to lay down the conditions under which such expenditure could be made. It cannot now be said what they will be but the market committees would not be at liberty to spend money for purposes not intended by the Act."

MR. SPEAKER:—"The question is—
'that the Madras Commercial Crops Markets (Second Amendment) Bill, 1949, be passed into law.'"

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

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(C) THE MADRAS PROHIBITION (SECOND AMENDMENT) BILL, 1949.

THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir, with your permission, I beg to introduce the Madras Prohibition (Second Amendment) Bill, 1949, and move—

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

"Under section 125 of the Indian Evidence Act, no Magistrate can compel a Police Officer or a Revenue Officer, when he gets any information regarding the commission of an offence, to disclose the names of informants. Prior to the introduction of Prohibition, Officers of the Excise Department were held to be Revenue Officers and they were not obliged to divulge the names of their informants according to the provisions of section 125 of the Evidence Act. In districts in which Prohibition is enforced by other departments, they cannot similarly claim the privileges of a Police or a Revenue Officer. An instance has been recently brought to the notice of the Government through the Board of Revenue where a Magistrate on a request from the defence counsel, directed that the name of the informant should be divulged. No doubt it is not advisable that the name should be disclosed but under the Prohibition Act, he is neither a Revenue Officer nor a Police Officer and the Magistrate warned the Prohibition Sub-Inspector that proceedings for contempt of Court will be taken against him if the name of the informant were not furnished at the next hearing. Disclosure of the names of persons who give information will make it impossible for any person to give information because it is not a very pleasant thing to give information and he may also be afraid of what the result and his fate will be. This will seriously prejudice the detection of Prohibition offences as no one will come forward to give information. It is therefore, necessary that they should not be compelled to disclose the names of their informants and it is for that the proposed amendment is sought to be made."

MR. SPEAKER:—"Motion moved—

'that the Madras Prohibition (Second Amendment) Bill, 1949, be taken into consideration at once.'"

* SRI P. NATESAN:—"Mr. Speaker, Sir, I must very strongly protest against a Bill like this. I want to know what the Government have been doing all these days. Prohibition has been there since the days of Sri C. Rajagopalachariyar and the Act has been in force and working all these days and now suddenly, simply because a criminal court said a certain thing, the Hon. Minister wants that the Act should be amended. Might I ask what it has come to? The Hon. Minister for Public Works in one of his speeches, on a memorandum submitted to him, said that all sorts of drinking illicit and otherwise are going on and the Ministers themselves know perfectly what is going on in the districts and now they want the people to act practically as informants. Anybody who has a grouse against somebody else will straightway go to the Prohibition Officer and tell him that so and so is engaged in illicit distillation or something of

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the sort and that officer may take a warrant, search his house, and though he finds nothing wrong and he may yet say it is a bona fide case. All sorts of confusion may arise. The Congress Government said that the people are behind them in all their Acts and yet, day after day they are trying to make people take to Prohibition. The Government have a Prohibition College to train prohibition staff and in addition they are appointing prohibition propagandists and further Hon. Ministers themselves are doing propaganda but in spite of all this, prohibition does not work properly. Instead of keeping quiet, Government are only harassing people; every amendment of this type that the Government put in the statute book is only going a step further to harass the people and particularly so in the mufassal. People in the mufassal are mostly illiterate. (An hon. Member: 'It affects only the drunkards and not the ordinary public'.) It arises this way, Sir: 'Are not the Government asking the people to come and tell them who is drunk and who is committing prohibition offences? Government want to have a spy in practically every village. On account of previous enmity in the mufassal and village parts all sort of information will come to the Prohibition Officer who is really becoming the Police Officer and to that extent, I think, Sir, Prohibition ought to go slow. If the Government give any more powers to these people, it would result in harassing the people. Incidentally, I may say that Prohibition is not going to be a success. Government may go all the way and tell people: 'Please take to Prohibition.' When Government introduced it, they said that the entire mass of people were behind them and that was the reason why they introduced it. Is this the way the masses are reacting to the Prohibition Act? I wish, Sir, that the Congress Government will do well not to put in all these provisions and harass people as they are already harassed by heavy taxation. Why should Government be asking all sorts of people to give all sorts of information and act as informants? "

* SRI B. ANANTHACHAR:—" Mr. Speaker, Sir, just one question. Prohibition Officers are authorized to record statements from the accused and such statements are held to be admissible as against the accused. Such statements could only be part of a record of investigation and, therefore, ought to be held to be inadmissible. Thus, here is a mixture, a bad mixture, if I may say so, of the Police and the Revenue Officer. Let him be either a Police Officer and be given powers under the Criminal Procedure Code or be an ordinary non-Police Officer who would be entitled to cross-examine and give other details including the names of informants. Therefore, such amendments ought to be made which would be consistent with his role as a Police investigating officer empowered under the Criminal Procedure Code for investigation."

* SRI B. S. MURTHI:—" Mr. Speaker, Sir, I feel that the Government must have such powers but I would like to point out that there is danger in taking such powers. It is no doubt true that informants might give any kind of information but I do not

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think that every informant's information will be accepted because personal rivalry and prejudice will in many cases lead to false information being furnished so as to get an innocent person into trouble. I can cite a case. In Ellore—I had been recently to that place—a man had established a coffee shop and was running that business for long. One of the men of Prohibition Police had been keeping some accounts with him. As he was not regular in the matter of payment, the owner of the shop discontinued giving credit to him. The Prohibition Officer thereupon threatened him that he would get him involved in some case. Though he is innocent and though the President of the Town Congress and the Town Congressmen certified that the man had never been given to drink and was not carrying on illicit trade in drink, a case was registered and the man had been brought into trouble. Therefore, I would like Government to see that in trying to take powers from the House, innocent persons should not be involved because a certain informant is ready to give information."

* SRI N. S. VARADACHARI:—" Mr. Speaker, Sir, the position should be examined very carefully as this is a matter which may cut both ways. No doubt Prohibition Officers cannot unfortunately take advantage of the section of the Indian Evidence Act which afford the Police and Revenue people certain protection. If you take the power, let us see what happens; I do not go into the question of success or failure of Prohibition. It succeeds because it is good; it succeeds because the public are behind it and it will not fail in spite of Mr. Natesan and others who may object to it. But I agree with him that in matters of detail like this, we should go slow and should examine every possible alternative. As I said, this is a thing which could cut both ways. There are too many factions in villages to-day, and each party will be accusing the other of carrying on illicit distillation. It is not in all places and in all areas such things happen; it is only in certain areas such things happen. So it is very dangerous to arm the Prohibition Officer with this power as is sought to be done under the present measure. So I request Government to further examine the provision before they rush it through this House. No doubt when a person gives the Prohibition Officer information of the place and person who carries on illicit distillation, he proceeds with caution; he does not readily jump and snatch at it and proceed further to prosecute; no doubt he acts cautiously. I say these days the temptations are too great to be resisted, and it is just possible the informants engaged by one party in the village may give false information and give cause to frivolous prosecution against the other faction."

" Then, Sir, this clause would prevent the name of the informant being given to the trying magistrate. The magistrate would be the proper person to decide whether he could rely on the information of the informant. Suppose a worthless fellow is engaged as informant, it is quite possible that on the information furnished by him, for which there would be little or no basis, very serious consequences might follow. So the informants

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should be such that in a case of great moral reform that their name should be disclosed to the trying magistrate. Of course, the Hon. Minister might say that if the name of the informant was divulged the village faction would proceed against him and harm him. But one should consider, that Government should examine the question whether the information furnished comes from a reliable quarter, before they take action. Even village munsifs who give information about illicit distillation, sometimes are led by faction. So the advantages and disadvantages of both positions should be considered before the amendment sought to be made now is adopted. Sir, I submit, simply because in one or two cases, the trying magistrates have held that such protection should be given to informant, the need has arisen for a legislation of this kind. Sir, the whole question has to be considered carefully in full; the pros and cons of the issue have to be thoroughly gone into. Sir, if you want to invest the Prohibition Officers with more powers, make them regular officers of the Police, don't call them Prohibition Officers. I think in all moral reform, persuasion is all important; and the strength of conviction is all important. Similarly for launching prosecution the strength of the person who gives the information is all important. For instance if a bogus person gives some information and we have to rely on it, possibly it may defeat the very purpose we have in view in this measure. So I suggest to Government that the Bill may be further examined and after that they may undertake legislation. There is no immediate urgency about it. So I suggest let them reconsider the whole question."

MR. SPEAKER:—"The hon. Member is repeating his arguments."

SRI N. S. VARADACHARI:—"It is necessary for me to repeat, because I consider it is an important point to be brought home to Government."

* JANAB H. S. HUSSAIN:—"Mr. Speaker, Sir, Prohibition in India, and particularly our Province is the only one of its kind in the whole world, as no other Government has attempted it so far, and therefore we are really proud of it. Here, in Madras, I believe, we are going to succeed; it is only a question of time. Then, Sir, I have to say this: though Prohibition has been working for the last two or three years it has not been working satisfactorily. It might be said that any law might be circumvented and broken, and even so, Prohibition law also might be circumvented and broken. They say, that there is the Indian Penal Code, which penalises murder, theft, dacoity and such other offences; but still, these offences occur. One view is, that in spite of the Prohibition law we have been finding day by day, all the twenty-four hours, breaches of law of Prohibition have been going on in cities and villages. Sir, Government are quite helpless to a very great extent; because there is lack of public co-operation. Sir, the report of Prohibition News Bulletin published periodically which I read regularly, reveals that without more co-operation from the public the scheme cannot be successfully carried out. Every issue of the bulletin says that. I do

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not know why the public are so apathetic and indifferent towards a salutary reform as that. (Interruption by Sri P. Natesan.) It may be so. But it is for gentlemen like Mr. P. Natesan to see that people take more interest in Prohibition. It is no use for people like him—I must say this on the floor of the House—to stand up in their seat here and always oppose measures brought by Government. It is for them to make people co-operate heartily with measures like this. Government have insurmountable difficulties to overcome. I would invite leaders of public opinion to co-operate heartily in the task of enforcing Prohibition. I would welcome Government taking as many strict measures as possible to make the scheme a success; I would not mind the enforcement side stiffened still more; and I would not mind if people are punished very heavily for offences irrespective of their status. The other day I was talking to a friend of mine at Madras, and he told me that one could in Madras, at any time, day or night, get any quantity of illicit liquor. Therefore I would request Government to take stringent measures to prevent illicit distillation."

* SRI T. S. PATTABHIRAMAN:—"Mr. Speaker, Sir, it is rather surprising that there should be any opposition to this measure, which is not only a necessity but a very welcome one. This particular measure does not confer any new right. What has been all along exercised by excise officers is sought to be conferred on Prohibition officers also. There are a number of offences committed under the Prohibition Act. To bring them to light, informants are necessary. Such informants give valuable and timely information. If adequate protection is not given to them, the life and property of such informants are at stake. Otherwise, you will find within a few days they would disappear for ever from their home; or overnight their house is set on fire.

"Sir, Salem district is known for certain amount of illicit distillation and illicit tapping. The terrain of the district is such that it is very difficult to approach any particular place where illicit distillation takes place. Because of this, sometimes an entire village in Salem district is engaged in illicit distillation. It would surprise you to hear that in Salem district on the banks of the Cauveri, a major portion of illicit distillation takes place, and it would never come to the notice of the Police or public. It is not because of lack of enthusiasm of the local people this is going on. The informant can never be safe in his village, living as he does in the midst of illicit distillers. So it is to protect him that this amending measure is brought. Therefore this measure would be an incentive to the people to go to the Police and give information of illicit distillation. So this measure is not only welcome but absolutely necessary for my district. This measure would greatly help the successful working of the scheme of Prohibition in such a bad district as Salem and will enable us to realize our ambition very soon."

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12 noon. JANAB ABDUL HAMEED KHAN:—"Mr. Speaker, Sir, while I am one of those who are very anxious that Prohibition should succeed in our Province, I do not for a moment suggest that it should succeed by force. When we passed the Prohibition Act, we thought that it only meant the Government stopping the manufacture of liquor and nothing more than that. We never thought that the Government would be called upon to spend more and more to make Prohibition a reality in our Province beyond losing the Excise revenue. We never also thought that people who were addicted to drink would take worse and more poisonous drinks than what they would have taken if Prohibition had not been there. I know that in the City of Madras people have died due to taking practically poison thinking that it was an intoxicating drink. A number of deaths have taken place due to the taking in of very strong drinks which are very nearly poisonous. We have also known of cases of murder of informers by the manufacturers of illicit liquor. The informers now employed by the Police are not of a desirable character. People with no position or standing, people who have no work to do, people who have no stake in the country and people who are vagrants are employed as informers. We all know to what extent one can rely upon the information given by such vagrants. They are the dregs of society, people who are more interested in disturbing the peace of the land than in preventing illicit distillation. They themselves may be engaged in illicit distillation and at the same time act as informers. Such people are sought to be protected by investing the Prohibition Officers with the powers of the Police Officers!

"The hon. Gentleman, Sri Pattabhiraman, told us what was happening in Salem. I am afraid one can say the same thing with regard to every district in the Province. I know what is happening in Cuddapah, Kurnool and some other districts. Prohibition offences have become so common that the Government have to employ more and more people to prevent the large number of people from committing such offences. Prohibition offence is not like the offence of stealing or an offence under the Indian Penal Code. We passed the Prohibition Act thinking that the people themselves were clamouring for the reform after realizing the immorality involved in the drink evil.

"By giving to the Prohibition Officer the power of the Police Officer that is now sought to be given, the Government are taking away a right enjoyed by the people under the existing law. What we are doing in this House from day to day is to make the existing law unlawful and the passing of this Bill will be one such case. My hon. Friend Mr. Varadachari, who claims to be an authority on Prohibition as well as Khaddar, cautioned the Minister to go slow. The question, according to him, was not free from difficulties. He wanted both sides of the question to be examined before the Minister came forward with a Bill like this. An expert having said that, I hope that the Hon. Minister will seriously consider his suggestion, withdraw the present Bill and bring in a new Bill which will satisfy his own expert."

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SRI P. KANDASWAMI PILLAI:—"Mr. Speaker, Sir, it is very surprising to hear Mr. N. S. Varadachari, who has dedicated his life for Khaddar, Prohibition and allied subjects, say on the floor of this House that the informer's name must be disclosed and that the informer be butchered the next minute. I can understand Mr. Hameed Khan's opposition for the sake of opposition. He never understands the subject, he never cares to give a correct picture. My friend Mr. Pattabhiraman is an advocate, and some of his clients might have represented that certain villagers were indulging in illicit distillation. Mr. Hameed Khan exaggerated what Mr. Pattabhiraman said. I say that there is ample support to Prohibition from the public of the Salem district. The geographical position of the district is not very helpful and there are villages which are not easily accessible to the Police or Prohibition staff. The illicit manufacturers of their manufacture in such places. Our patriotic Congressmen who have taken a vow to eradicate the drink evil in this Province have penetrated even into jungles to prevent the commission of offences. An illicit manufacturer makes a huge profit and he could afford to spend to do harm to the informer. The life and property of the informers are at stake and they must be protected by law. People who express lip-sympathy for the cause but are not inclined to support it in their heart of hearts may say that the informers need not be protected. When no protection is given, people will be afraid to give information. In a village near Salem, an informer was murdered. An attempt on the life of another informer was made, but he ran away to the town. What does this indicate? Half a dozen rogues running about the streets with a revolver in hand are enough to strike terror in the hearts of the citizens of the whole of Madras City. The citizens will naturally ask for protection. It is for affording protection that the courts and the Police exist. My point is that the Government are there to protect law-abiding citizens, particularly informers. Unless they give sufficient protection to informers, Prohibition will not be a success. That is the reason why the Government have come forward with this amendment. I cannot understand Members on this side of the House opposing the measure.

"It is an insult to say that vagabonds act as informers. It is not correct. Only patriots come forward as informers. Even people interested in Prohibition will not give information and risk their life and property. When patriots and people interested in Prohibition give information, we are bound to protect them. I am very glad that the Hon. Minister piloted this Amending Bill and it is our bounden duty to support it."

* JANAB M. A. MUHAMMAD IBRAHIM:—"Mr. Speaker, Sir, I oppose this measure not because of its principle but because of its pernicious tendency. We have got so many control orders like the Textile Control Order and the Foodgrains Control Order. Several people are engaged to enforce these orders and they do not claim such freedom. Only the Prohibition Officers claim the privilege of not disclosing the names of the informers. I do not

[Janab M. A. Muhammad Ibrahim] [16th December 1949]

see why a privilege, which is denied to the control staff, should be given to the Prohibition staff alone. From that point of view, I say that this is not a healthy measure."

SRI M. P. PERIYASWAMI :—"கனம் தலைவர் அவர்களே, இந்த Prohibition சம்பந்தமாக பல இடங்களில் கள்ளச்சாராயம் காய்ச்சுகிறார்கள். எங்கே காய்ச்சுகிறார்கள் என்று சொல்லக்கூடியவர்கள் பல பேர் இருக்கிறார்கள். அதிலும் நம் மாகாணத்தில் கள்ளக்கடை, சாராயக் கடையை ஒழிக்கவேண்டுமென்பதற்காக அநேக worker-கள் இந்த மது விலக்குத் திட்டம் வெற்றிகரமாக நடக்கவேண்டுமென்று கங்கணம் கட்டிக்கொண்டு வேலை செய்கிறார்கள். அதற்காக எங்கெங்கே கள்ளச் சாராயம் காய்ச்சுகிறார்களோ, அங்கங்கே இருக்கும் போலீஸ் அதிகாரிகளிடம் சொல்லுகிறார்கள். அங்கிருக்கும் சில போலீஸ் அதிகாரிகள் information கிடைத்தவுடன் அந்த சாராயம் காய்ச்சுவோர்களுக்கு முன்கூட்டியே information கொடுத்துவிட்டு, இவர்கள் சோதனை போட போவதற்குள் அதை அப்புரப்படுத்துவதற்கும் வசதி செய்துவிடுகிறார்கள். அதோடு Exise டிபார்ட்மெண்டில் இருந்து வந்த சப்-இன்ஸ்பெக்டர்களை Prohibition டிபார்ட்மெண்டிற்கு எடுத்துக்கொண்டிருக்கிறார்கள். அவர்கள் ஏற்கெனவே லஞ்சம் வாங்கிக்கொண்டிருந்த பழக்கவழக்கம் காரணமாக இங்கேயும் பணம் வாங்கிக்கொண்டு சாராயம் காய்ச்சுவர்களுக்கு ஒத்தாசை செய்கிறார்கள். இவ்வாறு மது விலக்கு திட்டத்தையே கெடுத்துக்கொண்டிருக்கும் இப்படிப்பட்ட போலீஸ் அதிகாரிகளிடம் நாம் ரொம்பவும் கவனமாக இருக்கவேண்டும். அதோடு கூட இம்மாதிரி information சொல்லக்கூடியவர்களை, 'இன்னான் சொன்னான்', என்று வெளியிட்டவுடனேயே அவர்களை இந்த சாராயம் காய்ச்சுபவர்கள் ஹிம்மை செய்கிறார்கள்.

12-15 p.m. "இந்த சாராயம் காய்ச்சுபவர்களை கண்டு பிடித்து, நம் மாகாணத்தில் மது விலக்கு திட்டம் வெற்றிகரமாக நடத்தவேண்டுமானால் இந்தக் கள்ளக்கடையை ஒழிப்பதில் ஊக்கமுள்ள 'வாலண்டியர்கள்' ஆங்காங்கு மிகவும் அவசியம். அதற்காக Prohibition Committee என்று இருக்கிறது. அதில் பெரிய பெரிய ஆட்கள் பணக்கார ஹோதாலிலேதான் இருக்கிறார்கள். அவர்களால் சரியாக யார் காய்ச்சுகிறார்களென்று சொல்லமுடியாது. இந்தக் கமிட்டியால் தற்போது எந்தவித நன்மையும் கிடைக்கவில்லை.

"மேலும், சாராயம் காய்ச்சுபவர்களுக்கு உளவு சொல்லிக்கொடுத்துக் கொண்டிருக்கும் போலீஸ் அதிகாரிகள் விஷயத்தில் அதிக கவனம் செலுத்தினால்தான் மதுவிலக்கு திட்டத்தை வெற்றிகரமாக நடத்தமுடியும்.

"இந்த information கொடுத்தவர்களை சாராயம் காய்ச்சுபவர்கள் ஹிம்மிக்க வரும்பொழுது இவர்கள் போலீஸ் அதிகாரிகளிடம் வந்து சொன்னாலும் இவர்களுக்கு தகுந்த பாதுகாப்பு கிடைப்பதில்லை. அவர்களுக்கு மாதிரி வசதி செய்து கொடுத்தால் இன்னும் வெற்றிகரமாக information சேகரிப்பார்கள். ஆகையால், information சொல்லுகிறவர்களுக்கு சர்க்கார் தகுந்த பந்தோபஸ்து கொடுக்கவேண்டும்.

"இந்த information கொடுக்கிறவர்களை சாராயம் காய்ச்சுபவர்கள் இந்த விஷயத்தில் தாக்க முடியாவிட்டாலும் வேறு பல கேஸ்களை இவர்களிடமேல் சுமத்தி இவர்களை மாட்டிவிடுகிறார்கள்.

"ஆகையால், வேறு எந்த விதத்திலும் இந்த information சொல்லுகிறவர்களுக்கு ஆபத்து ஏற்படாமல் தக்க பந்தோபஸ்தை அரசாங்கம் செய்து கொடுக்கவேண்டுமென்று சொல்லிக்கொண்டு இந்த மது விலக்கு திருத்த மசோதாவை ஆதரிக்கிறேன்."

* JANAB M. S. ABDUL MAJID :—"Mr. Speaker, Sir, I really do not know when these Amending Bills to the Prohibition Act will come to an end. In every session we have been having some amendments or other to the Prohibition Law and that only proves the fact that Prohibition is failing in this Province. It is being claimed by hon. Members on the other side

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that this is an Act which has received the fullest support of all the people of this Province. But to-day we find, Sir, that just to protect the skin of an informer, the Government are coming forward with an Amending Bill saying that the name of the informer should be concealed. If I say that people are behind me, that I am against all those who are against Prohibition, I really do not understand why I should be afraid to conceal my name. When I find a man committing an offence, I must go and inform the Police that such and such a person is committing an offence and I must face the music, whatever it is. If I am to be man-handled in that process, let me be man-handled. Have not people sacrificed for the sake of truth? You are only creating moral cowards in this Province if you are going to introduce this amendment to the Prohibition Act. This is a law which is supported by all the people concerned. We, on this side of the House, have given our fullest support to this measure and all right-thinking people in this Province have given their fullest support to it and it is our duty to see that this Prohibition law is made a living reality and not a laughing stock.

"Sir, hon. Members have already pointed out how Prohibition offences are increasing from year to year but we find that nothing is being done to put an end to them. The Prohibition officers are ineffective and inefficient and the Government have no confidence in the Police officials. In between these two, the Prohibition Act is going to waste and the Prohibition offences are increasing from year to year and month after month. Session after session, the Hon. Minister in charge of Prohibition is bringing amendments after amendments to the Prohibition Act. I submit, Sir, that if this law is to be worked effectively and properly, we should not give any such protection as is contemplated in this Bill and as I have already said, we will be only creating moral cowards among people who are not prepared to face the music by telling the truth before the public."

SRI A. SUBRAHMANYAM :—"கனம் தலைவர் அவர்களே, இந்த மசோதாவை ஆதரிக்கும் முறையில் சில வார்த்தைகளைச் சொல்ல விரும்புகிறேன். உலகத்திலேயே யாரும் செய்யமுடியாத ஓர் அரும்பெரும் காரியத்தை நம்முடைய மாகாணத்தில் நாம் இப்பொழுது செய்திருக்கிறோம். அதாவது பரிபூரண மது விலக்கு. அதைத் தொடர்ந்து அதை மாகாணம் பூராவும் வெற்றிகரமாக நடைபெற்று வருவதற்கு நாம் ஆர்வம் படைத்து பாடுபட்டு வருகிறோம். அதிலிருந்து வரக்கூடிய வரும்படியான 18 கோடி ரூபாயையும் நாம் பொருட்படுத்தாமல் இழந்திருக்கிறோம். அந்த நல்ல காரியத்தைச் செய்யும்பொழுது அதில் பல இடஞ்சல்கள் உண்டென்பதைக் கூடியதாக இருக்கிறது. அது வாஸ்தவமாக இருந்தாலும்கூட அதற்குக் காரணம் என்னவென்பதைச் சற்று நாம் தெரிந்துகொள்ளவேண்டும். காரணம் என்னவென்பதைச் சற்று நாம் சொல்வதைப்போல் அதில் நடந்து வேலியே பயிரை அழிக்கிறது, என்று கவனிக்கவேண்டும். போலீஸ்காரர்கள் வருகிறது. அதை முதலில் சீற்று கவனிக்கவேண்டும். போலீஸ்காரர்கள் இந்தக் காரியத்தில் சரிவர ஈடுபட்டு நல்ல முறையில் நடந்துகொள்ள முன் வரவில்லை என்பதைத்தான் இந்த சந்தர்ப்பத்தில் நான் சொல்லிக்கொள்ள விரும்புகிறேன். (Some interruptions.) முதன் முதலில் அதை நாம் சரிவர தெரிந்துகொள்ளவேண்டும்.

"அடுத்தபடியாக இந்த மதுவிலக்கை வெற்றிகரமாக நடைபெறும்படி செய்வதற்கு பல ஊழியர்கள் முன்வந்து வேலை செய்கிறார்கள். அவர்

[Sri A. Subrahmanyam] [16th December 1949]

களுடைய உயிருக்கும் உடமைக்கும் பெரிய ஆபத்துக்கள் ஏற்பட்டிருக்கின்றன. இன்னும் பலருக்கு உயிர்சேதம் கூட ஏற்பட்டிருக்கின்றன. பலரை வெட்டி காயம் ஏற்படுத்தியும் பலருக்கு கால்கள் உடைந்தும்போய் இருக்கின்றன. இன்னும் சிலர் இருக்கும் இடமே தெரியாமல் ஒளிந்துகொண்டு மிருக்கின்றார்கள் என்பதைத் தெரிவித்துக்கொள்ளுகிறேன். இன்னும் எவ்வளவோ கொடூரமான செய்கைகளுக்கும் ஆளாகியிருக்கிறார்கள். கள்ளச் சாராயம் காய்ச்சுவர்களைக் காட்டிக் கொடுக்க முன் வருகிறவர்களுடைய உயிருக்கே ஆபத்து உண்டுண்ணக்கூடிய வகையில் காரியங்கள் செய்து வருகிறார்கள். அவ்விதம் திருட்டு சாராயம் காய்ச்சுகிறவர்களைக் காட்டிக் கொடுக்கிறவர்களுக்கு பாதுகாப்பு அளிக்கவேண்டியது நம்முடைய முதற்கடமை. குறிப்பாக அரசாங்கம் அவர்களுக்கு ரிவார்டுகள் கொடுக்கவேண்டும். சேலத்தில் 60 ரிவார்டுகள் கொடுக்கக்கூடியவருக்கு இதுவரையில் ஒரு ரிவார்டாவது போலீஸ் டிபார்ட்மெண்டால் கொடுக்கப்படவில்லை. இன்னும் எவ்வளவோ கேஸ்களில் தாங்களே சிலவுசெய்து வாடகை வண்டிகள் வைத்து தேஸ்களை கண்டுபிடித்து போலீஸாருக்கு உதவி செய்திருக்கிறார்கள். இன்னும் அப்படிப்பட்டவர்களுக்கு ஒரு ரிவார்டும் கொடுத்ததாக தெரியவில்லை. அதற்குக் காரணம் என்னவென்றால் போலீஸாருக்குத் திறமை இல்லை என்பதாக நினைத்துவிடப்போகிறார்கள். அந்தமாதிரி கேஸ்களை எல்லாம் அந்த டிபார்ட்மெண்டு போலீஸ்காரர்கள்தான் கண்டுபிடிக்கிறார்கள் என்று சொல்லி அவர்களுக்குத்தான் ரிவார்டுகளைக் கொடுக்கிறார்கள். இவ்விதம் நடவாமை இருக்கவேண்டியது அவசியமாக இருக்கிறது. அதற்கு ஒரு உத்தரவு போடவேண்டும். உண்மையாக யார் கேஸ் கண்டுபிடிக்கிறார்களோ அவர்களுக்குத்தான் ரிவார்டுகள் வழங்கப்படவேண்டும். இதனால் போலீஸ்காரர்களுக்கு திறமை இல்லை என்பது ஏற்படாது. Informants-க்கு உதவிசெய்ய அரசாங்கம் முன்வரவேண்டுமென்று இந்த சந்தர்ப்பத்தில் மறுமுறையும் தெரிவித்துக்கொண்டு என்னுடைய கார்த்தையை இத்துடன் முடித்துக்கொள்ளுகிறேன்.”

JANAB SINNA KAZIAR HAJI MOULVI S. A. F. IBRAHIM:—
“Mr. Speaker, Sir, I rise gladly to support this measure. Sir, Prohibition is a very important reform and, if you ask my opinion about it, I would say that this is the only wise thing our Congress Ministry has done in its regime. If the Government deserve any congratulation, on any measure they had brought forward, from this side of the House, it is only on this measure that we can give our congratulations. Although it has been complained that with the introduction of Prohibition, Prohibition offences are going on increasing day by day, I submit, Sir, that the increase of Prohibition offences cannot be an argument against Prohibition. It is only natural. A long-standing custom or habit cannot be stopped all of a sudden. In spite of our spending several crores of rupees every year on the Police budget, criminal offences like murders, house-breaking and thefts have not stopped, but are still going on. But, do we, on this ground, say that we should not have the Police department? Certainly not. If certain offences are increasing, it means that we must have more effective administration.

“Sir, the present measure is intended to give protection to informers in connexion with Prohibition offences, by not compelling their names to be disclosed by courts. This protection should be all-round protection. But, what happens in the mufassal? When a person approaches the Prohibition Officer and informs him about a case of illicit distillation, he gets protection under this Bill. But what about a person who goes and

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informs the matter to some other district official, for instance, the District Magistrate or the District Superintendent of Police? He gets no protection at all and his name is disclosed by the Prohibition Officer before the court. Sir, this is exactly what happened in my case in Mathurai. I informed the District Magistrate about a case of illicit transaction which had been going on there. I asked him to keep it confidential and do the needful because I did not want to incur the displeasure of the person concerned. But what happened? The District Magistrate confidentially informed the matter to the Prohibition Officer who immediately informed it to the offender. Therefore, Sir, I submit that under such circumstances, I do not want that such informers who give such information to the District Collector or the District Superintendent of Police should also have such protection. But the Prohibition officers should be seriously dealt with when they so disclose the secrecy for their personal benefit.

“Sir, there are two things going on in the mufassal. If a person wants to retaliate his enemy, there are two methods he usually adopts, by taking advantage of the present situation in the country. One is, he goes to the Prohibition Officer and tells him that the other person is a drunkard, or that he resorts to illicit distillation. The other is, he goes to the nearest police station and informs the police that his enemy is a Communist. That is how things are going on in the mufassal. A measure like this is very essential, but it should be carefully watched and worked and should not be abused.

“With these words, Sir, I support this Bill.”

Sri M. KANNIYAPPAN:—“தலைவர் அவர்களே, இந்த ‘பில்லை’ நான் முழுமனதுடன் ஆதரிக்கிறேன். இதை ஆதரிக்கும் தோரணையில் எதற்காக இதை ஆதரிக்கிறேன் என்பதைச் சொல்லுகிறபோதும் கனம் மந்திரி அவர்களை இதை கண்ணும் கருத்துமாக கவனிக்கவேண்டுமென்று நான் கேட்டுக்கொள்ளுகிறேன், ஏனென்றால் ஒப்பற்ற நமது தலைவர் மகாத்மா காந்தியின் கொள்கைப்படி இதை நிறைவேற்றினோம். இதை நிறைவேற்றிய பிறகு நம்முடைய மாகாணத்தில் எந்தமுறையில் தவறு தல்கள் நடக்கின்றன. இன்றையதினம் கள்ளக்கடைகளும் சாராயக்கடைகளும் போனபிறகு திருட்டுத்தனமாக கள் இறக்குவது சாராயம் காய்ச்சுவது களும் போனபிறகு திருட்டுத்தனமாக கள் இறக்குவது சாராயம் காய்ச்சுவது நடைபெறுகின்றன என்பதைப் பாரக்கும்போது யார் செய்கிறார்கள், அது எந்த முறையில் நடத்தப்படுகிறது, அதை எந்தமுறையில் தடுக்கவேண்டும் என்பதைத்தான் இன்றையதினம் முக்கியமாக பார்க்கவேண்டும். குறிப்பாக இந்த ‘பில்லை’ pass செய்வோமீனால் அவசியமாக பல தேச பக்தர்களுக்கு பாதுகாப்பு அளித்ததாக ஆகும்.

“என் இதைச் சொல்லுகிறேன் என்றால் குடியாற்றத்தில் என்னுடைய தோழர் அண்ணாமலை என்பவர் பல கேஸ்களை கண்டுபிடித்திருக்கிறார். அவர் அவ்விதம் கண்டுபிடித்திருப்பதால் அவருக்கு பெரிய பெரிய ஆபத்துகள் ஏற்பட்டு அவரை பல இடங்களில் அடித்து அவருடைய காலையும் நெருக்கி யிருக்கிறார்கள். அவ்விதம் நடந்திருப்பது எவ்விதம் என்றால் எந்த ஆட்கள் சாராயம் காய்ச்சுகிறார்கள் என்று தகவலை யாருக்கு கொடுத்திருக்கிறோடு அவர்களே முதன்முதலில் காய்ச்சினவர்களுக்கு இவரைப் பற்றி தகவல் கொடுத்து இவ்விதம் நடத்தப்பட்டிருக்கிறது. அதுமாதிரி மல்ல. சென்னையில் அதைப் போலவே ஒன்று நடந்திருக்கிறது. ஆனைக் கௌனியில் ஒரு போலீஸ் ஸ்டேஷன் இருக்கிறது. அங்கே தேசாபிமான

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முள்ள பெருமாள் என்பவரும் குக்மணி என்பவரும் கள்ளச் சாராயம் காய்ச்சுவதாக தகவல் கொடுத்தார்கள். தகவல் கொடுத்தவுடன் அங்கே இருக்கக்கூடிய ரௌடிகளுக்கு இவ்விதம் தகவல் கொடுத்ததாக தெரிந்தவுடன் என்ன நிலைமை ஏற்பட்டிருக்கிறது என்றால் இந்த இரண்டுபேர்களும் தலைமறைவாக வெளியில் சுற்றக்கூடிய நிலைமை ஏற்பட்டிருக்கிறது என்பதை கனம் மந்திரியவர்கள் அறியவேண்டும். ஏன் இதைச் சொல்லுகிறேன் என்றால் நாம் ஒரு காரியத்தைச் செய்து அதை நிறைவேற்றுவதற்கு நம்முடைய ஒப்பற்ற ஊழியர்கள் இந்தக்காரியத்தை செய்கிறபொழுது அதற்கு நேர் விரோதமாக நம்முடைய அரசாங்கத்தில் ஊழியம் செய்யும் போலீஸ் டிபார்ட்மெண்டும் அதற்காக அமைக்கப்படும் போலீஸ்காரர்களும் இதற்கு பாதுகாத்த விளைவித்துக்கொண்டிருக்கிறார்கள் என்பதை நன்கு தெரிந்துகொள்ளவேண்டும்.

“சமீபத்தில் காஞ்சிவரத்தில் ஒரு ஹெட்கான்ஸ்டபினையும், ஒரு சப் இன்ஸ்பெக்டரையும் கண்டுபிடித்து லாக்கப்பில் அடைத்தார்கள். அவர்கள் மீது கேசுகள் போடப்பட்டதாக தெரியவந்தது ஆனால் அது என்னவாயிற்று என்று தெரியவில்லை. அநேகம் போலீஸ்காரர்கள் தங்களுக்கு தகவல் கொடுக்கும் ஆட்களையே காட்டிக்கொடுத்துவிடுகிறார்கள். இன்றையதினம் நடந்து வருவதைப் பார்த்தால் தகவல் கொடுக்கக்கூடியவர்களையே காட்டிக் கொடுப்பதாக இருக்கிறது. இவ்விதம் இருக்கும்பொழுது இந்த ‘பில்’ லே **pass** செய்து நிறைவேற்றும்பொழுது அதற்கு நேர்விரோதமாக எவர் இருக்கிறார்களோ அவர்களை **dismiss** செய்யவேண்டும். இன்னும் அவர்களேயே தக்க நடவடிக்கை எடுத்துக் கொள்வோமேயானால் நாம் ஒரு நல்ல காரியத்தை செய்வதாகவே ஆகும். அவ்வித காரியங்களில் ஈடுபடும்படி நம்முடைய கனம் மந்திரி அவர்களையும், கனம் பிரதமர் அவர்களையும் மற்றவர்களையும் நான் வேண்டிக்கொள்ளுகிறேன்.”

12 30 * BEGUM SULTAN MIR AMIRUDDIN:—“Mr. Speaker, Sir, we, on our side of the House have given the Government our unstinted and wholehearted support in regard to their Prohibition policy, and we would also like to extend our support to the measure that they are taking to further the cause of Prohibition. But, while doing so, I should like to emphasise that it is necessary to see that any legislation that is brought forward by the Government does not prove a source of harassment to innocent people. I am afraid that some of the recent legislative enactments of the Government are likely to lead to such harassment. I may point out that it is necessary to place Prohibition officers on a par with police officers in every respect instead of merely extending the application of section 125 of the Indian Evidence Act to Prohibition offences. As things stand at present, the evidence that is taken by Prohibition officers is not treated on the same footing as that taken by the police officers. Since the majority of the Prohibition officers are police officials, and, they are, as a matter of fact, discharging the duties of the police, they should be treated as police officials for all purposes and not only for one purpose, namely, that of withholding the name of the informant and the evidence taken by them must legally be brought on a par with the evidence that is taken by the police officials. In this connexion I wish to draw the attention of the Hon. Minister to a ruling that has recently been given in the High Court that the confession of an accused to a Prohibition Officer is admissible in a court of law and that a Prohibition Officer is to be treated in this regard different from a police officer, to whom the confession given by the accused is not admissible in court of law. The effect of this

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ruling is that a Prohibition Officer stands on a different footing from a police officer in regard to confessions made to him. This distinction must be wiped out. A person cannot be treated as a police officer for one act and made to continue as Revenue Officer for other acts, when all these acts are performed in the discharge of similar duties. Since Prohibition officers are as a matter of fact engaged in similar work as police officers they are likely to commit the same mistakes as the police. Hence the law should be so amended as to place the Prohibition officers on a par with police officers in any respect and not merely with reference to not disclosing the name of the informant as envisaged in the present Bill.”

* DR. D. S. RAMACHANDRA RAO:—“Mr. Speaker, Sir, we are playing a desperate game. We realize how the evil has sunk to the roots of drinking. We thought at the early stages that the country would support us. No doubt the country has been supporting us. There is a tendency in those who do not believe in Prohibition to exaggerate the failures of the Prohibition movement. On the other hand, I believe there is the danger on our side of exaggerating the success of the Prohibition movement. But if we look at it impartially, there is a great deal to be thankful for what we have achieved so far. At the same time there is a good deal to be done. From my point of view, we are, in a way, realizing our ideal in trying to protect the really weak, helpless and the hopeless who have yielded to the temptation that was paraded before them. Of course, I do not know whether we have been successful in saving the chronic addicts of drink. They are a problem all the world over. It needs more than mere legislation to save them from the curse of drink.”

MR. SPEAKER:—“The hon. Member is going away from the main point.”

DR. D. S. RAMACHANDRA RAO:—“It is to make Prohibition a success, the Government want to arm themselves with a power. That power is capable of misinterpretation, mishandling and misapplication. For instance, Government give power to the people, whose future depends entirely upon the possibility of detection. They may not be conscientious and scrupulous. A person whose name should not be disclosed might be entirely a fictitious person or he may be a leader of a gang or he may be a leader of a party which is in opposition in a particular village or town. Therefore, there is that danger of innocent persons being brought under the law. But, I think, there is a great deal of truth in the contention of my hon. Friend Mr. Varadachari that under certain conditions, there must be permission given to disclose the name at least to the magistrate who is sitting in judgment over the case. Because the character of the informant will be a clue to the nature of the case. Therefore, there should be this proviso that under extreme conditions, if the magistrate really wishes to know the person and the name of that person, the identity of that person could be given in confidence to the magistrate. That would save a great deal of mischief being done to innocent

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people. I trust that if the Government will adopt some kind of qualification to the general powers, we can save the situation. At the same time it will prevent the informant being disclosed to the public, and in that way save him from the vengeance of those who are affected."

* JANAB N. MUHAMMAD ANWAR:—" Mr. Speaker, Sir, I believe I am only carrying coal to New Castle when I say that I am supporting this measure. But what I am not able to understand is that whether this is the kind of protection that we want to give to our informants. You know pretty well that in our country we do not have anything like a secret. Even top secrets

THE HON. SRI K. MADHAVA MENON:—" When there is no secret in the country?"

* JANAB N. MUHAMMAD ANWAR:—" For the sake of the Hon. Minister let me say clearly that even Cabinet secrets are bazaar rumours in our country. That is unfortunately the case not only in our Province, but all over this country. Are the Government really giving protection to the informant when overnight the news spreads that Mr. So and So is the informant? Even walls have ears! When the informant comes to be exposed, I do not think that he is going to save his skin. My hon. Friend Mr. Majid said that he will be considered a moral coward who wants that his identity should not be exposed. But I say that the moment his identity comes to be exposed, which is bound to happen, he will be looked down as a social leper. And an informant, in a country where we seek pride in Truth and non-violence, would not like to go in for such protection and be ultimately exposed as an informant, because, I know that in our village economy, he is condemned most who acts in secrecy and who wants to carry on his profession by trying to give information against anybody and everybody against whom he may be pitted. I know, particularly in villages, there are certain individuals, whose only habit, in recent years, has turned out to be to carry on their trade by identifying themselves with certain officers of the Police department and trying to expose whosoever they feel to be their enemies. I do not want that under cover of this legislation our informants should have such immunity which will only mean giving a fillip or setting a premium on harassment of people which may be for reasons political and for reasons ideologically not in agreement with the informants. That is exactly the reason, Mr. Speaker, that while I feel one with the Government that we must have to go step by step forward in the direction of complete Prohibition, both in letter and in spirit, we must not go headlong by inviting upon our heads such measures as are going to give not protection to our informants but bring social calumny against them."

* THE HON. SRI K. MADHAVA MENON:—" Mr. Speaker, Sir, the hon. Member Mr. Natesan set the ball rolling. This is an innocent Bill. If a little more explanation had been given by

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me in the beginning, it would have avoided so much of debate about the success or the failure or the goodness or badness of Prohibition. I can understand Mr. Natesan's opposition, because he is definitely against Prohibition. He has stated so. He wants Prohibition to fail. He thinks that if this Bill is not passed, there will be grounds for Prohibition to fail. He asks 'what do this Government know about drinking?' I certainly do not know anything about drinking. He asks 'what do this Government know about drinking that is going on in the country?' To some extent, those who have licences are drinking. There are some places where illicit distillation is going on. Mr. Natesan's opposition is a support to me, because he says that Prohibition must fail, that it is bad, that it should not succeed, and that it is definitely something which is a wrong done by this Government. He wants that Prohibition should not work effectively, and so his opposition is only a support for the Government's Prohibition policy. That is my answer to him.

" Mr. Abdul Hameed Khan really took my breath away when he said 'you want to enforce Prohibition by force; how are you going to do it; it will never succeed by force.' I may ask him that if to-morrow we find a man engaged in illicit distillation should we pour rosewater and *athar* on him and ask him 'did you commit the offence of illicit distillation; if so, I shall pour rosewater on you'. Is it the method of enforcing Prohibition without punishment? Drastic methods should be enforced against those who contravene the Prohibition laws. My idea of enforcing Prohibition is different from Mr. Hameed Khan's. That is all I can say to him."

JANAB MUHAMMAD RAZA KHAN:—" Is that the practice in your part of the country?" 12-45 p.m.

* THE HON. SRI K. MADHAVA MENON:—" It is so in my part and also in your part. When a man enters your house and wants your affection, you certainly pour rose-water on him. But I do not know when a man commits an offence, if we should pour rose-water on him, whether it is in the place of Mr. Raza Khan or anywhere else."

" Sir, I want to explain the position clearly which I did not do at the beginning for which I am sorry. What I am asking for is this: The Abkari Act has been in force for about 50 years. The old Abkari officers are the Prohibition officers now. Under the Abkari Act, the Excise Officer had the power that if a person gave information of the commission of a crime, he was not bound to disclose the name of the informant. It was the impression of everybody concerned that the Abkari Officer would continue to be the Prohibition Officer and that he would have this power. It was never questioned. Mr. Natesan asked me 'Why did you not know it before?' My answer is 'Because nobody raised this question'. Now the question has been raised and it has been realized that under the amended Prohibition Act, that power is not there. So, I ask only for this power."

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" Mr. Majid Sahib spoke about moral courage. He said ' We must have the moral stamina and courage to speak out what we feel '. Sir, I must confess I have not got the moral courage or conviction that Mr. Majid expects of every person in this country. If every one of us had the moral courage to do things which we feel right and that we ought to do, this country would have been a Heaven. Further, it is not a question of moral courage. There is a good deal of difference between courage and foolhardiness. Mr. Anwar Sahib answered it in a different way by saying that the informant would be considered a ' moral leper '. It is an insult to leprosy to say as if a leper is to be despised. On the other hand, he is a person to be more pitied and sympathized with. Apart from the question of moral courage, the very feeling that he will be condemned by society will prevent a person from giving information. It is for this reason I am asking for the power.

" Sir, illicit distillation has been going on even before Prohibition. A particular person, X, gives information to a Prohibition Officer that in such and such a place illicit distillation is going on. It is not on his information alone that the success of the prosecution depends. Mr. Varadachari touched the point. I want to point out that the success of the case does not depend on the status of the informant. If a person gives a certain information and on that information the officer finds it to be wrong, then the evidence is not of the informant but of the officer concerned. Moral courage and stamina may be the gift of some people like Mr. Majid who have got education and culture. But ordinary human beings like me would rather think ' Why should I take the trouble and incur the displeasure of the other man? '. The natural feeling is not to expose any man, but let things get on themselves. A person may not have sufficient moral courage to expose another man but at the same time like the offence to be stopped. A person may give information to the Prohibition Officer that somebody is carrying on illicit distillation but he would not like to be exposed. Is not the Income-tax department giving protection to persons who give information in respect of the giving of false returns? Why should we require to have moral courage? This is only a natural human tendency which we want to protect against. The power which I am asking for is what the police officer, revenue officer, Income-tax department and Excise department (who had this power a month before this Act came) have to-day. So, the only object is that where under this Act a crime is committed and a particular person informs this to the officer concerned, that officer should not be asked to disclose the name of the person who gave him that information. Otherwise, it will dissuade people from giving information. The object is not merely to protect the informant but also to see that people are not dissuaded from giving information of the commission of an offence. I concede that great it is to have the moral courage, but all are not great. There are people like me who have not got the courage but at the same time would like that such things are not done. So, this is my appeal to Mr. Majid Sahib.

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" Sir, Mr. Anwar Sahib said, ' There is no secret in this country '. Sir, it may be the hon. Gentleman's opinion. But there are secret things and secret things. Suppose I disclose a secret. It does not mean that there is no secret. Where it is possible to keep a secret, it ought to be kept a secret. Where it would lead to the conviction of a crime by not disclosing the name of the informant, it ought to be kept a secret. Again, I want to make it clear that it is not on the nature, status or position of the informant that the case depends, but it depends on the results of the information that he has given. Faction, of course, there will be in villages. One factious party gives information that illicit distillation is going on in a particular place; the officer goes and finds there is no illicit distillation. What does it matter to know who gave the information? There will be no case at all. But even out of faction a particular person may be induced to give information about illicit distillation. On that information the officer may go and find it to be true. Even that is, therefore, good as far as prohibition is concerned.

" Mr. Anantachari objected that the Excise Officers are entitled to take signed statements from the accused while the Police Officers are not. I am asking that the Excise Officer may be treated in the same position as a Police Officer as far as section 125 of the Evidence Act is concerned. The statement of the accused being taken, it being not admissible as evidence, taking signed statements—these are all procedures under the Criminal Procedure Code. Definitely and deliberately the Legislature both in the Abkari Act and in this Prohibition Act has given power to the Prohibition Officer to take signed statements from the informants and so there it is that the police officer is prevented from doing so. What I am asking for is that if a person gives information which leads to detection of a crime, the Excise Officer should not be compelled to disclose the name of the informant. There is no harm in his giving evidence if he so likes; but the Court should not compel him. If he thinks that the information he gives will lead to serious troubles, if his name is disclosed, the Court should not compel him. If he has sufficient courage, he will not be prevented from giving evidence. This is only an enabling provision. This is a very simple Bill. Sir, I request that the Bill be taken into consideration at once."

MR. SPEAKER:—" The question is—
' that the Madras Prohibition (Second Amendment) Bill, 1949, be taken into consideration at once.' "

The motion was carried.

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

THE HON. SRI K. MADHAVA MENON:—" Sir, I move—
' that the Madras Prohibition (Second Amendment) Bill, 1949, be passed into law.' "

" I know I have spoken sufficiently in my reply which might rather induce Mr. Natesan to say that he is not against Prohibition although I said he had expressed himself against Prohibition.

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But whatever that may be, Mr. Natesan has said so that Prohibition should not be a success. But in the light of what I have already said, I request the House to pass the Bill into law."

MR. SPEAKER:—"Motion moved—

'that the Madras Prohibition (Second Amendment) Bill, 1949, be passed into law.'"

SRI P. NATESAN:—"Sir, I do not want to say much except that I consider that the Hon. Minister has been a little unfair to me. I have always been saying that they must go slow in prohibition. That was my point. Apart from that, I have put a straight question to the party in power. They said that the masses were behind them, that people wanted prohibition and that the intelligentsia wanted prohibition. Now I want to ask them whether they can justify it now because they are enforcing prohibition at such an enormous cost by appointing further and further Prohibition Officers. For instance, they are going to appoint about 450 Prohibition Officers and add more effective Police Officers to the prohibition staff. Does it mean that people do not want Prohibition or does it mean that people do want Prohibition? I want a definite answer to this from the party in power." (Mr. Raza Khan: "But you will never get it; they will burke the issue.")

* SRI N. S. VARADACHARI:—"Sir, I am grateful to the Minister for confining the discussion to this one simple issue whether the power taken here is necessary to strengthen the enforcement of Prohibition. I am sorry I have to argue still though vanquished like Goldsmith's School-master. The issue is very simple, as he put it. Certain powers which were conferred under the old Abkari Act were by oversight, he says not mentioned in the Madras Prohibition Act. I first doubt whether it was an oversight at all. I do not propose to go into that question. We have had the administration of this Prohibition Act for years together. We have had innumerable cases of offence. There has been no trouble up to now in many cases in regard to this matter. It is only in one or two instances that objection has been raised that the Department had no power to refuse to disclose the name of the informant. I do agree with the Hon. Minister that it is not on the informant that the success of the prosecution depends. It is not even on the disclosure of his name that the success of the prosecution depends. The evidence is totally different which determines the success or failure of the prosecution. No doubt somebody informs; then the officer goes and inspects the spot; then it is that the case comes up for trial. When every other way fails, perhaps the defendant asks, when his defence is found to be fairly proper, who is the informant? Now the Government want that the officer should not be compelled by law to disclose the name of the informant. It is here that some doubts occurred to me. Supposing it was a bogus case and the information was merely given in order to strike at other people and even the very informant or one of his party might have illicitly distilled liquor.

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Then, on the strength of that information to involve the alleged offender into trouble would be wrong. In fact, they say that there will be trouble if the name is disclosed because somebody may take advantage of this and punish the informant. Of course, I do not raise before myself such stories of murders of informants by reason of names being disclosed. It may lead to some extreme cases also. I appreciate that point. But what about the information of a character which may involve wholly innocent people into trouble? It may finally lead not to one single incident but to many other incidents in the village and make the faction more widespread. It is there that my doubts occur. It is true in every prosecution the name of the informant or the mere power to disclose his name is not going to help anybody. The success or failure of the prosecution is determined by the facts of the case and on the strength of the other evidence corroborative of the information already given. I want that the Minister must make this clear. Government should at least instruct the officers concerned to place the name of the informant, if necessary, before the trying Magistrate so that he can have an opportunity to verify the nature of the information given and the character of the informant. Informants in this country are of all sorts. (Mr. P. Natesan: 'He is insulting the country'.) I agree there are good people and bad people. In order to protect innocent people, I raise this specific point that Government should at least, if not amend the Act, make it clear to every one of their officers concerned to place the name of the informant before the Magistrate and enable him to judge about the character of the informant and the nature of the information. That is all I want to say."

* THE HON. SRI K. MADHAVA MENON:—"Sir, Mr. Natesan wanted a straight answer to a straight question which he put. He said 'You said that the masses were behind you. Are they really behind you or not?' There is no use of my asserting here that the masses are behind me or not. Let my Friend lay the flattering unction unto his soul that the masses are not behind me. The results of the elections in 1951 will disclose that fact. I know the feelings among the masses as strongly as Mr. Natesan. But I only pity his ignorance about the feelings of the masses. I had occasions to work along with the masses in prohibition. It is not as if I am sitting and working in the City. I have been in villages. I know with as much vigour and truth as Mr. Natesan that the masses are behind me in prohibition.

"Mr. Varadachari wanted me to make a legislation for an exception. There may no doubt be exceptional cases when a false information is given. But we cannot make legislation for exceptions. Exceptions are for every law.

"Sir, I request that the Bill be passed into law."

MR. SPEAKER:—"The question is—

'that the Madras Prohibition (Second Amendment) Bill, 1949, be passed into law'."

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

Then the House adjourned to meet again at 3 p.m.

[16th December 1949]

(After lunch—3 p.m.)

(4) THE MADRAS PROHIBITION (AMENDMENT) BILL, 1949.

3 p.m. THE HON. SRI K. MADHAVA MENON:—"Sir, I beg to introduce the Madras Prohibition (Amendment) Bill, 1949 and move—

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

"Sir, this is only a consequential amendment to the Bill that we passed at the last session, to enable the Government to grant exemption to military personnel passing through this Province or posted to this Province by the Government of India. The contractors will be enabled to stock and supply these articles to the military personnel."

MR. SPEAKER:—"The question is—

'that the Madras Prohibition (Amendment) Bill, 1949, be taken into consideration at once.'

The motion was carried.

MR. SPEAKER:—"The motion is—

'that clause 1 do stand part of the Bill.'

THE HON. SRI K. MADHAVA MENON:—"Sir, I beg to move the following amendment to clause 1, which relates to the short title of the Bill—

'that in clause 1 which relates to the short title, for the brackets and word "(Amendment)", substitute the brackets and the words "(Third Amendment)".'

"Sir, this is a verbal amendment and request that the same may be accepted."

The amendment was put and carried.

Clause 1 as amended was put and carried.

Clause 2 and the Preamble were put and carried.

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

'that the Madras Prohibition (Third Amendment) Bill, 1949, be passed into law.'

MR. SPEAKER:—"The question is—

'that the Madras Prohibition (Third Amendment) Bill, 1949, be passed into law.'

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

^a Published in the Fort St. George Gazette, dated 6th September 1949.

[16th December 1949]

(5) THE MADRAS TUBERCULOSIS SANATORIA (REGULATION OF BUILDINGS) AMENDMENT BILL, 1949.

THE HON. DR. T. S. S. RAJAN:—"Sir, I beg to introduce the Madras Tuberculosis Sanatoria (Regulation of Buildings) Amendment Bill, 1949 and move—

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

"In moving this, I may say that this is only a very small amendment that is being introduced to the Sanatoria Bill that has already been enacted. It has been found in its working that while the Government are anxious to make the Sanatoria and their surroundings healthy, people obtaining the licence are doing all sorts of things contrary to the intentions of the Government and the Act. So, we found it necessary to stipulate certain conditions when the licence is given. The present Bill provides that the order giving sanction for the erection or re-erection of a building should specify the purpose for which it is to be used. If this is done, it is easy to see that the sanatoria and their surroundings are better preserved. People get their licence, but build as they please. So a penal clause is attached to this Bill in the shape of fine. Hence, if anybody used the buildings for a different purpose, then he is liable to pay a fine. Such a provision is intended to carry a sort of penal punishment for any violation of the Act. This is only a very simple amendment to regulate the buildings that are constructed roundabout the sanatoria."

MR. SPEAKER:—"The question is—

'that the Madras Tuberculosis Sanatoria (Regulation of Buildings) Amendment Bill, 1949, be taken into consideration at once.'

The motion was carried.

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

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

'that the Madras Tuberculosis Sanatoria (Regulation of Buildings) Amendment Bill, 1949, be passed into law.'

MR. SPEAKER:—"The question is—

'that the Madras Tuberculosis Sanatoria (Regulation of Buildings) Amendment Bill, 1949, be passed into law.'

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

(6) THE MADRAS EDUCATIONAL INSTITUTIONS (REQUISITION OF PROPERTY) BILL, 1948* (L.A. BILL NO. 25 OF 1948)

* THE HON. SRI K. MADHAVA MENON:—"Sir, I beg to present the report of the Select Committee on the Madras Educational Institutions (Requisition of Property) Bill, 1948 and move—

'that the Bill as reported by the Select Committee be taken into consideration at once.'

^a Published in the Fort St. George Gazette, dated 25th October 1949.
^b Printed as Appendix II on page 64 infra.

[Sri K. Madhava Menon] [16th December 1949]

" Sir, this Bill was introduced in this House on the 21st August 1948 by my predecessor and a considerable amount of discussion was there at that time. This Bill was also a matter of considerable agitation from a particular section of the Managers of Aided Schools. After the discussion in this House as also after hearing the evidence of various persons and also after taking into consideration the various objections to the Bill, the Select Committee has made the Bill as acceptable as possibly could. I cannot even now say that it is acceptable to all. But, it has been our endeavour in the Select Committee to arrive at a common measure of agreement in this matter. One of the objections to this Bill as was explained in this House before is that the Government cannot allow in the middle of a year the children in the schools to be let in the streets. There have been occasions when managements have stopped running the school in the middle of a term. We found it impossible to make a provision for about 500 or 600 children. It is not possible for the Government to accommodate these children in a day in other schools; nor is it possible for us to have buildings, apparatus and other equipment for these children. There have been instances of mismanagement and malpractices when the department had to cancel recognition for repeated disobedience of instructions given by the Department in the course of a year. In all such cases—of course luckily for us, there have been only very very rare cases of this kind—we have found it very difficult to accommodate the number of students that would have been thrown out in the course of a year. Objections and fears were expressed that powers have been taken by the Government to take over other people's property indefinitely and it would mean a sort of trespass upon private property if the Bill was passed as it is. At the same time, the House was also feeling that the Government should have some power to see that these children's education at least for the year has not been stopped because of the mismanagement and malpractices on the part of the management. It is with these objections and fears in view, that the Select Committee began to work. By the amendments that we have moved in the Select Committee, it will be found that we want to set at rest any fear that this is going to be a sort of Bill which takes away other people's property permanently. That is why we have changed the short title of the Bill. Instead of saying, 'the Madras Educational Institutions (Requisition of Property) Bill' we said that it will be a 'Bill for taking over for a temporary period the control of property used for educational purposes and certain other matters.' We want to make it clear that it is only for a temporary period that we propose to take over control. We have made it definitely clear in the Bill that in any case where recognition is withdrawn from an educational institution by a competent authority or an educational institution is closed before the last working day of an academic year, the Government shall take possession of the building only for that academic year. If there was absolute necessity, the Government might, by a special notification, continue to be in possession of the building for another academic year.

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" Within that period the Government must find another school for the children, and they should not keep other people's property beyond that period. Any fear in the matter has been allayed by the provision made now in the Bill that the maximum period for which the Government will retain control over the buildings will be one year. After all, occasions like this arise only in exceptional cases because it will be a most drastic thing if the Director of Public Instruction were to cancel recognition in the middle of the year in all cases warranting such a cancellation. So far as my knowledge goes, Sir, recognition was withdrawn in a particular case in the middle of the year—and it was also a rare occasion—when we had and were able to find accommodation for the boys by putting up temporary buildings. So, in the absence of a general provision to take over such buildings, if the Government do not have powers, it will greatly handicap the school-going children. The Government have a duty to see that continuous education is provided for the boys, should recognition be cancelled in the middle of the terms, and this cannot be done in the absence of a building, in the absence of furniture and lastly in the absence of apparatus, etc. The school will be under Government control for one academic year, and as I have already said, at the end of one year, some other arrangements will be made, if found possible, to run the school. And, so it is not the idea of the Government to 'grab' private property. This is the object of the amendment suggested by the Select Committee.

" Sir, fears were expressed by the Catholic community in particular that the Bill was not a good piece of legislation and that it was meant to trespass upon private property. The community was of the view that the Government might take over the school and hand it over to some one belonging to some other community and that it would amount to sacrilege. We have considered this aspect of the question also and have accordingly made the following provision under clause 3 (5) (ii):—

'Provided that such person or body shall, as far as possible, be of the same religious denomination, if any, as that of that person or body from whom or from which, control of the property was taken over.'

" Sir, sub-clause (6) to clause 3 provides:

'The control over any property referred to in sub-section (1) shall, unless sooner relinquished, cease after the expiry of the academic year immediately following that in which the property is taken over:

Provided that the Provincial Government may, if in their opinion it is necessary so to do, by an order in writing published in the prescribed manner, direct that their control over such property shall continue for a further period not exceeding one academic year.'

I have spoken already about this provision and it amounts to this. The maximum period for which the school will be in the possession of the Government is the portion of the academic year following the date on which the school is taken over and another academic year following that. Sir, if I am not divulging any secret, it was the intention of the Select Committee to make the above period two

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years instead of one. But we have curtailed it on one year, with a proviso to meet unforeseen circumstances. If the Government cannot find alternative accommodation within one year, it is purely their fault and on that account the private owners of the buildings should not be made to suffer. It was only keeping this in mind that the above provision has been made. We have also made provision for the payment of compensation for the use of the building, furniture, etc., taken over by the Government.

"Severe criticism has been made against this Bill by the members of the Catholic community. I believe their criticisms are largely based on a fear that the powers we are taking today might be misused by somebody else tomorrow. Sir, I may assure hon. Members that the powers will not be used to the detriment of a particular class or community nor will it discriminate against the Catholic schools. The Bill applies to all institutions alike. Sir, I refute the charge, with all emphasis I can command, that the Bill aims at discrimination against Christian institutions. I ask 'is there anything to suggest in the Bill that it applies only to a particular type of schools'. There are 700 aided schools of which only 103 are Christian institutions or Catholic schools. That is, these schools constitute only a seventh of the total number of aided schools. But this Bill applies to all, Christian, or non-Christian, Catholic or non-Catholic so that when a mistake is committed, when a fraud is committed by any of these institutions, Government might step in and it is very very wrong to suggest the measure is discriminatory in character. The cry that has been raised is, to say the least, unfair and unfounded.

"Sir, my hon. Friend, Mr. Pais, who was the only Catholic Member in the Select Committee, raised strong objections to this measure, and I think he has an amendment to move to this Bill. I do not want to anticipate an amendment from him but I remember that he had moved the same amendment during the Select Committee stage also. I think its substance is this. As rules are at present, the Director of Public Instruction has got the power to cancel recognition of any school for reasons which he thinks proper and there is no provision for appeal against that order. The amendment, if accepted, will require that the order of cancellation of recognition must be sent to a tribunal for examining whether the order is right or is wrong. I do not see any reason why there should be a tribunal over the Director. The Director with his long experience of schools cannot be expected to go wrong in such cases. It is but reasonable and rational to allow him to be independent. Of course it may not be impossible for us to get on without this Bill. But what I feel is that the remedy suggested is worse than the evil. The remedy will tend more to destroy the educational institutions, than achieve the object in view. You must not attempt to destroy but try to understand the problem and mend your ways. It is easy to destroy but it is very difficult to construct. Therefore, I would request hon. Members to give thoughtful consideration to this Bill."

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MR. SPEAKER:—"Motion moved—

'that the Madras Educational Institutions (Requisition of Property) Bill, 1948 (L.A. Bill No. 25 of 1948), as reported by the Select Committee be taken into consideration'."

* SRI L. C. PAIS:—"Mr. Speaker, Sir, it is my contention that this Bill is unnecessary and that if it is allowed to become law it will seriously retard the progress of aided education in our Province.

"It is well known that education in our Province is largely in the hands of private agencies including missionary bodies. Speaking with particular reference to South Kanara, I may remind this House that there is a net-work of schools and colleges managed by private enterprise. In the term 'private enterprise' I include not only Christian but non-Christian agencies also. There are many agencies, Christian, Hindu and Muslim, which are to-day engaged in educational work and when I say 'private enterprise,' it covers every one of them.

"In South Kanara, there are two colleges for men, two colleges for women and any number of schools run by private enterprise. So far as Catholic enterprise in education is concerned I may remind the Hon. Minister that there are at least 5 agencies at work there, the Diocesan Clergy, the Jesuits, the A.C. Nuns, the Bethany Sisters and the Capitanio Sisters.

"As between these five agencies they manage about 160 schools and over 40,000 pupils are being educated in these schools and at least half of them are non-Catholics. If there is a high degree of literacy in districts like South Kanara, it is due largely to the efforts of private bodies.

"It is freely recognized at the present day that private effort is absolutely indispensable to the progress of education in India and from the beginning this private effort is invariably associated with what is known as 'popular education,' that is, widespread education among the poor. The missionaries while establishing great University Colleges like the St. Joseph's, the Christian, the Brennen, the Loyola or the St. Aloysius and other colleges have never lost sight of this prime responsibility of the educationists.

"Sir, you will ask me 'what about the State aid that has been given to these institutions.' I may say at once that the State aid that has been given is not much. Speaking particularly about St. Aloysius College, Mangalore, the Government were able to give only about Rs. 75,000 while five or six lakhs of rupees were actually required by the college to complete its plan of extension. The aid that has been given by the Government to these institutions has been repaid a hundredfold by the enlightenment that has been spread all around by these devoted missionaries whose resources I may add, have been supplied largely by voluntary contributions

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from India and elsewhere. It is well known that in general the education in missionary institutions is of finer and of more intimate quality than in Government institutions just because of the missionary spirit which is found in abundance in institutions run by missionaries.

"I am attaching some importance to this aspect with a view to impress upon the Hon. Minister how necessary it is that the point of view of these private agencies should be fully taken into account before a measure of this kind is allowed to become law.

"What is the impression that is created to-day in the minds of persons, who are running these institutions? What are the repercussions of this measure on the minds of particular communities in this Province? There is a growing feeling in the country that this measure has been resorted to in order to crush the institutions run by minority communities and especially those run by Christian missionaries. I want the Hon. Minister to understand this position because there is a genuine fear expressed by many people on a measure like this. I want you just to listen to what three persons have said:

"Mr. E. M. Bower, speaking at the 70th anniversary of the Anglo-Indian Association of South India refused to believe that India is a secular State. He particularly cited the attempt on the part of the Provincial Governments to throttle Christian schools as a reason.

"In the course of the presidential address that was delivered at the Annual Regional Conference of South Indian Catholic University Federation in November 1948, Rev. Sr. T. N. Sequeira, the Principal of the Palamcottah College, said:—

"They know as well as others that the battle for the Catholic Education had already begun. Such a battle was only to be expected soon after the attainment of independence in any country. The party which had been foremost in the struggle for national independence naturally made a bid for power and sought to perpetuate that power by various means especially by controlling the schools. That was what happened in Germany under Hitler, in Italy under Mussolini, in U.S.S.R. since 1917, and in Mexico. The same thing was now happening in India. There might be no outright killing of Catholic schools, but indirect methods such as refusal of grants, compulsion to have mixed schools, prohibition of religious instruction in schools would be freely used to make the position of Catholic schools extremely difficult if not impossible. The trouble was that the danger might not be perceived soon enough."

"Then, His Grace the Archbishop of Madras has made no secret of his views on the subject. I am giving now three extracts from the speech which he delivered in St. Mary's Hall on 14th September 1949 on the occasion of the general meeting of the Catholic Educational Council of South India:

"Catholic institutions were established in India long before the arrival of the British. Centuries of unostentatious and selfless service in the cause of education, with schools and institutions well founded and well maintained is now being threatened. The unabated zeal of good and able missionaries who sacrificed all for India—the country of their adoption—for more than three centuries of patient endeavour—is met with suspicion and is being challenged."

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"At a time when this great country, led by men of integrity like our Prime Minister, Pandit Jawaharlal Nehru, and of ability like the Deputy Prime Minister, Sardar Patel, is in need of all the resources of our well established and well managed institutions, it is tragic to feel that we are not permitted the natural right to grow or expand without embracing those new fetters. These rules and regulations, be they of the Requisition Bill or the Endowment Bill, these unfair impositions, these illegal levies, these imposts, called compulsory endowments, will surely damp our spirits, chill our enthusiasm and destroy our zeal for expansion and progress in education. 3.30 p.m.

"With all its amendments, the Bill is a catalogue of threats and fears. It is useless to come and tell us that our fears are false. They cry out that we should not fear. The sword of Damocles is kept hanging on our heads and still they go on repeating that we should not fear, but stand under it as our fears are false. Methinks, I hear them say—'Here is a rope. We won't hang you, do not fear. But you keep it in case we have to hang you'. Are these false fears? Who could assure us that tomorrow a Socialist Government or a Communist regime will not grasp at this Bill and on the strength of it legally destroy these institutions of a worthy past and a great future? No previous Government ever thought of maligning us in this way but now when freedom is won and independence achieved, we are denied our fundamental right and precious privilege of continuing to serve our own dear country. I cannot understand this attitude in any other way than that the underlying principle of this Bill seems to be that the educational institutions of a minority have the right to recognition and grants-in-aid only in so far and as long as they subserve to the wishes or ideologies of the majority. It is certainly not the fear of leaving the students of a minority in the lurch that prompts the proposed requisition of school buildings; it is the interests of the students of the majority attending the school that this Bill seeks to protect at the cost of the minority. Is this the purport of Article 23-A of the Constitution? Surely it is repugnant to it, both in letter and in spirit.

"The fears expressed by the Archbishop are real. I am referring you immediately to the provisions of the Bill. The statement of objects and reasons gives three reasons which according to the framers of the Bill, necessitated the introduction of this measure. They are:

- (i) Failure of managements to give effect to the orders of the Government regarding salaries to teachers,
- (ii) corruption; and
- (iii) falsification of accounts.

Nowhere are these reasons mentioned in the body of the enactment. Clause 3, sub-clause (i) however says that where recognition is withdrawn, it shall be open to the Government to assume

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control of movable and immovable property belonging to educational institutions. Under the Madras Educational Rules recognition can be withdrawn for many more reasons which means that under the new legislation it is competent to Government to assume control of somebody's property even for reasons which are not referred to in the statement of objects and reasons. When I object to the Bill, I am not certainly excusing corruption and falsification of accounts. These evils are neither new nor are they unknown in Government Departments. Withholding of grant and then the withdrawal of recognition are potent weapons to eradicate the evils complained of in the statement of objects and reasons. When the grant is withdrawn from such institutions, the children are not deprived of educational facilities. The argument put forward by the Hon. Minister just now was that because the schools are closed in the middle of the year we just take over the schools and run them. Supposing instead of doing that, you merely withdraw the grant and allow the persons to run the school for the remaining part of the year, I submit with all deference to the Hon. Minister, that will meet the required purpose. The unwillingness of Government to use the existing powers and to make use of existing legislation and their desire to obtain new powers to assume control over the property of others, normally resorted to in war time as a war emergency raises the suspicion that the Bill is intended to strike at educational bodies not altogether to their liking. Once the Bill is passed, it may be used under any contingency in the future. For this reason also the new measure raises serious issues regarding the future of the Missionary Institutions in India.

"I next refer to clause 3, sub-clause (4) and clauses 7, 9, 11 and 12. Under clause 3, it is open to Government not only to requisition the school buildings proper but also quarters used for the residence of teachers and servants and playgrounds also. Now take the case of the schools run by the Nuns or other Religious Orders such as, the Jesuits or the Salesians. These Nuns and Missionaries live on the premises where they work. They occupy one portion of the building, usually the top floor, the ground floor being used for purposes of the school. Besides attending to school work they run poor homes, technical classes, orphanages and medical dispensaries. Sometimes portions of their dwelling houses are utilized for housing classes or orphans. On Sundays and sometimes on other days also, the playgrounds are used for processions and other religious functions. I would only ask the Hon. Minister to consider whether it is just, proper, convenient and equitable to apply the provisions of the Act to them and thus break up the harmonious and organized activities of a centre, that was till then managed by an order of nuns or by other religious orders. The ends of justice require that these institutions in the particular and peculiar circumstances mentioned above require special protection at the hands of Government if not total exemption from the operation of the Bill. If such an exemption is

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accorded to them it will serve to restore peace and tranquillity among women educators who are actually thrown into a panic. Now I am just taking you through the other clauses of the Bill which will show how the Government have tried to appropriate unlimited powers under this act.

"Under clause 3, sub-clause (4), the Government may pass such orders as may appear necessary or expedient in taking over control of any property under the Act. Clause 7 gives summary power to an officer empowered by the Government for taking possession of the property. If he finds that free access is not given to him, he has authority after giving a warning and facility to withdraw to any woman, not appearing in public, to break open any lock or bolt or door or do any other act necessary for effecting such dispossession. Under clause 9 a penalty is imposed upon persons who contravene any order made under the Act and the penalty may extend to imprisonment up to a period of six months or a fine up to Rs. 1,000 or both. Under clause 11, no decision, or order made in the exercise of any power conferred by this Act can be called into question by any court of law and under section 12 no suit or prosecution lies against any person for anything done in pursuance of this act. Let me repeat, in the hands of a just Government these provisions are bad enough but in the hands of a tyrannical unjust or communistic Government they will give rise to an intolerable situation. The remedy proposed is worse than the alleged ailment. As somebody remarked, it looks as if in an attempt to suppress pickpocketing you abolish not only the pockets but coats as well.

"Is the Bill really necessary? We have to remember that the provisions of the Bill can be invoked only under particular conditions. The first condition is that recognition should be withdrawn and the second condition is that it is not possible to absorb the students in a nearby school. What are the facts? Cases of withdrawal of recognition are rare. Cases of voluntary closure of schools are equally rare. A reference to the annual reports of the Director of Public Instruction shows that during the four years 1945-49, the number of boys' schools rose from 599 to 876 while only 3 schools were closed. The number of girls' schools during the same period increased from 146 to 204, while the number closed down was only 4. The average number of schools closed for the whole province is less than two per cent per year.

"Is there any evidence to show that education has actually suffered as a result of the closure of these schools? Was any difficulty experienced in the matter of getting these students absorbed in nearby schools? Was there any complaint by the public at any time? Was there a demand by the public for new legislation? These are some of the questions which pertinently arise for consideration and I am sure that the Hon. Minister will satisfy us on every one of these points.

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“ When it is remembered that new schools spring up in the place of old ones and when managements who do not wish to continue their schools, as a rule transfer them to Boards or Committees or Missions, it is not easy to understand how this Bill if passed into law, will become operative at all. There is no doubt that except in the hands of an unjust, tyrannical or communistic Government the Act will remain a dead letter.

“ I wish to place before the Government one more consideration Missionary Institutions, whether Christian or non-Christian are not under individual management. The Bishops in their Dioceses, the Jesuits, the Salesians, the various orders of Nuns, the various Protestant Congregations, the Ramakrishna Mission and Muslim Congregations run a large number of secondary and elementary schools. In the case of all these schools, some responsible person is appointed as the local manager, while the final authority in regard to the management of the school rests with the head of the Diocese or the head of the Mission or congregation concerned. This distinction between the local manager and the real manager has to be clearly borne in mind. It is felt that it is thoroughly inequitable to withdraw recognition of a school and to apply the provisions of the Bill on the alleged or proved mismanagement of the local manager. What will happen in cases of this type? Sir, somebody will come and say the local manager has misappropriated funds or falsified the accounts. The proper course would be that nothing should be done without giving full opportunity to the real manager before any steps are taken to withdraw recognition of the school. This is what a good Government would first do or ought to do. But where is the guarantee that the distinction between the real manager and the local manager will be observed in the future set up of things and let me again put it to Hon. the Minister, will not this measure turn out to be a powerful instrument in the hands of an unscrupulous unjust or Communistic Government to do things exactly as they like?

“ Under clause 3, sub-clause (1), the taking over of the control is to be done within three months from the withdrawal of the recognition. In the first place it is not clear as to what is to happen to the pupils during the three months between the withdrawal of the recognition and the opening of the school under the new management. Secondly, I wish to remind the Government that the order withdrawing recognition of a school is not final. An appeal lies to the Director of Public Instruction for reconsideration and Government are aware that in quite a number of cases, recognition is restored by the Director. The disposal of such an appeal takes time, passing as it has to do, through the District Educational Officer and the Divisional Inspector. If the appeal fails the management has a right to appeal to the Hon. Minister for Education. Pending disposal of the appeals, the schools concerned usually continue to work. It should therefore be made perfectly clear that this Act will come into operation only after the recognition of a school is finally withdrawn. It should be made clear that if the

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Government wish to proceed under the present Bill, they should do so only after the appeals against the withdrawal of recognition are finally disposed off. If the idea of the Government is that control should be taken over immediately, then it is absolutely necessary that the question of taking over the control should be decided by an independent tribunal. Otherwise incalculable harm would result to the institution. Under the existing rules, the concerned institutions have a right of appeal even to the Hon. Minister for Education. Does this enactment seek to deprive the institutions of this right? If the idea is to deprive the institutions of this right, then it must at least possess the only remaining safeguard—an appeal to impartial and independent tribunal.

“ Past experience amply proves that it is only bad schools with poor accommodation and poor equipment that might lose recognition. It is for the Government to consider whether any sensible management will come forward to run a bad school and spend its own money to improve it in any way, knowing very well that it has to give over management in any event within two years at the latest. In the absence of any one coming forward to run the school, Government themselves will have to run the school. Is it the intention of Government burdened as they are with their manifold problems to run the school with the prospect of having to spend large sums of money within two years in providing new equipment? This will prove the utter impracticability of the proposal. If this Bill becomes law, it must remain a dead letter and in the meantime by infusing a spirit of insecurity, uncertainty and panic in the minds of honest managements, you will have caused the greatest harm to the cause of education. 3 45 P.M.

“ Sir, under the proposed Bill, there is no provision for any compensation for damage to property during the period of requisition. It is necessary that the owner should be given a definite assurance that Government will bear full responsibility for any damage caused during the period of occupation.

“ I proceed finally to the amendments that have been made in the Bill by the Select Committee. The amendments have relieved the prevailing tension to some extent but as I am going to point out they have not gone far enough.

“ In the place of the words ‘ requisition of property ’ we find the new expression ‘ taking over for a temporary period the control of property ’. The old expression conveyed the idea of expropriation and it was good that the Select Committee changed the expression. In clause 3 (1), a new condition is added: ‘ or an educational institution is closed before the last working day of an academic year ’. Sir, I understand that the Director of Public Instruction has issued instructions to private agencies that they should not close the schools in the course of the academic year. If such instructions are there and if they are operative, it is not known whether the introduction of this new clause is really necessary.

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“ To clause 3, sub-clause (5), a new proviso is added. The proviso is to the effect that as far as possible, transfer of management should be made to another of the same denomination. This was certainly meant to be a concession but in effect, it may not be a concession, as in the case of Catholics, because of their loyalties and duties towards their bishops no Catholic will come forward to take over the management unless permitted by the Bishop of the place or the head of the religious congregation concerned. What I have said about Catholics would apply to other congregations as well. I would therefore suggest after the words ‘ same denomination ’ a clause to the effect that if at all a new management is to take charge of the school, it should have the consent of the diocese or the head of the congregation concerned. And then, what is the effect of the qualifying phrase ‘ as far as possible ’ ? It looks to me that what you seek to give by one hand, you remove by the other and in the hands of an unsympathetic Government, it will give rise to plenty of unpleasantness, heart-burning and ill-will.

“ Sir, the Hon. the Minister for Education is no doubt sure that Christian missionaries who conduct good schools need have no fear that this Bill will affect them adversely. He no doubt means what he says, but where is the guarantee that a successor of his will have the same sympathy for missionary institutions ? The very fact that missionary agencies all over the Province have expressed their fears about the working of the Bill ought to convince the Hon. Minister that it is not so harmless as it looks. Aided agencies of whatever category—missions, individuals, associations and priests—have expressed disapproval of the Bill. There must be something substantial behind this universal disapproval of those most affected by the Bill. I would therefore appeal to the Hon. Minister even at this last moment to reconsider the matter and to withdraw this unwanted and unnecessary Bill, ill-conceived for its purpose and pregnant with disaster for the future of aided education in this country. •

“ That a law-maker should be guided by a conception of what is socially desirable has been voiced by many eminent men in modern times. It is far more necessary, says a writer, that a Judge or a law-maker should be a prophet of the future rather than a trustee of the past. The Bill, as I have been contending all the while, is pregnant with disaster for the future of aided institutions and I am sure the Hon. Minister for Education who is an eminent lawyer, will not find it difficult to defer consideration of the Bill, till conditions in the country actually demand such a piece of legislation.”

* JANAB N. MUHAMMAD ANWAR:—“ Mr. Speaker, this Bill has undergone the metamorphosis of a tadpole and come back to the House with its title changed, its provisions changed and even the mover of the Bill himself changed. This recalls to our memory very many antecedents of the Bill, the less said about which the better. I now have a sign of relief when I find that from the Hon.

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Sri T. S. Avinashilingam Chettiyar to the Hon. Sri K. Madhava Menon we have travelled a long way towards reason. I say this, Mr. Speaker, with definite authority because, but for the fact that the Hon. Sri T. S. Avinashilingam Chettiyar was the mover of this Bill, there would not have been so much of the mischief that we have seen in the Bill, which really raised a storm in the country and brought about a country-wide agitation against the Bill which had damaged the sentiments of minorities and provoked the righteous wrath of ever so many honourable institutions and agencies. It was all because we doubted and doubted for obvious reasons the intentions of the Bill. It is true, as the Hon. Minister for Education has said, that this Bill has made some concessions to remove the fears entertained in certain quarters most seriously affected by it. I really welcome the important change which has been made by the Select Committee, probably the wisest act which any Select Committee in the history of this Assembly has ever done. It is where they say that the person permitted to manage an institution taken over by the Government should as far as possible, be of the same religious denomination as that of the person from whom the control of the property was taken over. But, Sir, what guarantee is there that the Hon. Mr. Madhava Menon is going to continue for long ? When one Minister has brought forward a Bill and when another Minister has so soon made such big amendments in it, what guarantee is there that a third Minister would not bring about kaleidoscopic changes in future in this legislation ? Rightly I say we have got reasons to fear. Even now the mischief is not entirely taken away. I know that so long as you have got suspicions and fears entertained against the intentions of this Bill whatever bona fides the Hon. Minister for Education may have to-day, it will not carry conviction to the minorities and with many of the institutions which have now been placed in the dock. It has been rightly brought to the notice of the Hon. Minister—and he has also agreed—that after all these defaulting institutions and individuals who do not fulfil the conditions of recognition are few and far between, while hundreds and hundreds of institutions have been reared up by the private agencies in the course of centuries. It is probably once in a blue moon that we hear of cases of withdrawal of recognition. There are ample powers which the Director of Public Instruction himself possesses under the rules and regulations to-day. He can, on pain of severe penalties, deny grants to the institutions for some years. I do not therefore see any reason why the Government or the Director of Public Instruction should be given more powers than what are necessary to bring about the desired change. Moreover, with regard to many of the institutions which the Missionaries have been administering, we have developed certain fears against their purposes for which this Bill has been brought forward. That is really the crux of the problem and the root of the matter. Our friends of the majority community seem to think that these missionary institutions are out for proselytisation and it is for that reason that they want to use this axe against these agencies. Let me say this with all the authority of one based on personal experience. I am a product of a Christian Catholic

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College in the name of Saint Ignatius Loyola. But I have not changed my religion. I have not emerged from it any the less Muslim than I was before. I have not changed my convictions and my faith. I should not be ungrateful to that institution which had enabled me to see the light and to speak in the cause of education on the floor of the House. Particularly, when the majority party has full powers and the majority community has ample resources, why should they be guided by this inferiority complex and this defeatist mentality to imagine that this simple agency or that simple agency would do mischief so long as our convictions are clear and our conscience is clean? I do not think that any number of missionary agencies will do the havoc that we imagine in our dreams they are going to do. If they have not done any havoc in the British regime, how can they do any havoc when India has become a Republic and when you have greater powers which you can use to withdraw recognition and curb the activities of these missionary agencies? Sir, let us not develop a tendency which unfortunately has developed all over the country—let us not develop a craze for legislation—legislation here, legislation there and legislation everywhere. That seems to be our malady everywhere. Hon. Ministers invested with the responsibility of responsible Government seem to think that the only way in which they can deal with things is by seeking more powers and still more powers. Believe me, Mr. Speaker, much more can be achieved by seeking good will and co-operation than by seeking more and more powers. You have aggravated the situation by arousing the suspicions and the wrath of the missionaries and their devotees. The Hon. Minister for Education has said that after all this is going to be not so much of acquisition as of taking over of control of buildings for a temporary period. It is just like an ordinance to be issued for six months and then to be extended for short periods. Sir, the proof of the pudding is in the eating of it. I know that this Act is going to be a dead letter. From practical experience we know that there will be only a handful of institutions that may ever be guilty of acts mentioned in the Bill. Why then place on the statute book a measure of this kind which some villain of the piece who might come tomorrow may abuse against the interests of some communities, or of some political parties or of some missionary agencies? It is particularly so in our country where human ingenuity exists *ad infinitum*. You can use the ingenuity through propaganda agencies and give the dog a bad name and kill it. That being the case, we have reason to fear, that even with the change that has been made in the Bill, it is not going to dispel the suspicions and get the co-operation of the sided agencies without whose efforts, services and sacrifices, the cause of education would not have witnessed the progress that we are proud to claim for our Province.

“One more thing, Mr. Speaker. And here I must utter a note of warning. The remedy suggested by the Hon. Minister for Education is worse than the disease. Why should you build up a world of suspicions? Have you not got enough of problems and worries

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and responsibilities? Why do you add to the problems suspicions, worries and responsibilities by creating suspicious and fears in quarters where there should be no such suspicions and fears against your intentions?

“Now, Mr. Speaker, as has so frequently been brought from various quarters to the notice of the powers that be, we are to-day by one step after another and in one piece of legislation after another encroaching upon the civil liberties of individuals and institutions. I believe somebody must in his good sense come to the rescue of this Government and cry a halt to this disease of the Government. I do not know but they are now on the Treasury Bench and they know what they do. But so long as they are comfortably seated on the Treasury Bench they may not see how this enactment, when it is to be interpreted and implemented in the country by the officials who have got different degrees of pride and prejudice (Interruption by the Hon. Minister for Education). . . I must at least admit that we do not have the thorns that adorn the Hon. Minister's crown. I believe, Mr. Speaker, that the Hon. Minister who has at least tried his best to secure the co-operation of the Missions will go a long way—after all it is one step further—if he can only do a simple act, probably the simplest act which he may be doing in all his life, and withdraw this Bill. After all, it is still lingering in my memory like a nightmare, how one Minister by his tactlessness was indulging himself in expressions which brought round him a world of protests; wordly warfare day in and day out in certain newspapers, and it looked as if it could be asked whether as a Minister for Education, he should have allowed so much pride and prejudice. I know, Mr. Speaker, this Hon. Minister for Education who is much wiser after that experience of that predecessor of his, will certainly see that he carries with him not only the Province, but particularly—and the most important of all things—the minority sections, whose faith and whose convictions have now been very seriously challenged, because the Bill has brought within its fold certain functions which under officers who are having different degrees of pride and prejudice are likely to be interpreted to the detriment of those communities.”

* SRI N. S. VARADACHARI:—“Mr. Speaker, Sir, on the last occasion when this Bill was taken up for consideration, there was a very strong volume of opinion against the very introduction of the Bill, but it was persisted in and after reference to the Select Committee, changes have been made which have drastically altered the Bill. The Bill is now admittedly one very lean and thin. If it was intended to forge a strong weapon, the object has absolutely failed. It now emerges as a weakling. Government propose to take only temporary control of institutions which are deemed bad and for which recognition has been withdrawn before the close of any academic year and only for the limited purpose of running that institution for that year, in order not to disturb the students who get education in that institution. The object, it was then said,

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was that Government should exercise a great deal of control in order to improve all educational institutions. But, Sir, whether for good or for evil—and I think it is mostly for the good—a considerable share of educational work was taken up by private institutions. I am not referring to the missionary institutions at all. I am referring to a number of institutions in the country which are run both by Missionaries and by others for the purpose of educating the children of the soil. It has become necessary in our country, because the British rulers were not interested in our progressing in education as rapidly as we would wish to do and so, year after year, even if a little progress was made, that progress was shown definitely on the side of private agencies which were all the time springing up for this purpose, filling up a great vacuum which would have otherwise existed if the Government had their own way during those years.

“Now, Sir, it is not as if there is no control over private institutions. There is a very considerable amount of control; they are subject to rules and regulations; even their buildings have to be constructed in a particular manner; and their plans have to be approved. To-day the teachers' salaries are the subject-matter of debate in this House, whether they all belong to Government service or not. There is enough assurance now for both the teacher and the student that a considerable amount of departmental control will be exercised by the Government. This control extends to almost all parts of the management. There is this much control for example, that there is enough finance provided for the running of the institution. If new sections are to be added or new classes are to be started, recognition for those classes is given only after due consideration of all factors including finance, buildings, accommodation, hostels, etc. So, it is not as if there is no control existing or that some additional control has become necessary. There may of course be cases of mis-appropriation or maladministration. But these are matters which have got to be looked into. If the present departmental control is not considered enough, I say the best thing for us to seek a remedy for that situation is by what I call the conference method. There must be a conference of all these private aided institutions, i.e., representatives from those institutions and the Government; in a very private manner they should discuss things and then publish their conclusions for public criticism; and then after all the criticisms are received, the private institutions must be asked to reshape their conduct and their administration, if necessary, without legislation by the Government. Some more departmental rules may be agreed to by the managements concerned and all that is lacking in departmental control may be put in in the shape of rules. It is admitted for instance that a few schools close down. I consider it is better to make the public see the disadvantage of running a school on very improper methods or running a school without enough funds, or run a school with very poor pay for the teachers, or with pay which is illicitly

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and absolutely illegally subtracted by the management, though the figures given on the staff book may contain an admittedly larger payment than that actually made to them. There are other conditions too; the buildings may not be suitable; there may not be enough accommodation, and still the classes may be packed to full capacity. All these can be looked into. Property sometimes which is held in trust for these institutions may not be properly handled. There is the trust law and there are other laws which contain enough safeguards which the Government can invoke in order to see that the trust properties are properly managed. Let us take an extreme case where there is absolute mismanagement and withdrawal of recognition becomes necessary. Why not in such a case make a rule that no recognition would be withdrawn during the middle of the year? Recognition could be withdrawn only at the end of the academic year; it may not be granted at all unless all the conditions necessary for such recognition are satisfied well in advance before the academic year. It is an arrangement which we can get by what I call the conference method. I know recognitions are not usually withdrawn so lightly; they are withdrawn only after considerable correspondence and considerable contact between the managements and the Director of Public Instruction, and if necessary, with the Government themselves. As the Hon. Minister has stated, there may be no appeals against withdrawal of recognition by the Director of Public Instruction. Yes, I wish the law were so strict. In fact, no private management could afford to override the authority which is supposed to control the institution and its management and then hope for better terms from the Government, as that would take away the full sense of responsibility which the Director of Public Instruction ought to bring to bear in matters like the withdrawal of recognition. You can stop the grants or cut them and that way you can improve the institution. If the grants are not worthwhile spending, I do not mind even the students suffering, because the students learn nothing and the students will better be educated in other institutions to whom more grants can be given. Sir, punishment does not by itself constitute a lever for improvement; on the other hand, the very fact that a Bill like this has been debated here must have a moral effect on the institutions. Even if the Bill is withdrawn, I tell you it would have improved private managements by now. Show the whip but do not use the whip. If that is not to be the policy of the Government, I say, do not lose the goodwill even of a few people, which is worthwhile having in our country. The test of a legislation is two-fold; if it is for an effective purpose, an urgent or immediate purpose, then by all means good-will may be taken to be a secondary consideration and you may go ahead with it and you may go fast with it. I may tell you controls may be good if they are effective, if they are whole and if you are organizationally ready to give effect to such controls; but to have weak controls, to have the mere threat of control and make it an irritating control, I say, is ruinous for the Government. The recent lesson in Australia is that. If we can only take it from

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them it is this: By irritating controls with the 'bureaucratic machinery placed on top, it became difficult to work for lack of goodwill. It is not that the controls are bad; but have full controls in some matters, work them to their full capacity and keep your reins tight and then I say you will win your cause. But do not bring about a situation in which irritation only will grow by proceeding with a Bill which already the public know is inoperative and which you are not going to put into execution. I say that is bad. There is nothing wrong at present; and you are not in a hurry; no institutions are going to dogs because of lack of this power. You have ample powers departmentally; if you want to add to that departmental power, let it be by consent. The method of consent is better than that of coercion. Why do you want to coerce these people? It is not missionary institutions alone, there are so many people running private institutions; call them all together and then say: 'run your institutions to advantage; we are not going to encroach upon your province; we have not got enough money for educational purposes; we could only have a few technical colleges because you are not able to run them; when you run your institutions properly, we will help you and be behind you and the *quid pro quo* that we ask is that you should repair the mischief in your own organization. Make your suggestions and we shall put them if necessary in the form of a Bill if you desire; but if you do not desire it, we shall put them in the form of further controls for the purpose of recognition and for the purpose of grants.' It is that method that appeals to me most. Sir, the last thing I wish to say is this: if legislation is not intended for any immediate urgency, then I say it should be legislation intended for developing goodwill. Goodwill is the background, is the solid relationship on which we ought to rest, the moral fibre on which we ought to rest.

4-15 p.m. "If we are losing the goodwill of any one, it does not matter who the person is; provided he has been operating in the interests of our people and carrying on educational activities for, say, fifty years or twenty years, let us heed a little to his advice. I know the Bill will pass. With what all has been said, I know the Director will never call this Bill into operation and there will be no taking over of property even for a temporary period. Why control for a temporary and short period? If you like, have it for purposes more urgent, more effective and have permanent control; but do not have this ineffective but irritating controls; remove them at once. There is no loss of prestige if you withdraw a Bill like this. Even according to your own admission, it is to be used only in very exceptional circumstances. The Hon. Sri Madhava Menon in his reply to my last observations on the previous Bill was kind enough to say that he was not legislating for exceptional circumstances—for a state of affairs which may or may not exist at all. Is it right now to draft legislation for a particular emergency and when even that emergency, according to several hon. Members, does not exist; there is no emergency and no emergent situation which calls for this sort of control. It does not call for

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the use of your whip; you have shown the whip; it does not act and there is no crack in it and it is a lifeless whip. Why a lifeless whip for the Government who should have an effective whip? Sir, if I show the whip, it will not only crack but leave scars behind your back when I make up my mind to use it. (Janab M. Muhammad Ismail: 'The non-violent scar'.) A whip like this will only create discontent and make us lose the goodwill of many small sections of the community; even if they be very small and limited to small sections of the people, I want you to discard this whip if possible; it is only an adornment and something like an ornamental stick. I tell you, Sir, there is no harm in reconsidering the whole matter and at a later stage of conference between private management and yourselves, if any amendments are thought necessary even to the extent of legislation and not merely departmental controls, come forward with a new machinery and then take the vote of the House."

* MR. W. J. FERNANDEZ:—"Mr. Speaker, Sir, I oppose the Bill notwithstanding the fact that it has emerged from the Select Committee considerably modified. Sir, I cannot conceive how the Congress Party can sponsor and support this Bill, which violates so many of its principles. I would like to ask if it is the policy of the party to vest Government and their officers with dictatorial powers, in respect of matters already susceptible to rules and laws. Is it the policy of the Congress Party to pass unnecessary and useless legislation? Is it the policy of the Congress Party to discourage education by making any property connected with it, liable to confiscation? Is it the policy of the party to enact laws which will interfere with property attached to religious institutions? And lastly is it the policy of the party to gratuitously create an impression of discrimination against philanthropic and religious bodies, which have been pioneers in the field of education?"

"It is not necessary for me to dilate on the dictatorial nature of the Bill. It vests in the Government the power both to prosecute and to judge. This power may be delegated to any officer of the Government who may use it according to his own predilections. There is no appeal from the exercise of powers (of valuation) in respect of the decision that the property should be requisitioned. This is not the freedom from bureaucratic arbitrariness, which we were led to hope from independence. It is a new fascism, which does not consider the existing rules and laws sufficient, but seeks to bye-pass them.

"The Bill is unnecessary because Government already possess ample powers to discipline school managements. Which school, I ask can run without grant and recognition of Government? Which school, I ask can ignore an order removing the correspondent, which school can ignore criminal prosecution for falsification of accounts? These powers are already so considerable that they keep all schools in order. Can the Hon. Minister mention any school which did not yield to the exercise of these powers and threatened to close in circumstances that the pupils

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were without facilities for education? I need not dilate that the Bill will be a dead letter because it will mean assumption of the management by Government which will never be justified on financial grounds. If any Government persist in adopting it in spite of financial and other considerations, they will then be acting on ground of spite. This is what we fear of the Bill. In the hands of an unfair Government or officials, the Bill will be used for illegitimate purposes.

"The possibility of such use will deter expansion of education. It may even induce closing up of existing institutions on one ground or another. Private interest and enthusiasm is a fine product and cannot thrive in an atmosphere of fear and doubt. I would like to maintain that all the fine achievements of private individuals and institutions will suffer a withering blight, if the Bill is allowed to come on the Statute Book.

"The Bill is suspected by Christians to be armed against them. They have grounds to think so. Of late the educational policy is hostile to them. They know that the policy of insisting on endowments has already made it impossible for them, who have nothing but their toil to offer, to open schools. They feel that the Bill will take away even what they have built up after years of toil. Worse still, the Bill may allow invasion of the places of worship which are in many instances attached to schools. It is a matter of grave apprehension to them that these measures which touch them more than others, should coincide with the independence and the new Constitution of India.

"They wonder if these are real or merely words which cannot stand against the will of the majority. Christians, are gravely disturbed. They have rendered much service to education and they expect at least freedom from fear in respect of their private property and initiative.

"If the Bill is passed, there will be created an impression that the religious neutrality of the Government is only a fiction and that at the first opportunity Government have passed a measure which threatens rights which have been recognized in the past—the rights to own one's property, the right to practise one's calling, and the right to have one's place of worship free from disturbance and invasion. The Bill does no good to anyone; it may do incalculable harm to the fair name of the Government and the country. I therefore oppose the Bill."

* SRI T. S. PATTABHIRAMAN:—"Mr. Speaker, Sir it is really surprising that many hon. Members should have spoken expressing apprehensions about the scope of the Bill without any foundation or justification. As it appeals to a lay man like me, the Bill shows no discrimination against any particular religious schools be they schools conducted by the Catholic missions, Hindus or Muslims. A power is sought for enforcement when it is absolutely necessary and when the management is to be punished. It applies to institutions which have been mismanaged and close down without authority or reason when pupils will be put

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to great difficulties for want of facilities for continuing their studies up to the end of the school year. I do not know, Sir, whether hon. Members who said that it is discriminatory in character against institutions maintained by Catholic, Protestant and other religious denominations, were paying a tribute to the manner in which those institutions were being conducted, or were thinking that they were not properly run. If they are properly working and therefore, are not going to be closed abruptly without any rhyme or reason, then nobody need be afraid of the operations of this law. But unfortunately some hon. Members have taken up the attitude that this legislation is discriminatory and it will be used against all the Catholic or Muslim institutions. I may say, Sir, that this fear is unfounded for one reason. As my learned Friend said that he is a product of a Catholic institution, I can also be proud that I am a product of the Loyola and St. Joseph's Colleges and I am proud to say that these institutions are conducted on a very high level of efficiency and they need not at all be afraid of a Bill of this nature. Not only that, Sir, most of the missionary institutions are being managed perfectly well and they are efficient institutions with the result that the student population prefer them to Government colleges. It is a tribute to them and I am sorry that friends in their over-enthusiasm to oppose the Bill have said things which have the effect of casting a slur on those noble institutions. I can assure hon. Members that this Bill will be of no practical value as against institutions which are being run on sound and efficient lines. It operates only in cases where a mismanaged institution leaves its pupils in the lurch in the middle of a term by suddenly closing the institution. What will be their plight especially in these days of shortage of materials and class-rooms? They will have to suffer a lot. With a view to avoid the hardships to which the students will be put to this Bill has been considerably modified so as to guarantee non-interruption of studies for such students. On behalf of the student population and on behalf of the parents who are interested in the education of the pupils, I wholeheartedly support the Bill."

* SRI P. KANDASWAMI PILLAI:—"Mr. Speaker, Sir, I wholeheartedly support this Bill, because in the present circumstances, there is need for such Bills. My hon. Friend, Sri Varadachari, said that there is enough control in the hands of the Government to see to the proper management of educational institutions. But he has not made anything definitely clear. I may tell him, Sir, that in spite of the rules and regulations of the department, there are a number of institutions, paying very low salaries for their teachers but entering decent sums as salaries paid to them. I am prepared to prove it as occasion arises. There are institutions which get more money from the students but do not provide proportionately decent hostel accommodation or other facilities for them. They are adamant in spite of the advice of the Government. Till now, Sir, both members on the Opposition side and from the Opposition on the same side, said that much irritation

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will be caused. I do not know how they will be irritated when they are controlled by the Government and this is a Government of the people and therefore—the Government must take care of the people—both the body and mind of the people—as, if they fail to take care of the mental equipment of the people, there will be great danger in future. It is, therefore, necessary to have such Bills so that when there is some control, people will think twice before they do anything wrong, as they will know if they do wrong and don't obey Government Orders, what the consequence will be. Sir, this is a Bill which will not have immediate effect. People simply fear from their imagination so many things. They fear this is intended to root out educational institutions managed by Catholic or Muslim leaders. All this imaginary fear will not do here. This Government is a secular Government. It is intended to protect every interest carefully. So let not people entertain in their mind any doubt as if they are in Pakistan, where they are acting like religious fanatics. That will not happen here. We are here to render justice to all. Therefore let them understand they can live here as they were living all along.

“Sir, as was said by Sri N. S. Varadachari, all the provisions of the Bill are very very lenient; they are not at all very strict. It is when Government withdraw the recognition that all the other provisions come in. Suppose recognition is withdrawn and the owner of the building refuses to hand over the building, what will be the position of the boys? They will be left in the lurch; they will have no education, and the best part of their life will be wasted. Therefore in the interest of the education of our youngsters this Bill is essential. Therefore this Bill requires no further argument in support of it, and I request the House to accord its unqualified support to it.”

JANAB MUHAMMAD RAZA KHAN:—“Mr. Speaker, Sir, of course I do not think there is any necessity for me to reply to the previous speaker. He said that the Congress Party was out to look after all interests. When he said that, I was wondering whether he had studied what was happening in his own district of Salem—not that I want to cast any aspersions on his party when I say this: I only say this as a counter to his statement. Sir, the fact is that apprehensions among various sections in the province exist to-day about this Bill; and I find here in this House one or two members too have expressed similarly, and the reasons for that are not far to seek. My hon. Friend, Mr. Anwar, a member on our side, who is regarded as an authority on education (laughter) at least on this side, said that such apprehensions exist in the province, and it was more because of the policy pursued, at all events, by the hon. Gentleman, Mr. T. S. Avinashilingam Chettiyar, more than our present Education Minister.

“Sir, I am sorry, within the short time at my disposal I cannot cover all the grounds. Further I do not possess with me at present the press cuttings on the matter. The fact is that there was a heavy storm of opposition for this measure when it was published

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from all quarters, from Christians, from Muslims and from Brahmans—and even from the press. In the first place I feel strongly that whenever a measure is brought, particularly of this kind, the Hon. Minister should make out a good case for it; he should satisfy this House that there is a necessity for it. Sir, the Hon. Sri K. Madhava Menon said that in the course of the last ten or fifteen years there had been very few instances where there was mismanagement of institutions which warranted such action as is contemplated in this Bill. Sir, we are here concerned only with denominational schools. Sir, I ask, when the Hon. Minister says so, where is the necessity for bringing a measure as the present one? I know the Hon. Minister for Education is taking a realistic view of things, because he knows that it is always a troublesome thing to be the Education Minister of this Province. He has gained some experience from what has happened during the time of his predecessor. He has made out practically no case for this Bill. His only argument is that at some future date some private institutions might not be managed well and that might necessitate Government taking action. Thus it is seen that the Hon. Education Minister wants to proceed against institutions under private management. When that is the case, Sir, what is the use of praising the good work done by Loyola and St. Joseph's Colleges? The very fact that you have brought this Bill shows, or it looks as if, Government have no confidence in them. Perhaps the Hon. Finance Minister and the Hon. Education Minister might say that since they took charge of Government, the number of schools has increased by so much, the colleges have increased by so much and so on. But, Sir, may I tell them that it is not due so much to their efforts and it is not due so much to their action, but it is due to the public spirit of those private bodies and aided institutions. Now, Sir, Government want to cut down the moneys spent on these institutions. What is to be the effect of that? It seems to be like catching them by their throat. For, if the Hon. Education Minister finds them not working properly—mind you, not according to any set standard, but according to the standard which he has in his mind or according to the standard which the head of the department has in his mind—then he would take power under this measure. Of course the only loophole the Hon. Minister has made is that such institutions will have to pass over to the control of some member of the same community. That is good so far as it goes. But my main objection is that there is no need for such a measure at present. In the past a number of measures were brought forward in this House, and by the criticism, not only in this House but outside also, Government came to their proper senses and then they came forward with a motion for withdrawing them. Similarly I want them to withdraw the present Bill also. Mr. D. C. Pais and Mr. Fernandez referred to the great service done to the cause of education in this country by Christian missionaries. We have to admit that. In fact they have done greater service than any other community. I do not want to dilate on that lest Mr. Kandaswami Pillai should say I

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am communal-minded. He referred to what is happening in Pakistan. I say, let him note what is happening in Salem district itself. Sir, I do not wish to speak in that strain lest I should be dubbed as communal-minded. Sir, why is it the Christian community was vehement against this Bill? Why is it the Archbishop of Madras was very vehement against this Bill? After all, the Archbishop of Madras is not a man who will speak in air, who wants to attack Government just for condemning them. It is because these people know how this Bill affects them. Of course, I know the Hon. Education Minister will give good promises. But, Sir, people are not carried away by promises. Government may give a thousand and one promises; they may say that no one will be harassed; they may say no one will be attacked and so on. But see, what is the fate of the Annamalai University students? It has become a common feature, I may even say. Here I have to refer to an institution of my own community, even though I would wish to avoid referring to Muslims, lest I should be accused of being a communalist. Sir, it is better to avoid promises. For remember what Government have made of the Muslim Arts College? Even though there was a definite promise made, of course, not by the present Hon. Education Minister, but by his predecessor in office, that that institution would be continued as a Muslim college, what is it to-day? Sir, I know this is not the occasion to deal with that, and so I shall reserve it for another occasion. Therefore, Sir, it is sure and certain that the powers Government have under this Bill would be used to the detriment of private institutions. More than that, this measure is going to be a check on private bodies coming forward for imparting education. For they would feel it was no use undertaking it. After all it was not by Government that education was spread in this Province. It is more by private organizations and private institutions. If this Bill should unfortunately be passed (laughter) it is really going to hamper the cause of education. I wish the Hon. Minister understands the real effect of the question. Sir, it is not just for giving an opportunity to the Hon. Minister to speak that we are opposing this Bill. Even members of his own party have opposed it. Men like Mr. T. R. Venkatrama Sastri on behalf of the office-bearers of the Headmasters' Association have opposed it. It has not been made known to us what has actually transpired in the Select Committee. (Interruption). Very little of it is seen in the report of the Select Committee. Sir, I feel and maintain that Government would be doing a greater service by withdrawing the measure than by passing it. Afterwards, say, after some time, if conditions warrant, if there are instances of mismanagement by private bodies, they can bring the Bill then. I am sure the present Ministry would continue to be in power for some time more, as they would continue to command majority. But if the Bill is to be passed now against the feelings of so many in and outside this House, I am sure, the Hon. Education Minister would be doing the greatest disservice to the cause of education. (Cries of No, No.) You may say, 'No' a thousand times; but it

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is a fact, and I say that with all the emphasis I can command. Therefore I say, let the Hon. Minister satisfy himself whether a Bill of this kind is necessary. I hope Government would do well to consider and ponder over this question. Let them take stock of the situation from the time the Bill was published and the public came to know of it right up to the present time. Even with the changes made by the Select Committee I feel the feelings of the people are not allayed. Therefore, I feel Government would do well to withdraw the Bill. I do not feel there is any use in taking part in the discussion of the Bill clause by clause, and so I do not wish to do it. Sir, I oppose the Bill."

JANAB M. MUHAMMAD ISMAIL:—“ Mr. Speaker, Sir, first 4.45 p.m.
of all I want to say a few words with regard to the procedure adopted in respect of this Bill. The original Bill was referred to a Select Committee and it was said that the Select Committee had made certain drastic changes in it. It was stated on the floor of this House also that the original Bill could not be recognized in the Bill that was placed before the House, that the amended Bill would not serve the purpose intended by the original Bill and so on. That being the case, the amended Bill ought to have been published once again in the Gazette as a matter of course. The Report says that the Select Committee decided that it was not necessary to republish the Bill. No reason is given why the Select Committee took that view or why that view was pressed before the Select Committee by the powers-that-be. It is admitted that the Bill which we are considering now is thoroughly different from the one that was placed before the House in August 1948. So the Government must have taken every opportunity to inform the public as to what exactly they are doing and we are not given any reason for not republishing this important Bill in the Gazette as it ought to have been done.

“ In this Bill also, the Government have shown that they have not got over their shyness in going to courts of law. In clause 4 (3) they say that the decision of the District Collector shall be final and not be liable to be questioned in any court of law. Of course in sub-clause (4) there is provision for appeal in certain cases to the District Judge or the Principal Judge of the Madras City Civil Court. In clause 11, they say that, save as otherwise expressly provided in this Act, no decision or order made in exercise of any power conferred by or under this Act shall be called in question in any court of law. I do not know whether there is any necessity for provisions like these at all. The Government say that they are enacting this Bill to ensure the better management of educational institutions. If that is so, they have got nothing to hide. Why should they at all be afraid of allowing matters to go to court as is allowed in several other matters?

“ Coming to the Bill itself, much opposition to it has been expressed. I do not want to go in detail into the remarks made by the Members of the House on this occasion as well as on the previous occasion. The Government have not made out a case for bringing forward a Bill like this. They say that they will

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not apply the Act resulting from this Bill as a matter of course but that they will apply it only in exceptional cases. Exceptional cases are bound to be there in every walk of life, but the Government are not going to pass a law to deal with such exceptional cases. The Government have not explained why in the case of educational institutions alone they want to deal with exceptional cases. That is why I say the Government have not convinced the Members of the House as to the necessity for such a measure as this. Since they had initiated the Bill for some reason or other, it is a question of prestige with them and therefore it is that they do not want to drop it altogether. That is all that I understand.

"This measure may work as an instrument for doing injustice to the people concerned. There can be no doubt whatever about its repercussion on the future course of education in the Province. This will decidedly discourage private people from establishing educational institutions in future. Therefore, I beseech the Government to reconsider and see whether they cannot withdraw the Bill altogether."

JANAB ABDUL HAMEED KHAN:—"Mr. Speaker, Sir, hon. Members who spoke before me made out a very good case for the withdrawal of this Bill. Apart from the apprehension that the intention behind the Bill is to discriminate between community and community in matters educational, I wish to ask: How did it arise in the mind of the Government that such a Bill was necessary? Did they come across so many cases of flagrant mismanagement of institutions resulting in a setback to the education of our boys and girls that the Government, who are so anxious to protect the interests of the children of the soil, thought that they should prevent this disaster overtaking the education of our children? I am not sure whether the Government or the Education Department can furnish to this House statistics to show that there are such a large number of cases of mismanagement of educational institutions as to justify the Government coming forward with a Bill of this nature. My Hon. Friend, Mr. Madhava Menon, knows full well the hallowed name of the great educationist of not only South India but of the whole of India, who was responsible for proposing this measure and whose brain produced a Bill of this type. I believe there is joint responsibility in the present Government. Whether there is joint responsibility or not, every hon. Member of the Government tells us that he is responsible for the deeds or misdeeds of every other Member. The Government Members are large-hearted and frank to admit joint responsibility. There is that amount of fellow-feeling, understanding and brotherliness among them. So far so good and that is what we want. At the same time, we know that this measure was conceived by one great man entirely on his own responsibility and that he and he alone was responsible for it though the other hon. Members of the Cabinet took up the responsibility in very good faith and loyally stood by him. I am certainly prepared to be corrected if I am making a wrong statement. Time has elapsed and experience

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has shown that he was wrong in sponsoring a measure like this. When the fate of the author of this Bill was packed, sealed and despatched, I believed that my Hon. Friend the present Minister for Education would open a new chapter in education in our Province. He would be doing a great act of justice not only to the cause of education but also to himself and to all of us here who are anxious to serve the common cause of education if he sees that this Bill does not become an Act. The Hon. Minister for Education told us that the Select Committee had practically changed the very outlook of the Bill by removing the objectionable features. When the Government have not gained the real purpose with which they started, why should the present Minister for Education still cling to the Bill and take upon himself the odium of piloting it through this Legislature? People belonging to religions other than his own, who occupy the position of minorities in the Province and the country, have very good reason to object to the Bill. Their fears and suspicions have been given expression to by their representatives in this House in appealing terms. When I heard the very able and informative speech of my hon. Friend, Mr. L. C. Pais, in which he opposed the passing of this Bill at this juncture, I felt that it was not mere fear or sentiment that impelled him to make that speech. The entire Catholic community, I understand, is disturbed and they are anxious that this sword of Damocles should not be kept continuously hanging over their heads. The presence of that sword of Damocles is not necessary even according to the admission of the Hon. Minister and the Members on the Ministerial side."

MR. SPEAKER:—"The hon. Member can continue his speech to-morrow. The House will now adjourn to meet again at 12 noon to-morrow."

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

1. G.O. No. 2180, L.A., dated 19th October 1949, issuing instructions regarding the conduct of elections to Gummiloru Panchayat Board (East Godavari).
2. Supplemental answer to Legislative Assembly question No. 380 (starred), asked by Sri A. Vaidyanatha Ayyar.
3. Notification issued with G.O. No. 2003, L.A., dated 27th September 1949, regarding bifurcation into North and South of the Visakhapatnam District Board.
4. Notification issued with G.O. No. 1970, L.A., dated 23rd September 1949, regarding the inclusion of certain area in Villupuram municipality.
5. G.O. No. 2295, L.A., dated 9th November 1949, ordering the stay of elections to the Singarayakonda and Somarajupalli Panchayat Boards (Nellore).

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6. G.O. No. 1254, Finance, dated 29th November 1949, relating to the Schedule of the First supplementary statement of authorized further expenditure for the year 1949-50 as authenticated by His Excellency the Governor.

7. G.O. No. 2323, L.A., dated 14th November 1949, issuing instructions regarding the conduct of elections to K. Kannapuram, Mediniraopalem and Gopannapalem Panchayat Boards (West Godavari).

8. G.O. No. 2347, L.A., dated 16th November 1949, issuing instructions regarding the conduct of elections to Surappagudem Panchayat Board (West Godavari).

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APPENDIX I.

[Vide item IV on page 10^{supra}.]

Rules under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948.

Draft Rules.

1. The compensation payable in respect of every estate shall be paid in cash.

2. In the case of an estate not being an estate which was held immediately before the notified date by a religious, educational or charitable institution—

(i) if the basic annual sum in respect of the estate does not exceed Rs. 3,000, the compensation shall be paid in one lump sum;

(ii) if the basic annual sum in respect of the estate exceeds Rs. 3,000 but does not exceed Rs. 50,000, the compensation shall be paid in equal annual instalments not exceeding three in number; and

(iii) if the basic annual sum in respect of the estate exceeds Rs. 50,000 the compensation shall be paid in equal annual instalments not exceeding five in number.

3. The compensation in respect of the estate where it is payable in one lump sum, and the first instalment of the compensation where it is payable in instalments shall be paid not later than six months from the date on which the settlement operations in respect of the estate are completed, or where the date is earlier than the date of expiry of the three fasli years referred to in section 30 of the Act or section 34 thereof, as the case may be, not later than three months from the latter date.

4. Where compensation is payable in instalments under rule 2, interest shall accrue at 3 per cent per annum on the portion of the compensation still remaining to be paid on the date of payment of the first instalment, from that date up to the date of payment of the second instalment; and the interest which so accrues shall be paid on the date of payment of the second instalment. Likewise, interest shall accrue at the same rate on the portion of the compensation still remaining to be paid on the date of payment of the second or a subsequent instalment, from that date up to the date of payment of the third or the next succeeding instalment, as the case may be; and the interest which so accrues shall be paid on the date of payment of the third or the next succeeding instalment, as the case may be.

5. Every payment referred to in the foregoing rules shall be made by way of deposit in the office of the Tribunal under section 41 (1) of the Act.

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6. (1) Any sum payable to a religious, educational or charitable institution under sub-section (1) of section 38 as a tasdic allowance, or under sub-section (2) of that section to make good the deficiency referred to in that sub-section, in respect of any fasli year commencing from the fasli year in which the basic annual sum referred to in the said sub-section (1) is finally determined, shall be paid by deduction from the beriz of the village concerned; and in so far as it cannot be so paid, shall be paid in cash to the institution from the sub-treasury of the taluk in which the village is situated.

(2) The payments referred to in sub-rule (1) shall be subject to adjustment as provided in section 54 (2) of the Act, and shall be made before the end of the fasli year to which they relate.

7. These rules shall be deemed to have taken effect on the 19th April 1949.

APPENDIX II.

[Vide item V (6) on page 35 supra.]

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

The Select Committee appointed to consider the Madras Educational Institution (Requisition of Property) Bill, 1948 (L.A. Bill No. 25 of 1948), has the honour to make the following report.

2. This Bill was published in English in the *Fort St. George Gazette* on the 20th July 1948.

3. The Select Committee was appointed on the 3rd September 1948.

4. The Select Committee met in Fort St. George altogether on even days, viz., 14th September 1948, the 18th, 19th, 20th and 26th October 1948, and the 11th and 25th August 1949.

5. At its first meeting on the 14th September 1948, the Committee decided to hear persons desirous of appearing before them. They accordingly examined the following persons on the dates noted against them:—

18th October 1948. { Rev. Fr. Xavier Mel (on behalf of the Bishop of Tuticorin).
Very Rev. Mgr. G. Nedumparambi (on behalf of the Bishop of Cochin).
Rev. Dr. Isaac and Mr. J. Immanuel (on behalf of the Field Council in Krishna and West Godavari Canadian Baptist Mission).

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19th October 1948. { Rev. Fr. Jos, A. B. Coelho and Rev. Mother Eugenie (on behalf of the Managers and Headmasters of the Catholic Aided Institutions, South Kanara).
Sri G. Seshagiri Rao (on behalf of the District Elementary Teacher Managers' Association, Guntur).
Rev. Fr. D'Souza (Principal, Loyola College, Madras).
Sri A. M. Gnanapragasam (on behalf of the Teachers' Association, Cuddalore).
Sri U. Kannappa (on behalf of the Catholic Association, Mangalore).
Sri Madhava Rao (on behalf of the Managers and Headmasters of the Aided Secondary Institutions, Mangalore).
20th October 1948. { Sri T. R. Venkâtrama Sastrî (on behalf of the Association of Registered Managements of Aided Educational Institutions in the City of Madras).
Sri Korula Jacob.
Sri M. R. Pithavadian (on behalf of the Christian Educational Council of South India).

6. At its meeting on 26th October 1948, the Committee decided that the Bill should be proceeded with. They then took up the Bill for detailed consideration. As a result of such consideration and in the light of the evidence they had heard the Committee have made certain changes in the Bill.

7. The more important among them are to the effect—

(i) that the person permitted to manage the institution taken over by the Government should be of the same religious denomination as that of the person from whom control of the property was taken over as far as possible;

(ii) that control over the property should, unless sooner relinquished, cease after the expiry of the academic year immediately following that in which the property was taken over provided that the Government may, if in their opinion it is necessary to do so, direct that their control over such property shall continue for a further period not exceeding one academic year;

(iii) that the Bill should apply also to institutions closed before the last working day of an academic year.

8. The other changes made in the Bill are shown in the Bill as amended. It was not considered necessary to refer to them in detail.

9. The Select Committee decided that it was necessary to republish the Bill.

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

FORT ST. GEORGE, T. S. AVINASHILINGAM CHETTIYAR,
23rd September 1949. *Chairman.*

[16th December 1949]

ANNEXURE.

L.A. BILL No. 25 OF 1948.

(As amended by the Select Committee.)

A Bill to provide for taking over for a temporary period the control of property used for educational purposes and certain other matters.

WHEREAS it is expedient to provide for taking over for a temporary period the control of property used for educational purposes under certain circumstances; It is hereby enacted as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Madras Educational Institutions (Temporary Control of Property) Act, 1949.

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

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "educational institution" means any school, college or other institution for imparting education, which is managed by an individual, body or local authority;

(b) "Government" means the Provincial Government;

(c) "person interested" in relation to any property the control of which is taken over under this Act, includes all persons claiming an interest in the rent, damages or compensation payable in respect of the property;

(d) "prescribed" means prescribed by rules made under this Act.

Taking over
control of
property
used for
educational
purposes.

3. (1) In any case where recognition is withdrawn from an educational institution by a competent authority or an educational institution is closed before the last working day of an academic year, if the Government consider it necessary to take over the control of any immovable property or any movable property such as furniture, books, apparatus, maps, equipment, registers or records, which before the withdrawal of the recognition or the closing of the institution was being used for the purposes of the . . . institution or of any other institution connected therewith such as a hostel, quarters for the residence of teachers and servants, or a playground, then, notwithstanding anything to the contrary in any other law for the time being in force, the Government may, within three months from the withdrawal of the recognition, or the closing of the institution, as the case may be, take over the control of such property.

(2) The taking over of such control shall be effected by an order in writing addressed to the person who is deemed

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by the Government to be in possession of the property; and the order shall be served on such person in the prescribed manner.

(3) A copy of every order under sub-section (2) shall also be served in the prescribed manner on the owner of the property concerned, if he is not in possession thereof:

Provided that failure to comply with the provisions of this sub-section shall not affect the validity of the order.

(4) The Government may also make such further orders as may appear to them to be necessary or expedient in connection with the taking over control of any property under this Act.

(5) Where the control of any property, whether movable or immovable, is taken over under sub-section (1), the Government may—

(i) use or deal with such property themselves for any educational purpose which they think fit, or

(ii) by order, permit any other person or body including a local authority, to use or deal with such property for any such purpose, subject to the payment of such rent and other sums to the Government, and the observance of such conditions, as may be specified in the order:

Provided that such person or body shall, be of the same religious denomination, if any, as that of the person or body from whom or from which, control of the property was taken over.

(6) The control over any property referred to in sub-section (1) shall, unless sooner relinquished, cease after the expiry of the academic year immediately following that in which the property is taken over:

Provided that the Provincial Government may, if in their opinion it is necessary so to do, by an order in writing published in the prescribed manner, direct that their control over such property shall continue for a further period not exceeding one academic year.

4. (1) Where any immovable property is taken over under section 3, the Government shall pay to the person interested, such rent as may be fixed by the District Collector:

Rent for
immovable
property
which has
been taken
over.

Provided that where the property has been acquired with the aid of a Government grant, the rent shall be fixed by the District Collector after taking the amount of such grant into account in the prescribed manner.

(2) Where there is any dispute as to the title to receive the rent aforesaid or as to the apportionment of the amount of the rent, the District Collector shall decide the dispute.

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(3) Every order passed by the District Collector under sub-section (1) or sub-section (2) shall, subject to the provisions of sub-sections (4) and (5), be final and not be liable to be questioned in any Court of Law.

(4) (a) Any person deeming himself aggrieved by an order of the District Collector under sub-section (1) or sub-section (2) may appeal against such order to the District Judge having jurisdiction over the area in which the immovable property is situated or if it is situated in the presidency-town, to the Principal Judge of the Madras City Civil Court.

(b) Such appeal shall be preferred within sixty days from the date on which the order appealed against was communicated to the person concerned.

(5) The decision of the District or City Civil Judge on an appeal preferred to him under sub-section (4) shall be final and not be liable to be questioned in any Court of Law.

Compensation for movable property taken over.

5. Whenever any movable property is taken over under section 3, the compensation payable therefor and the person or persons to whom it should be paid shall be determined in accordance with such rules as may be prescribed; and where any such property has been acquired with the aid of a Government grant, such rules may provide for the manner in which the amount of the grant shall be taken into account in determining the compensation payable.

Powers of entry, etc.

6. The authority prescribed in this behalf may, for the purpose of taking over any property under section 3 or determining the amount of rent or compensation payable under this Act, by order—

(a) authorize any person to enter and inspect any immovable property specified in the order and the movable property therein liable to be taken over under this Act;

(b) require any person to furnish to such authority as may be specified in the order, such information in his possession relating to the property, as may be so specified;

(c) direct that until the expiry of such period as may be specified in the order, the person in possession of the property shall not, without the permission of the Government, dispose of it or in the case of a building, alter it structurally or, in the case of movable property, remove it from the premises in which it is kept.

Summary power for taking possession of property.

7. Any person remaining in possession of any property in contravention of an order issued under section 3 may be summarily dispossessed of the property by any officer empowered by the Government in this behalf, and in the case of a building, if free access to it is not afforded to such officer, he may after giving reasonable warning and facility to withdraw to any woman not appearing in public according

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to the customs of the country, remove or open any lock or bolt or break open any door or do any other act necessary for effecting such dispossession.

8. (1) Where the control of any property taken over under section 3 is to be relinquished, the Government may, after making such inquiry, if any, as they may consider necessary, by order in writing specify the person to whom possession of the property shall be given. Relinquishment of control.

(2) The delivery of possession of any such property to the person specified in an order made under sub-section (1) shall be a full discharge of the Government from all liability in respect of such delivery, but shall not prejudice any rights in respect of such property which any other person may be entitled, by due process of law, to enforce against the person to whom possession of the property is so delivered.

(3) Where the person to whom possession of any property referred to in sub-section (1) is to be delivered cannot be found or has no agent or other person empowered to accept delivery on his behalf, the Government shall cause to be published in the *Fort St. George Gazette* a notice declaring that the control of such property is relinquished; and in the case of any building or land, shall cause a copy thereof to be affixed on some conspicuous part of such building or land.

(4) When the notice referred to in sub-section (3) is published in the *Fort St. George Gazette*, the property specified in such notice shall cease to be subject to the control of the Government on and from the date of such publication and shall be deemed to have been delivered to the person entitled to possession thereof; and the Government shall not be liable for any rent, compensation or other claim in respect of such property for any period after the said date.

9. Whoever contravenes any order made under this Act shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both. Penalty.

10. The Government may, by general or special order notified in the *Fort St. George Gazette*, direct that any power or duty which is conferred or imposed on them by or under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised or discharged by such officer or authority subordinate to the Government as may be specified in the order. Delegation of powers and duties of the Government.

11. Save as otherwise expressly provided in this Act, no decision or order made in exercise of any power conferred by or under this Act shall be called in question in any Court of Law. Saving.

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Protection
of action
taken under
the Act.

12. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

* * * *

Power to
make rules.

13. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) the assessment and payment of compensation for any damage caused to any immovable property taken over under this Act or for any damage caused to, or loss of, any movable property so taken over;

(c) the court-fees payable, and the procedure to be followed, in respect of the appeals referred to in section 4, sub-section (4);

(d) the payment of the costs incurred by the parties in connexion with such appeals.

THE MADRAS LEGISLATIVE ASSEMBLY.

Saturday, the 17th December 1949.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Cheap credit facilities for the agriculturists.

* 215^a Q.—JANAB MUHAMMAD RAZA KHAN (on behalf of Janab M. A. Muhammad Ibrahim): Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the Government have received any representation from the public or otherwise that cheap credit facilities for the agriculturists are urgently needed for the successful food production drive in the country;

(b) if so, what steps this Government propose to take in the matter; and

(c) what advice this Government have tendered to the Central Government in the matter?

THE HON. SRI A. B. SHETTY:—“(a) The answer is in the negative.

(b) The question does not arise. The following information may, however, be of interest in this connexion. The rate of interest on short-term and medium-term loans given by rural co-operative credit societies is generally $6\frac{1}{2}$ per cent and in a few cases $7\frac{1}{2}$ per cent, while long-term loans are advanced by land mortgage banks at $5\frac{1}{2}$ per cent interest. These rates of interest are lower than in other Provinces. The Government have under consideration proposals for subsidising the financing agency concerned, so as to enable them to reduce the rates of interest on short and medium term loans to 5 per cent and on long-term loans to 4 per cent in the Rayalaseema area. Another proposal under consideration is to subsidise the land mortgage banks throughout the Province in order to enable them to advance loans for improvement in pursuance of Grow More Food Campaign at a specially low rate of 3 per cent interest. As regards loan facilities under the Takkavi rules, the rate of interest on such loans given by the Revenue Department to agriculturists which is fixed annually has been provisionally fixed at $4\frac{1}{2}$ per cent for the year 1949–50.

“(c) This Government have not yet communicated their views to the Central Government on the question of forming an agricultural Credit Corporation. The question of setting up such a co-operation in this Province is under consideration.”

^a Question postponed from the list, dated 16th December 1949.

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BEGUM SULTAN MIR AMIRUDDIN:—" May I know, Sir, how land mortgage banks are expected to give loans at the rate of 3 per cent when they themselves have to pay 3 per cent to the Debenture holders on the debentures issued by them, unless the Government subsidise them adequately? "

THE HON. SRI K. CHANDRAMOULI:—" Recently the Government have passed orders that in the Rayalaseema area land mortgage banks might give long-term loans at 4 per cent interest, and that the Government would subsidise any loss or any difference between the borrowing and the lending rates."

JANAB M. A. MUHAMMAD IBRAHIM:—" Is it not a fact, Sir, that even in 1949, agricultural indebtedness is still a very huge amount? "

THE HON. SRI A. B. SHETTY:—" I have no information, Sir."

BEGUM SULTAN MIR AMIRUDDIN:—" May I know whether the Hon. Minister has not read the report brought out by Dr. B. V. Narayanaswami Naidu, wherein the latter has mentioned that agricultural indebtedness is still going up? "

THE HON. SRI A. B. SHETTY:—" That was some time ago, Sir."

SRI N. VENKATASUBBAYYA:—" In view of the fact that thousands of acres have been eroded by the recent cyclone in the Andhra Desa, may I ask what steps the Government have taken or propose to take to reclaim them? "

MR. SPEAKER:—" I think the hon. Member should put a separate question."

SRI M. S. PATTABIRAMIAH:—" May I know, Sir, whether there are any rural co-operative societies which give loans to landless agriculturists? "

THE HON. SRI K. CHANDRAMOULI:—" Rural co-operative societies do, of course, give loans to agriculturists, even if they are landless, provided they are members of the society and have got sufficient security; loans will be given according to the security they give."

JANAB M. S. ABDUL MAJID:—" Is it not a fact, Sir, that the Government would be able to give loans at a cheaper rate of interest if they extend the loan to the public directly rather than through co-operative credit banks? "

THE HON. SRI B. GOPALA REDDI:—" The hon. Member may put a separate question, Sir."

JANAB M. V. HYDROSS:—" In view of the answer given by the Hon. Minister for Agriculture, that the Government are not aware of the extent of indebtedness of agriculturists, will the Government appoint a Committee to go into that question, Sir? "

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THE HON. SRI A. B. SHETTY:—" The Government are aware of the fact that the ryots are indebted, but the exact amount of their indebtedness is not known to them, Sir."

[Questions 216 to 218 answered on 16th December 1949.]

Maintenance of fish-curing yards.

* 219* Q.—

[MR. SPEAKER:—" The hon. Member who put the question is not in his place. The answer will be printed in the proceedings."]

JANAB S. MUHAMMAD ISMAIL:—" Will the Hon. the Minister for Food be pleased to state whether the Government of India have given any subsidy or compensation towards the loss incurred by the Provincial Government on maintaining and running of fish-curing yards in the Province in the year 1949? "

THE HON. SRI J. L. P. ROCHE VICTORIA:—" No."

[* Question 220 answered on 16th December 1949.]

Water-supply scheme to Courtallam, etc.

* 221 Q.—SRI D. DURAIRAJA PANDIAN: Will the Hon. the Minister for Public Health be pleased to state at what stage the proposal of combined water-supply scheme to Courtallam, Tenkasi and Elanji in Tenkasi taluk, stands at present?

THE HON. DR. T. S. S. RAJAN:—" The Government have recently sanctioned the preparation of plans and estimates of the combined water supply scheme for the Tenkasi, Elanji, Courtallam and Melagaram Panchayats. After the plans and estimates are received from the Chief Engineer, the question of sanctioning, the execution of the scheme will be taken up."

SRI D. DURAIRAJA PANDIAN:—" Will the Government consider the desirability of expediting the matter, Sir? "

THE HON. DR. T. S. S. RAJAN:—" The plans and estimates have been completed and the Government are waiting for the report from the Chief Engineer and as soon as it is received, the question of sanction for the execution of the scheme will be taken up."

Alleged paucity of drawing and needle-work teachers for girls' schools.

* 222 Q.—BEGUM SULTAN MIR AMIRUDDIN: Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that there is at present a paucity of teachers in drawing and needle-work for girls' schools; and

(b) if the answer to clause (a) is in the affirmative, what steps the Government are taking to remedy this?

* Question postponed from the list of 16th December 1949.

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THE HON. SRI K. MADHAVA MENON:—“(a) Yes, in certain districts.

“(b) The matter is under examination.”

BEGUM SULTAN MIR AMIRUDDIN:—“Is it not a fact, Sir, that pupils in those basic schools for girls are not given the opportunity of learning drawing and needle work, and that their energies are frittered away on spinning?”

THE HON. SRI K. MADHAVA MENON:—“I strongly repudiate the suggestion that by spinning on the charka, the pupils are frittering away their energy. In my opinion spinning is very necessary and very useful for the girls, Sir.”

BEGUM SULTAN MIR AMIRUDDIN:—“If a girl does not know needle-work how can she make garments for herself and her children? Since she has to wear stitched blouses, etc., is it not essential that she should be taught needle-work as well as spinning?”

THE HON. SRI K. MADHAVA MENON:—“Sir, I do not decry needle-work altogether, but I would rather prefer girls reading in these schools to learn spinning well, so that we may have more yarn in the country for producing more cloth than stitching up of the cloth by learning needle-work.”

JANAB MUHAMMAD RAZA KHAN:—“Is it not but logical, Sir, that men should spin and women should stitch, and therefore, is it not necessary that these girls should be taught needle-work?”

THE HON. SRI K. MADHAVA MENON:—“If the hon. Gentleman takes to spinning, I shall give the answer.”

Repair of irrigation tanks and channels in the Estates not taken over by the Government.

* 223 Q.—SRI G. SANYASI RAO: Will the Hon. the Minister for Land Revenue be pleased to state whether there is any immediate and temporary proposal to repair the irrigation channels and to close the breaches in irrigation tanks in the Estates that have not been taken over yet and also in the ryotwari areas in the Visakhapatnam district?

THE HON. SRI H. SITARAMA REDDI:—“The Government have recently sanctioned the formation of an Executive Division with headquarters at Visakhapatnam for attending to the execution of repairs to minor irrigation sources in charge of the Revenue Department and to irrigation sources in zamindari areas in the Visakhapatnam district and in the upland taluks of East Godavari, West Godavari and Krishna districts.

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“The Government have also issued instructions to see that highest priority is given to the closing of the breaches on river and canal banks and to the repair of irrigation tanks which had been damaged by the recent floods and cyclone whether they lie in ryotwari or proprietary areas or whether the works are to be undertaken under the Tank Improvement Scheme or otherwise.”

SRI G. SANYASI RAO:—“Is it not a fact that the Government did not employ sufficient staff in order to complete the works, in spite of the fact that Visakhapatnam is a district where there are large zamindari areas?”

THE HON. SRI H. SITARAMA REDDI:—“Sir, I have already answered that an Executive Division with headquarters at Visakhapatnam has been sanctioned, and I believe that it has already been formed, for attending to the execution of repairs to minor irrigation sources in that district, but if there is any difficulty about staff, a separate question may be put. Anyhow, I can assure the hon. Member that we will see that adequate staff is provided to carry out the works expeditiously.”

SRI D. V. RAMASWAMI:—“May I ask, Sir, whether the Special Division is also instructed to attend to the repairing of tanks breached in the North Visakhapatnam district also, because of the fact that that district is now divided into two districts, North and South Visakhapatnam?”

THE HON. SRI H. SITARAMA REDDI:—“I believe so, Sir.”

SRI G. KUMARASWAMI:—“May I know, Sir, what the estimated cost of the scheme is?”

THE HON. SRI H. SITARAMA REDDI:—“If the hon. Member is referring to the cost of repairs to tanks and other irrigation sources which were breached on account of the recent cyclone and floods, it is very difficult to reply just now, because those works are being done expeditiously and special orders have been issued to carry out those repairs, in view of the urgency of those works.”

Adoption of the 1929 Scheme in schools.

* 224 Q.—SRI S. PARAMANANDA RAYAR: Will the Hon. the Minister for Education be pleased to state—

(a) as per the proceedings of the Director of Public Instruction giving option to schools to adopt 1929 Scheme according to the will of the pupils, how many schools have gone back to the old scheme and how many are proceeding with reorganized scheme in respect of languages; and

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(b) whether the Government have any information regarding local bodies which have issued orders to adopt 1929^a scheme in all the schools under their management, irrespective of the individual will of the headmasters concerned?

THE HON. SRI K. MADHAVA MENON:—“(a) In July last, the Director of Public Instruction permitted the heads of secondary schools to choose either the S.S.L.C. Scheme, 1929, or the Reorganized Scheme, in respect of the study of languages during the transitional period. Subsequently, on account of representations received the Director issued instructions that the choice should be left to the discretion of the pupils. According to these instructions it may happen that there will be two sets of pupils in one school, one following the old scheme and the other the new scheme. The statistics in regard to the number of pupils following the two schemes are not available, as it will take some time before the pupils make their choice. The heads of schools have been required to furnish the statistics to the Secretary, Board of Secondary Education, by the 1st July every year.

“(b) The authorities of a few local bodies ordered the adoption of one particular scheme. The District Educational Officers were requested by the Director of Public Instruction to inform the Special Officers that the heads of schools were the authorities competent to make the choice. According to the revised instructions, the choice rests with the pupils.”

SRI S. PARAMANANDA RAYAR:—“Sir, will the Government approve and uphold the action of the headmasters if they choose to disregard the wishes of the management, in regard to the choice of the introduction of the reorganization scheme?”

THE HON. SRI K. MADHAVA MENON:—“This is a matter in which the authority is the headmaster and if the management interferes with his authority, it is wrong, Sir.”

SRI S. PARAMANANDA RAYAR:—“Is it not interference, pure and simple, by the management in matters of the educational setup?”

THE HON. SRI K. MADHAVA MENON:—“That is what I said, Sir, that the management has no business to interfere in this matter.”

DR. M. J. SAMUEL:—“May I know, Sir, whether it is the headmasters or the management who pay the extra cost for the adoption of this new curriculum?”

THE HON. SRI K. MADHAVA MENON:—“I do not know what exactly would be the extra cost involved by these schemes, but whatever the extra cost may be, I am sure, it is not the headmaster that pays, but the management that has to pay. There are certain duties specifically assigned to the headmasters as well as the managements, and one cannot interfere with the other.”

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Number of tractors that are working in the Province.

* 225 Q.—SRI K. LINGA RAJU (on behalf of Sri V. Raghavayya): Will the Hon. the Minister for Agriculture be pleased to state—

(a) how many tractors are working in this Province and of them how many belong to the Government;

(b) what the total extent of land brought under plough by them during the past one year till 31st August 1949 is;

(c) whether it is a fact that Messrs. Samiappa Mudaliyar of Tanjore, Lakshminarayana Reddiar of South Arcot, and T. Ananthachar of Madras and Hon. Dr. T. S. S. Rajan have been supplied with tractors by the Government on hire and if so, how long since these tractors are in their possession and what the hire charges paid so far;

(d) at what price these tractors are purchased; and

(e) what the extent of the fallow lands in the Province is and how much of this has been reclaimed by these tractors ever since they were purchased by the Government?

THE HON. SRI A. B. SHETTY:—“(a) There are about 304 tractors working in this Province; of which 157 belong to the Agriculture Department, and 25 to Departments other than Agriculture and the remaining to private parties or concerns.

“(b) The total outturn of the tractors belonging to the Agricultural Department from 1st July 1948 to 31st August 1949 under ploughing levelling and harrowing is 42,250 acres.

“(c) It is a fact that the tractors belonging to the Agricultural Department have been supplied on hire to Messrs. Samiappa Mudaliyar of Tanjore, Lakshminarayana Reddiar of South Arcot and Hon. Dr. T. S. S. Rajan. The information regarding the period for which the tractors have been in their possession and the hire charges paid by them is placed on the table of the House. As regards Sri T. Anantachari of Madras, he is said to be a ryot of Chingleput district and no tractor has been hired to him.

“(d) A statement^a showing the book value of the 157 tractors with the Agricultural Department is placed on the table of the House.

“(e) The waste lands available in the Province amount to nearly 80 lakhs of acres and the old fallows that have either been abandoned or gone out of cultivation for reasons beyond the control of the normal cultivator amount to 25 lakhs of acres.

^a Printed as Appendix I on pages 132-133 infra.

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"The total acreage covered by the tractors belonging to the Agricultural Department under ploughing, levelling and narrowing during the last four fasli years are as follows:—

	ACS.
1945-46	1,507
1946-47	4,360
1947-48	10,025
1948-49	35,569
Total	51,461

12-15 p.m. SRI G. SANYASI RAO:—"May I know, Sir, whether there is any proposal to send bull-dozers and tractors to Visakhapatnam district where there are large sand-cast areas to be ploughed on account of the recent floods in the rivers Sarada, Varaha and Thandava?"

THE HON. SRI A. B. SHETTY:—"Yes, Sir. Tractors are being sent to areas where they are most needed as far as they are available."

SRI R. VENKATA REDDI:—"May I enquire, Sir, if the Government will distribute the several tractors available in the different districts among the revenue divisions and put them at the disposal of the Revenue Divisional Officers to facilitate easy reach of tractors to agriculturists?"

THE HON. SRI A. B. SHETTY:—"Tractors are made available in all districts now."

SRI D. V. RAMASWAMI:—"May I know, Sir, whether the Collector of Visakhapatnam has put in a very strong representation for the supply of tractors at the present time?"

THE HON. SRI A. B. SHETTY:—"There is a demand for tractors from all the cyclone-affected areas."

SRI P. NATESAN:—"May I know, Sir, how it happens that while Dr. Rajan had only 14.48 acres ploughed he pays Rs. 3,531-2-0 by way of hire charges whereas Mr. Lakshminarayana Reddiyar of South Arcot who has ploughed 187 acres pays only Rs. 995 as hire charges?"

THE HON. SRI A. B. SHETTY:—"I cannot give the reasons just now. I shall have to enquire and find out."

SRI P. NATESAN:—"May I request the Hon. Minister, Sir, to look into the figures before he comes to the House, because some of the figures seem to be ridiculous."

SRI M. G. NATESA CHETTIAR:—"May I know, Sir, for how long were these tractors on service and for how long they were in the sick list?"

THE HON. SRI A. B. SHETTY:—"Most of the tractors are in working order."

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JANAB MUHAMMAD RAZA KHAN:—"Sir, in order to encourage the use of tractors and bull dozers by the agriculturists, will it not be advisable either for the Hon. Minister for Agriculture or other Hon. Ministers to use bull dozers and tractors and publish widely the photos in the papers so that the agriculturists may take to them?"

THE HON. SRI A. B. SHETTY:—"There is a keen demand for tractors from all quarters. The difficulty is to supply the necessary number of tractors which are required."

JANAB M. V. HYDROSS:—"May I know, Sir, whether the Government have received any communication from the Collector of Malabar requesting the immediate despatch of some tractors to Malabar district which is a deficit area?"

THE HON. SRI A. B. SHETTY:—"I cannot give the information with regard to particular districts. There is an increasing demand for tractors from all quarters."

SRI L. N. GOPALASWAMI:—"May I know, Sir, whether all the tractors are working throughout the year, and, if not, how many of them are lying idle?"

THE HON. SRI A. B. SHETTY:—"Sometimes some remain idle; but most of the time they are working."

DR. M. J. SAMUEL:—"May I know, Sir, how many tractors are allotted for the colonisation schemes in this Province?"

THE HON. SRI A. B. SHETTY:—"I cannot give all that information now. The hon. Member may put a separate question."

SRI P. NATESAN:—"May I know, Sir, why, if the hire charges are actually collected in advance, Sri Lakshminarayana Reddiyar of South Arcot still owes Rs. 395? Hire charges are supposed to be collected in advance. How is it he still owes Rs. 395?"

THE HON. SRI A. B. SHETTY:—"It is being collected, Sir."

SRI N. S. VARADACHARI:—"May I enquire, Sir, if the Government are satisfied with the arrangements for servicing these tractors, and will the Government insist on the firms supplying tractors to do servicing work?"

THE HON. SRI A. B. SHETTY:—"Two workshops have been opened, one in Bapatla and the other in Coimbatore, and there is the staff to attend to repairs. There is some difficulty in getting spare parts. We are trying to get all the spare parts that are necessary."

SRI N. S. VARADACHARI:—"Sir, is it not a wiser policy to lay down conditions regarding servicing even before contracts are signed for the purchase of these tractors, at least for a limited number of years in the first instance?"

THE HON. SRI A. B. SHETTY:—"All that is necessary in this matter is being attended to."

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SRI A. KAMESWARA RAO:—"Sir, is it not advisable to have in different places tractor stations from where these tractors could be loaned to the needy ryots?"

THE HON. SRI A. B. SHETTY:—"Tractors are sent wherever they are necessary, and arrangements have been made for this purpose."

SRI GUNTUR NARASIMHA RAO:—"In view of the heavy cost involved, will the Government, Sir, in purchasing these tractors give figures in the Madras Information as to how many tractors are being used and how many are lying idle?"

THE HON. SRI A. B. SHETTY:—"Such publication is not necessary, Sir."

SRI A. DEVANAYAGA IYAH:—"Is it not a fact, Sir, that the tractors with the Government are not sufficient to meet the demand of the public?"

THE HON. SRI A. B. SHETTY:—"I have already stated that they are not sufficient to meet the demands. The Government have arranged for getting more tractors. We expect to get 50 tractors shortly."

SRI C. M. KOTHARI:—"May I know, Sir, if, for ploughing and levelling up of land of Dr. Rajan, it took three months for 14.48 acres and whether the tractors were lying idle afterwards?"

THE HON. SRI A. B. SHETTY:—"I do not think that the tractors were with him all the time."

BEGUM SULTAN MIR AMIRUDDIN:—"Sir, from the loan taken from the World Bank, the Central Government, I understand, are getting a large number of tractors from America. May I know whether this Government have applied to the Central Government for their proportion of tractors?"

THE HON. SRI A. B. SHETTY:—"I think they are being reserved for use in the United Provinces."

JANAB N. MUHAMMAD ANWAR:—"May I know from the Hon. Minister whether the bull dozers of the Government of Madras are levelling up or levelling down this Province?" (Laughter.)

THE HON. SRI A. B. SHETTY:—"They are both levelling up and levelling down." (More laughter.)

JANAB M. S. ABDUL MAJID:—"May I know, Sir, how far the Government have increased food production in this Province by the use of these tractors? Will the Hon. Minister give us the correct figure in tons?"

THE HON. SRI A. B. SHETTY:—"A separate question may be put."

SRI N. S. VARADACHARI:—"May I enquire, again, Sir, whether Government do not consider it necessary to insert a condition in the contract of purchase that servicing will be undertaken by the companies at least for a definite number of years in the first instance?"

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THE HON. SRI A. B. SHETTY:—"I shall have the matter considered."

SRI B. PARAMANANDA RAYAR:—"Will the Government consider, Sir, the desirability of giving tractors and bull dozers only to the poor ryots and not to the rich?"

THE HON. SRI A. B. SHETTY:—"I do not think that can be done."

Payment of revised scales of pay for teachers in Panchayat Boards.

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

(a) whether the Panchayat Boards have been ordered by the Government to pay their teachers according to the revised scales of pay;

(b) if so, whether the Panchayat Boards are paying their teachers accordingly and if not, why not; and

(c) whether the teachers of the Panchayat Boards are given the facility to contribute to provident fund; and if not, why not?

THE HON. SRI K. MADHAVA MENON:—" (a) The Government have passed no orders in respect of the scales of pay to teachers in elementary schools maintained by Panchayats. They however pay grants to Panchayats according to the qualifications of the teachers employed.

" (b) Information is not readily available of salaries paid by Panchayats to their teachers.

" (c) The question whether Panchayat school teachers may not be admitted to the Provident Fund scheme is under consideration."

SRI A. VEDARATNAM PILLAI:—"May I ask the Government, Sir, whether they are aware that a number of Panchayat Board teachers are not getting their salaries according to the revised scale of pay, and, if so, what action the Government propose to take against them?"

THE HON. SRI K. MADHAVA MENON:—"If such non-payment is brought to the notice of the Government we will take necessary action. No such complaint has been received by the Government so far."

Appointment of Prohibition Propagandists.

* 227 Q.—JANAB MUHAMMAD RAZA KHAN: Will the Hon. the Minister for Prohibition be pleased to state—

(a) the number of Prohibition Propagandists to be appointed by the Government;

(b) what their salaries and terms of service are; and

(c) the names of members who constitute the Selection Committees?

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THE HON. SRI N. SANJEEVA REDDI:—“(a) 442.

“(b) The scale of pay for the posts is Rs. 70—3—100 per mensem. In addition to the usual Dearness Allowance, a cycle allowance of Rs. 4 per mensem will also be admissible for each Prohibition Propaganda Officer if he maintains a cycle. They will also be eligible for a fixed travelling allowance of Rs. 15 per mensem each subject to a minimum touring of 25 days in a month.

“The posts are temporary and have been sanctioned for a period of one year in the first instance.

“(c) *Committee for the Telugu districts*—

(1) Dr. M. Rangayya, L.M., & S., Eluru, West Godavari district (Chairman).

(2) Sri Pidathala Ranga Reddi, Member, A.I.C.C., Giddalur, Kurnool district.

(3) Sri N. Dayananda Raju, Kakinada, West Godavari district.

Committee for the other districts—

(1) Sri K. Diraviam, Deputy Director of Information and Publicity (Chairman).

(2) Sri O. Rajagopalan, T.N.C.C. office, No. 8, Narasingapuram street, Mount Road, Madras.

(3) Sri G. Kolandavelu, T.N.C.C. office, No. 8, Narasingapuram street, Mount Road, Madras.

“Sri C. K. Govindan Nair, M.L.A. and Dr. U. P. Mallaya, M.L.A., will join the second committee as members when it selects candidates for Malabar and South Kanara districts respectively.”

JANAB MUHAMMAD RAZA KHAN:—“Sir, the Hon. Finance Minister of the Madras Government goes about demanding loan from the agriculturists just to balance his budget or to incur expenditure. Is it right on the part of the Government to appoint four hundred and forty-two paid Prohibition Propagandists and indulge in such a colossal waste of public money?”

THE HON. SRI N. SANJEEVA REDDI:—“The Government just thought that when they could forgo Rs. 17 crores on account of Prohibition, they could afford to spend a few more rupees for propaganda.”

JANAB N. MUHAMMAD ANWAR:—“May I have an assurance from the Hon. Minister that these Prohibition Propagandists are not going to be used as informants as well?”

THE HON. SRI N. SANJEEVA REDDI:—“No, Sir.”

JANAB M. S. ABDUL MAJID:—“May I ask, Sir, when the propaganda done by all the Ministers of the Government and hon. Members of this House had not had any effect, now these propagandists are going to help Prohibition in this Province?”

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THE HON. SRI N. SANJEEVA REDDI:—“Ministers and Members of the House cannot afford to go to the remotest villages. I think the propagandists will be in a better position, since we are going to appoint two per taluk, and they will be whole-time workers. That is the reason for their appointment.”

SRI P. NATESAN:—“What is the qualification prescribed for these propagandists?” 12-30 p.m.

THE HON. SRI N. SANJEEVA REDDI:—“Complete faith in prohibition, Sir.”

SRI K. BHASHYAM:—“What measures will be taken by the Government to assure themselves that the persons appointed do believe in prohibition and practise prohibition also?”

THE HON. SRI N. SANJEEVA REDDI:—“All necessary measures will certainly be taken.”

SRI G. KUMARASWAMI:—“In view of the fact that all the members of the Board are experts in picketing arrack sales and arrack shops as well, am I to understand that all tried and experienced propagandists would be given preference in the matter of appointment?”

THE HON. SRI N. SANJEEVA REDDI:—“If tried and experienced men are prepared to take up the job, they will certainly be preferred.”

SRI P. NATESAN:—“Is the Hon. Minister aware of the fact that prohibition officers when they go for detection have their drinks and walk away?”

THE HON. SRI N. SANJEEVA REDDI:—“If instances are brought to our notice, we shall certainly take action against them.”

JANAB MUHAMMAD RAZA KHAN:—“Why is it that the officials of the Madras Government have not been appointed to make the selection but only two employees of the Tamil Nad Congress Committee have been put on the committee and they have been given the power to select the Government servants as well?”

THE HON. SRI N. SANJEEVA REDDI:—“They are not employees of the Tamil Nad Congress Committee, but they are certainly associated with the Congress Committee. The reason why officials have not been selected is that we felt these non-officials would be in a better position to know which of the members of the public were more confirmed abhorers of drink or rather agreed with this prohibition policy.”

SRI L. N. GOPALASWAMI:—“May I know whether any minimum educational qualification has been fixed for these propagandists?”

THE HON. SRI N. SANJEEVA REDDI:—“General knowledge would suffice to do this business.”

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JANAB MUHAMMAD RAZA KHAN:—"Is it not a fact that Mr. Rajagopalan is a paid employee of the Tamil Nad Congress Committee and does not the very fact that he is in the Selection Committee show that the purpose of Government is to appoint their partymen as paid propagandists at the cost of the public?"

THE HON. SRI N. SANJEEVA REDDI:—"I thank the member for the information, but it is not certainly for party purposes. We feel that he knows the country and the public and that he would be able to select the proper men."

SRI G. SANYASI RAO:—"Will the Hon. Minister give a probable date when they will be appointed?"

THE HON. SRI N. SANJEEVA REDDI:—"I shall announce it in the course of January."

SRI K. LINGA RAJU:—"May I know why no representatives of the Andhra Provincial Congress Committee are put in the Telugu Districts Selection Committee while I notice that there are two representatives of the Tamil Nad Congress Committee in the Tamil Nad Selection Committee?"

THE HON. SRI N. SANJEEVA REDDI:—"Two members of the Andhra Selection Committee are also members of the Andhra Provincial Congress Committee. I do not know what the hon. Member means by 'representatives of the Andhra Provincial Congress Committee'."

SRI T. S. PATTABHIRAMAN:—"Are the Government aware of the fact that Sri Kolandavelu of Tamil Nad Congress Committee, is an M.A. (Economics) and was formerly District Textile Control Officer, Tirunelveli, and Sri T. Rajagopalan as a Congress worker knows all the Congress workers throughout the Province who have given their lives almost for prohibition."

THE HON. SRI N. SANJEEVA REDDI:—"That is exactly the reason why they have been preferred over others."

JANAB N. MUHAMMAD ANWAR:—"Is 'khaddar wearing' also a qualification for this appointment?"

THE HON. SRI N. SANJEEVA REDDI:—"It is one of the qualifications and not the only qualification."

JANAB MUHAMMAD RAZA KHAN:—"Is the Hon. Minister for Prohibition aware that since it was announced that the Government are going to appoint 442 paid prohibition propagandists, this has been criticised both by the public and by the Press?"

THE HON. SRI N. SANJEEVA REDDI:—"A few of them have been criticizing but many of them have been approving also."

JANAB ABDUL HAMEED KHAN:—"May I know if these appointments have been made after selection by the Public Service Commission on their merits and for what period these appointments have been made?"

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THE HON. SRI N. SANJEEVA REDDI:—"Appointments have not yet been made. If and when they are made, they will be only for one year. This question was never referred to the Public Service Commission."

JANAB H. S. HUSSAIN:—"Will any training be given to the prohibition propagandists and if so, what arrangements have been made for that purpose?"

THE HON. SRI N. SANJEEVA REDDI:—"Arrangements are being made for giving them a few weeks' training."

SRI N. S. VARADACHARI:—"Will the Government consider the usefulness of insisting on qualifications for the purpose of propaganda like showing with nice explanations the good effects of prohibition, for instance, through lantern slides and such things, and then show their ability in propaganda and not merely believe in their trust or so-called faith in prohibition?"

THE HON. SRI N. SANJEEVA REDDI:—"All these things will be considered. They have not already been trained. They will learn these things during their training and they will be more useful after the training."

SRI D. V. RAMASWAMI:—"Is it not a fact that several representations have been made to the Hon. Minister that these appointments have been delayed for avoidable reasons?"

THE HON. SRI N. SANJEEVA REDDI:—"I am really sorry that they have been delayed. We will quicken the pace now."

SRI P. NATESAN:—"Now that prohibition propagandists are about to be appointed, are the Government going to continue spending money on bhajana parties and kalakshepams?"

THE HON. SRI N. SANJEEVA REDDI:—"We have already reduced the expense in that way to a large extent and we will certainly still minimise it."

JANAB MUHAMMAD RAZA KHAN:—"Is the Hon. Minister aware that there is a feeling in this Province that these propagandists are appointed at the cost of the public not so much to do propaganda for prohibition as for doing propaganda for the party in power in the coming elections?"

THE HON. SRI N. SANJEEVA REDDI:—"They have been appointed by the Government and they are naturally expected to support the Government in their policy. Therefore, they will certainly support the party in power which means the Government."

JANAB M. S. ABDUL MAJID:—"Is it not a fact that these paid propagandists must be able to deliver lectures and, if so, may I know whether all these people possess oratorical ability?"

THE HON. SRI N. SANJEEVA REDDI:—"That point will certainly be considered while making appointments."

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Prosecution of one Syed Badsha of Venkatagirikotta.

* 228 Q.—JANAB MUHAMMAD RAZA KHAN: Will the Hon. the Minister for Food be pleased to state—

(a) whether the Government have received a copy of the judgment delivered by the District and Sessions Judge, Chittoor, on the 15th August 1949 allowing a criminal revision petition (Criminal Revision Petition No. 13 of 1949) and setting aside the sentence of one week rigorous imprisonment and a fine of Rs. 50 passed against one Syed Badsha of Venkatagirikotta, Chittoor district, by the Additional First-class Magistrate, Madanapalle, for having violated the prohibitory order by transporting 86 bags of groundnut kernels;

(b) whether it is a fact that, although the Government order banning export has ceased to exist on the day the offence was alleged to have been committed, the Collector of Chittoor ordered prosecution against Syed Badsha Sahib which resulted in his conviction and so much loss;

(c) whether the Government have seen the following strictures passed by the District and Sessions Judge, Chittoor, against the Collector of Chittoor:—

‘It is deplorable that the petitioner should have been subjected to harassment, hardship and expense resulting from the prosecution, conviction and sentence by reason of the authorities having failed to note that the order having ceased to be in force prior to the date of offence, no offence had been committed by the petitioner Something should be done to check such blind prosecution.’; and

(d) what action the Government have taken against the Collector of Chittoor for launching such prosecutions and harassing people in the light of the judgment of the District and Sessions Judge?

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

“(d) It is not in public interests to divulge the information asked for by the hon. Member.”

JANAB MUHAMMAD RAZA KHAN:—“May I ask whether it is right on the part of the Government officials or District Collectors to launch prosecution and put people to so much trouble although nothing illegal has been done by them?”

THE HON. SRI J. L. P. ROCHE VICTORIA:—“As I have already said, it is not possible to give any further information on this matter.”

JANAB MUHAMMAD RAZA KHAN:—“Is the Hon. Minister aware that in the district of Chittoor a number of prosecutions have been launched by the Collector without satisfying himself that there was a valid case for prosecution and thereby caused a good deal of trouble to the people who otherwise were very innocent?”

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THE HON. SRI J. L. P. ROCHE VICTORIA:—“I have no information.”

SRI A. KAMESWARA RAO:—“When a Collector proceeds against a person while he knows that he is wrong in so doing or at least when there are orders to the contrary which he does not care, is it not the duty of the Government to take action against that Collector?”

THE HON. SRI J. L. P. ROCHE VICTORIA:—“When it is necessary the Government will take suitable action.”

Grant of land to ex-toddy tappers for paddy cultivation in Bhimavaram taluk.

* 229 Q.—

[MR. SPEAKER:—“The hon. Member Sri Kosalram is not in his place and the answer will be printed in the proceedings.”]

SRI K. T. KOSALRAM: Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether the Government have received any memorandum from the Bulusumudi Field Labourers' Society, Bhimavaram taluk, West Godavari district, on 20th August 1949, requesting grant of land for ex-toddy tappers for paddy cultivation; and

(b) whether it is a fact that the Collector of West Godavari has sent a report to Government to the effect that the land in question is fit only for paddy cultivation and if so, what steps the Government have taken in the matter?

THE HON. SRI N. SANJEEVA REDDI:—“(a) Yes, Sir.

“(b) The question of disreserving suitable blocks from Upputeru Reserved Forest for wet cultivation is actively engaging the attention of Government. In this connexion, naturally, the reports of all the concerned officers will of course be considered.”

Procurement of millets in the Kurnool district.

* 230 Q.—SRI N. VENKATASUBBAYYA: Will the Hon. the Minister for Food be pleased to state—

(a) whether it is a fact that the procurement of millets in the Kurnool district is at a standstill in recent months;

(b) if so, what the reasons are for such a state of affairs;

(c) whether the District Food Committee had made any representation in this behalf; and

(d) if so, what action has been taken thereon?

THE HON. SRI J. L. P. ROCHE VICTORIA:—“(a) It is a fact that procurement of millets in the Kurnool district has slackened in recent months.

“(b) It is due to—

(i) the presence of large stocks in the district;

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(ii) lack of demand for millets in ration shops owing to the fact that producers were paying labourers in kind as they had a good harvest of millets;

(iii) the financial difficulty of the Wholesale Co-operative Stores which is the sole procurement agent on account of the locking up of its capital in stuff already procured and remaining to be disposed of.

“(c) No representation from the District Food Committee has been received by the Government. But the Collector reported that the District Food Committee had passed a resolution to the effect that procurement work should be stopped in the district and that the ryots should be allowed to sell their produce in open market.

“(d) The Collector explained the difficulties in proceeding with further procurement in September 1949 and recommended that the stocks available in the district might be exported to other needy areas so that the capital locked up can be released for further procurement. He also recommended that unless this could be done further procurement in the district might have to be suspended. The Government considered that it was not desirable to suspend procurement in the district at that stage as that would lead to the disappearance of the surplus available into the black-market. The Board has taken steps to export the surplus millets to deficit districts. The Board has also been asked to issue instructions to the Collector to tighten up procurement promising that the procured stuff would be exported out of the district if there was no local demand for it. Already 1,000 tons have been allotted to Ramnad district and the stocks will be moved shortly. Another 2,000 tons of millets were intended to be moved out of the district but as the Hyderabad Government wanted some millets in exchange for rice, the movement was held up. The negotiations with the Hyderabad Government have however not been successful and the Board is taking steps to allot the balance of the surplus available in the district to other deficit districts. With the movement of these surpluses, the financial position of the Stores will be improved. The Government have also given extension of time to the Stores to repay the loan of Rs. 7 lakhs granted to it for financing procurement operations. The Government expect that these steps will ease the position considerably and the Stores will be able to procure all the surpluses available with the ryots.”

RAJA MUTHIAH CHETTIYAR of CHETTINAD:—“In view of the failure of crops in many of the Tamil districts, will the Hon. Minister for Food make special arrangements for the proper procurement and transport of the bumper crop of millets from the Ceded districts to Tamil districts?”

MR. SPEAKER:—“This is about millets in the Kurnool district.”

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RAJA MUTHIAH CHETTIYAR of CHETTINAD:—“Kurnool is one of the Ceded districts, Sir.”

THE HON. SRI J. L. P. ROCHE VICTORIA:—“It is part of the answer already given that arrangements have already been made to transport part of the surplus to Ramnad and other districts where they are required.”

SRI N. VENKATASUBBAYYA:—“After all the muddle which the Hon. Minister has tried to explain away, does he consider that free movement of millets within a certain zone or in the district will ease the situation much better than the other arrangements he has just now mentioned?”

THE HON. SRI J. L. P. ROCHE VICTORIA:—“It was in reply to certain questions I have given the answer. But with regard to the present state of affairs, as I have already myself seen personally, certain free movement may be necessary, and the Government are considering the question.”

SRI A. KAMESWARA RAO:—“In view of the fact that there has been so much delay in distributing these millets, how much of it has gone to waste and become useless for consumption?”

THE HON. SRI J. L. P. ROCHE VICTORIA:—“I have no information about the extent of damage.”

SRI GUNTUR NARASIMHA RAO:—“When the co-operative societies are not in a position to procure, will the Government consider the question of giving it to private agencies to procure and then sending the food to other districts, if possible?”

THE HON. SRI J. L. P. ROCHE VICTORIA:—“When co-operative societies are not able to do this, others are also in the same position with regard to finance.”

JANAB MAHIN SCHAMNAD:—“After procuring the full quota, will the Government give permits to the people to purchase paddy and rice in the villages, if available?”

THE HON. SRI J. L. P. ROCHE VICTORIA:—“I do not understand the question. May I have it repeated?”

JANAB MAHIN SCHAMNAD:—“After the full quota has been procured, the ryots are selling rice in the black-market. Will the Government allow or give permits to the people to purchase rice and paddy in the black-market assuring them that no prosecution will be launched against them?”

THE HON. SRI J. L. P. ROCHE VICTORIA:—“We cannot tackle the black-marketing question, Sir.”

JANAB ABDUL HAMEED KHAN:—“May I ask the Hon. Minister how the Government arrived at the surplus of grains available in the Kurnool district and what exactly is the way in which they have found that the people are not able to consume that surplus in the district itself?”

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THE HON. SRI J. L. P. ROCHE VICTORIA:—"It is not that they are not able to consume; but they found some difficulty with regard to giving away whatever they had. In some places there were shortages and in some other places there were surpluses. With a view to have them evenly distributed, we are thinking of re-arranging the present procurement and rationing methods."

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P.M.

SRI N. S. VARADACHARI:—"Has the Hon. Minister realized that the co-operative societies are not able to function properly as they cover a wide area and it is wise to re-examine the position of allotment and go further by taking away monopoly and appointing other procuring agencies so that both the co-operative societies and the private procuring agency might work on a better footing?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"That is what is exactly being done. Wherever we find it possible we do not hesitate to get others in the procurement work."

SRI A. KAMESWARA RAO:—"Will the Government think it advisable to allow licensees in the other districts to go and buy the millet from the surplus districts?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"No, Sir. That would not work well."

SRI GUNTUR NARASIMHA RAO:—"Sir, with regard to procurement in Kurnool, have not the Government dispensed with the present merchants doing that work and appointed co-operative societies as the sole procuring agents and that is why the scheme has failed?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"No, Sir. It may be that the private merchants were not doing probably well. That is why the co-operative societies have stepped in."

JANAB H. S. HUSSAIN:—"May I know whether the production of millets is more than that of rice in the Kurnool district and if so, whether millet is the staple food of the people there?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Certainly, the production of millets is more than that of rice and that is why they want that the millet should be freely distributed to the people."

SRI L. N. GOPALASWAMI:—"May I ask whether the Government are aware of the fact that on account of their dog in the manger policy of neither buying nor allowing the ryot to sell the millet in the market, the ryot is obliged to sell his millet at a far lower rate than the controlled rate?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"It has occurred in certain places owing to financial difficulties; but we are looking into the matter wherever possible."

JANAB N. MUHAMMAD ANWAR:—"Sir, as people have started dying at Ambur from cholera and diarrhoea because of

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the rat-ridden rotten rationed rice, will the Hon. Minister take precautionary measures to see that this millet is diverted there in the interests of the life and limb of the people of Ambur?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"There are many places like Ambur and these are being sent wherever necessary."

UNSTARRED QUESTIONS.

Complaints from the Harijans of Thoppatti village regarding exclusion of certain names from the electoral rolls.

11 Q.—SRI M. P. PERIYASWAMY: Will the Hon. the Minister for Local Administration be pleased to state—

(a) the reasons why more than hundred voters of Harijan Pallars of Thoppatti village, Rasipuram taluk, Salem district, were left out from the electoral rolls prepared for the recent district board elections; and

(b) whether the Government have received any complaints from the Harijans alleging that their votes were not properly enumerated in the villages?

A.—(a) It is not a fact that more than 100 Harijan voters were left out.

The district board electoral rolls were prepared on the basis of the Madras Legislative Assembly electoral rolls prepared in 1945. It is reported that the names of only six persons (two of whom are dead now), who had the requisite qualifications were omitted to be entered in the Legislative Assembly rolls in 1945. The reasons for the omission are not known at this distance of time.

(b) No such complaint has been received by Government.

Memorandum from the irrigation conference of Nanguneri taluk.

12 Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have received any memorandum from the irrigation conference of Nanguneri taluk; and

(b) if so, what action the Government propose to take on the proposals contained in the memorandum regarding the improvement of the tanks?

A.—(a) & (b) No memorandum was received by the Government from the irrigation conference of Nanguneri taluk. But the Executive Engineer, Tirunelveli Division, who was present at the conference took notes of the requirements of the ryots. Repairs and improvements to the Valliyur tank supply channel referred to at the conference have been carried out

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this year. The work of formation of new tanks and renovation of abandoned tanks suggested at the conference is being attended to by the Special Assistant Engineer (Food Production), working in the district under the Collector. The Minor Irrigation Supervisor has been instructed by the Collector to investigate and report the repairs necessary for the Vadamalayan channel. The question of extension of irrigation under Kovankulam anicut across Nambiar river is being examined by the Public Works Department again. Taking over all minor irrigation works by the Public Works Department and providing supplies to all tanks directly from channels instead of from tank to tank as suggested at the conference, is reported to be not feasible. However the question of supplying tanks directly from channels is being considered on merits in individual cases.

Application of concessions to Harijan converts.

13 Q.—SRI L. C. PAIS: Will the Hon. the Minister for Prohibition be pleased to state with reference to the Press Communiqué, dated 7th September 1949, on the subject of giving forest coupes to co-operative societies formed by Harijans:

(a) whether the concessions given apply to Harijan converts to Christianity; and

(b) if not, whether the Government propose to extend such concessions to such converts?

A.—(a) Not at present, Sir.

(b) The concessions will be extended to “Backward Classes” which would include several other Backward sections of Hindus, Muslims, Christians, etc.

Cyclone havoc in Andhradesa.

14 Q.—SRI N. VENKATASUBBAYYA: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the districts that were affected by the cyclone in September last;

(b) what the extent of the damage and loss of crops is, districtwar;

(c) what the extent of land damaged by erosion and subversion is, districtwar, and what steps have been taken to help the ryots to reclaim them, districtwar;

(d) how many tanks breached, how many have been repaired and how many are yet to be repaired, districtwar;

(e) what kind of relief the Government have given and what amounts have been spent so far, districtwar;

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(f) whether it is a fact that the extent of damage and loss suffered by the people of Kurnool district has been under-estimated by the Board Member deputed to tour;

(g) how many villages other than those by the roadside were visited by the Board Member while touring in the Kurnool district and what the names of these villages are;

(h) how many villages in the Kurnool district situated on the bank of the Kundu river have been visited by him, and what the names of those villages are; and

(i) whether a copy of the reports of the Board Members who toured the flood-affected areas will be placed on the table of the House?

A.—(a) to (e) The attention of the hon. Member is invited to the printed statement of damage caused by the recent floods and cyclone and of the relief measures, laid on the table of the House in connexion with the motion in the Assembly on 14th November 1949 for consideration of the situation caused by the recent cyclone in the Andhra districts.

(f) No.

(g) & (h) Only the roadside villages were visited by Sri S. Ranganathan, Commissioner of Land Revenue, while touring in the Kurnool district after the floods of September 1949. No village on the bank of Kundu river in Kurnool district was visited by him.

(i) The Government have taken the report of the Board Member into account in preparing the statement already laid on the table of the House. It is therefore unnecessary to place a copy of his report on the table of the House.

House selected for a Minister under the Rent Control Act.

15 Q.—SRI T. VISWANATHAM: Will the Hon. the Minister for Prohibition be pleased to state whether it is a fact that a house selected under the provisions of the Rent Control Act for a Minister has been lying vacant for the past six months, while the Minister is living in another house all along?

A.—The answer is in the negative.

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

II.—GOVERNMENT BILLS.

(1) THE MADRAS EDUCATIONAL INSTITUTIONS (REQUISITION OF PROPERTY) BILL, 1948—cont.

JANAB ABDUL HAMEED KHAN:—“Mr. Speaker, Sir, I find that the Select Committee has made some changes. The first change that the Select Committee has made is with regard to the

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title of the Bill. For the word 'requisition', the words 'taking over for a temporary period the control of' are substituted. Sir, this change is only a change in words and if I may say so, it is a definition of the word 'requisition'. I do not know how it has satisfied the members of the Select Committee who are anxious that this Bill should be scrapped if not its whole aspect changed. The next change that the Hon. Minister was referring to is that the person or body selected to manage the institution taken over by the Government should be of the same religious denomination as that of the person from whom the control of property was taken as far as possible. That is the first amendment. The spirit in which this amendment has been made is certainly very welcome. I think we must really thank the Government for the same. But in fact I do not know whether it will be a workable proposition. If any institution that is managed by the Roman Catholics is considered to be a mismanaged institution, I wonder if any other member of the same community will be ready and willing to take up that institution. When they find that nobody is coming forward to take up the institution which belongs to that particular community, what exactly is the alternative that the Hon. Minister or the Government have in their view in order to implement this change that they have made, in the Bill? Again, Sir, the amendment that they have made is that 'the control over any property referred to in sub-section (1) shall, unless sooner relinquished, cease after the expiry of the academic year immediately following that in which the property is taken over and provided that the Provincial Government may, if in their opinion it is necessary so to do, direct that their control over such property shall continue for a further period not exceeding one academic year'. They propose to take over the property required by the Government on account of the alleged mismanagement of the institution for a period of one year. My imagination fails me to find out whether it will be possible for the Government to manage the institutions themselves or through some other person and at the same time rectify the defects and the causes of mismanagement on account of which the Government is taking over the institution under their control. What has the Director of Public Instruction to do under such difficult conditions and what would the Government expect him to do and what do they propose that he should do? Well, these are some of the changes that have been made in the Select Committee. Unfortunately, the amendments are merely to satisfy the people, but in actual working they will certainly not be helpful. Therefore, really speaking, the Bill has come back to the Assembly in the same form and in the same stage as it went to the Select Committee with this difference that a few more words have been added to some of the clauses. Sir, the Bill, as I said yesterday, is certainly not the kind of thing that the Government should have thought of enacting. My friend Mr. Pattabhiraman said that institutions that are run properly and institutions which have no defects and are not mismanaged need not be afraid of this Bill. May I ask how he would like or anybody, however good he may be, would like if the noose

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was always hanging over their heads. If they raise their heads the noose will come down and they will be hanged. Therefore, Sir, I do not understand the argument when one says, 'If the institutions are good, what is the harm in giving the Government the power that they want? Let the Government have this power. It would not use it unless the institution is mismanaged' and so on. It appears to me that this Bill, if it becomes an Act, will not only be useless but it will function as an engine of oppression. It was stated that it is not intended to make any difference between people belonging to one community and another. (At this stage the Deputy Speaker occupied the Chair.)

"The Bill is intended for institutions belonging to all communities. About 700 aided institutions belonging to all communities will be affected by this legislation. Particular minority communities have given categorical expression to their doubts with regard to this Bill and they believe that this Bill is likely to injure their interests directly. When a particular minority or minorities apprehend such possibilities, I think, the Government would not lose anything if in consideration of the opinion of the classes of people who will be affected by this legislation, they withdraw this Bill. It will be very much better then. To-day, we saw an editorial written by the *Hindu*—'Drop it.' What is it that the *Hindu* wants to be dropped? It is the Hindu Code Bill. How many people agitated or demonstrated against that Bill? Only a certain number of people have demonstrated against that Bill. It is not as if the vast majority of the Hindus have demonstrated or agitated against it. But, yet a very responsible daily of South India has come forward with an editorial, 'Drop it.' I am sure that the Government of India will pay heed to the suggestion made by an important paper like this. After all, Madam, we have to go slow in all these matters. It is not advisable to rush things which are likely to injure the interests of the people and also their sentiments. The whole Roman Catholic community and other minorities have expressed their apprehensions that this Bill may be used against them in an expropriatory manner. When such is the case, I think we can, even from this place, appeal to the Hon. Minister to withdraw this Bill. They need not fear that in that way their prestige will go down and that they will lose their prestige. Not at all. On the other hand, their prestige and honour will go up very high. For they are responsible Government and they will prove that they are prepared to listen to the voice of the people. The honour and prestige which they will get from the people who are afraid of this Bill will certainly be very much higher than the false notion of losing prestige and honour by dropping the Bill. Therefore, I make an appeal to the Hon. Minister, who is a very reasonable gentleman and whom we welcomed as Minister of Education, and I am sure, he will be the first person, after hearing the appeal that has been made by representatives of the Roman Catholic community and other minorities, to come forward with a statement that 'in view of the apprehensions that have been expressed by some minority communities, I withdraw this Bill'."

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1 p.m. * **BEGUM SULTAN MIR AMIRUDDIN**:—"Madam, Deputy Speaker, it is indeed regrettable that in spite of the considerable opposition that this Bill has evoked during the past one year and a half, the Government are still persisting in proceeding with this measure. We thought that when there was a change in the Education Ministry this Bill would be given up. But I am sorry to note that this has not been done and that the Government are bent upon proceeding with this Bill despite the fact that it has been declared to be an obnoxious piece of legislation by large sections of the public. The previous speaker, Mr. Hameed Khan, referred to an editorial in the *Hindu* pleading for the withdrawal of the Hindu Code Bill and stated that the suggestion of this paper would carry weight with the authorities. I may remind the House that that very newspaper, which is one of the important organs of public opinion, as also the *Mail* and a host of other journals, wrote strongly against the Bill that is now before the House and urged upon the Government to withdraw it. I wish the Government had followed their advice, and just as they have dropped the Advertisement Tax Bill, had withdrawn this Bill also.

"It is necessary to point out that this Bill is not at all an urgent measure. Had it been so, its passage would not have been delayed for the past one and a half year. I wish to know what has happened to educational institutions and to pupils in schools, during the past one year and a half when this piece of legislation was not in force. Has education gone to rack and ruin all this while? The Government have not studied the problem well and have not made out a case for bringing forward such a measure. Let them give us statistics to show that this Bill is necessary. The Hon. the Minister, on the other hand, has acknowledged that the cases where such a measure might be necessary may be very rare. There could not be more than one or two, or, at the most, a few instances, where the application of the provisions of this Bill might become necessary. But, surely harsh laws are not promulgated in any country to meet such exceptional cases. I would draw the attention of the Hon. the Minister to what he stated yesterday with reference to another Bill, viz., the Prohibition Amendment Bill. He would remember that he asserted that it was not the policy of the Government to make laws for exceptional cases. But, what is he doing now? Is he not legislating for exceptional cases? He is flouting his own opinion which he put forth with such vehemence yesterday in reply to my hon. Friend, Mr. N. S. Varadachari, who wanted some provisions to be made to meet certain exceptional cases.

"Mr. Avinashilingam Chettiyar, from whom emanated the idea of the present Bill, narrated to us what prompted him to bring forward this measure. It seems that the head of an aided institution who refused to comply with some of his orders threatened to close down the institution. It was in order to demonstrate to this gentleman what powers the Government possess that the former Education Minister produced this Bill. But, are the

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Government justified in putting on the Statute Book a drastic measure of this nature which encroaches on the rights which educational institutions have hitherto enjoyed merely because of the possibility of there being a few recalcitrant individuals? Have not the Government ample powers already to deal with such persons in charge of educational institutions? If not, is it not possible by amending the rules of the Education Department to deal with such matters? I do feel, that this Bill is absolutely unnecessary. As I have said, education in this Province has not gone to rack and ruin all these years for want of such a measure and surely it will not go to rack and ruin in future if this piece of legislation is not placed on the Statute Book.

"The effect of this legislation, it is necessary to emphasise, will be disastrous for the advancement of education in this Province for it will undoubtedly discourage private enterprise. It has been acknowledged by the Hon. the Minister himself that private agencies, particularly Christian agencies, have rendered yeoman service to the cause of education in the past. I have been in the South Kanara district myself and can vouch to the excellent contribution of the Catholic missionaries to the spread of education in those parts. This Bill would be a deathblow to all such agencies. This Government as well as the Central Government have killed private enterprise in the field of industry by their pronouncements and legislative enactments with the result that the present Government are not now in a position to come forward and float a loan, in the open market in order to meet their commitments. Instead, they beg Americans to come to their aid and are also trying to raise loans by the most obnoxious method of 'forced levy.' Having killed private enterprise in the field of industry, it is regrettable to find that they are now planning to kill private enterprise in the sphere of education as well. There can be no gainsaying the fact that if this Bill is passed into law, it will damp the enthusiasm of private agencies to undertake the spread of education. If the Government have the means to run all educational institutions themselves, let them do so by all means. Let them nationalize education, and provide facilities for education for all. But, as things stand at present for want of adequate finance, the Government are not in a position to undertake the entire responsibility in this matter. Such being the case, is it not desirable that due encouragement be continued to be given to the private agencies that are rendering such yeoman service to the cause of education? The Hon. the Minister is aware that this Bill has created unprecedented alarm in the minds of certain minority communities—not merely in the minds of Christians but, I may point out also, in the minds of Muslims and even of Brahmans, who form a minority in this Province. (The Hon. Sri B. Gopala Reddi: 'My Lord!') Yes, they are a minority who are also agitated over this Bill as they also are running some institutions. The statement issued by Mr. T. R. Venkatarama Sastri clearly shows that the Brahman community is also very much perturbed over the introduction of

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this Bill. (The Hon. Sri B. Gopala Reddi: 'The non-Brahman community also.') But they are ruling to-day in this Province, and so they have not much to fear. I have got with me the statement issued by Mr. Sastri, but perhaps, there may not be time to read out the same. When this Bill has engendered such vehement opposition and created such an alarm in the minds of large sections of the people of this Province, the Government should have paid heed to the demand of the public and dropped the measure. I was all along under the impression that the present Education Minister would not proceed with the Bill, but I am sorry to note that he is as persistent as his predecessor, Mr. Avinashilingam Chettiyar, in this matter, notwithstanding the fact that he has softened the rigour of the Bill and modified some of its provisions."

THE HON. SRI K. MADHAVA MENON:—"Madam, it would be better if the hon. Member confines herself to my ideas and not speculate upon them."

BEGUM SULTAN MIR AMIRUDDIN:—"I quite realize that the Hon. the Minister has his own ideas, but having regard to certain changes that have taken place in the policy of the present Government with reference to education, I thought that a change would be effected with regard to the present Bill as well and that it would be withdrawn. I must express my disappointment and dissatisfaction at this not having taken place. Indeed it would have been wise on the part of the Government to act with reference to this Bill in the same manner as they did with reference to the Advertisement Tax Bill which they graciously withdrew.

"Coming now to the provisions of the Bill, I am glad to note that certain changes have been effected in the Select Committee. In the first place the title itself has been altered and now the Bill is proclaimed to be one for the temporary control of property. The Hon. the Minister was also kind enough to limit the period of control instead of leaving it for an indefinite period as was the case in the original measure. It is now provided that the control will be for the period of one year and that the Government have the option to extend it to another year in certain cases. These are, of course, salutary changes. Nevertheless, I feel that even as the Bill stands to-day it is not a desirable piece of legislation. This Bill should have been limited to dealing with the evils referred to in the statement of objects and reasons attached thereto and those evils should have been specifically mentioned in the Bill, viz., corruption, falsification of accounts, mismanagement, etc., and requisitioning should have been resorted to only when the agencies were found guilty of the above charges.

"The Director of Public Instruction, in addition to his powers to withdraw recognition of schools, is being vested now with authority to requisition the property of educational institutions. Since this Bill confers upon him untold powers, I would support the amendment that has been brought forward by my hon. Friend, Mr. Pais, that before the Director takes action the matter should

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be examined by a tribunal and where action has already been taken, there should be provision for an appeal. In view of the fact that the Director's powers are being enlarged to a considerable extent, I feel there is necessity for an amendment on the above lines so that managers of aided institutions may be assured that they will not be unduly harassed. Another point that I would like to mention is that some of the institutions, namely, Catholic institutions, provide a home for the nuns and monks, who live in the premises where they teach. If such institutions were to be requisitioned by the Government where would these nuns and monks go? Since they have discarded the world, they have no home of their own to go to. Are they to be thrown into the streets? Such problems are bound to arise. The Government will, therefore, have to make suitable arrangements to provide shelter for those that are rendered homeless when requisition is made of institutions where monks and nuns reside, for the Government must be guided by a spirit of humanity in all their acts.

"Another point to which I wish to draw attention is that in a measure like this, the penalty of imprisonment that has been prescribed is indeed very harsh. Imprisonment is usually resorted to when a person commits a crime involving some moral turpitude. But in the offences envisaged in the Bill no moral turpitude is involved and hence punishment by fine would be sufficient. I know that even in this regard some changes have been made in the Select Committee, namely, that the time of imprisonment which was one year has been reduced to that of six months. Nevertheless the penalty of the social stigma of imprisonment is still there. The Government are now prescribing imprisonment for very slight offence which is not at all desirable. I wish the Government had totally removed the penalty of imprisonment altogether instead of reducing it to six months.

"Another point to which I should like to refer is in regard to clause 5. Here compensation has been provided for movable properties that may be taken over. But, what about the immovable properties that may be subjected to damage? When the Government requisitioned immovable properties during the war, these properties, when returned to the owners, were often found to be considerably damaged. Similar may be the case when the Government requisition the properties of educational institutions. Hence in this Bill compensation should be provided for damage to immovable properties as well.

"In conclusion, I wish to reiterate that this Bill is absolutely unnecessary and that it would have been much better if the Government had not proceeded with a measure like this for it is bound to create misgivings and alarm in the minds of the minority communities who feel that the Government have promulgated this measure in order to crush the educational institutions run by them. When there is no urgency and when there are only exceptional cases wherein the provisions of the Bill may be invoked it would have been wise on the part of the Government to drop the measure altogether instead of raking up the whole

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question once again after it had been lying low for one year and a half. It has been emphasized time and again that this Government is a secular Government. But mere slogans are not enough to vouch for the sincerity of the authorities. On the other hand, the Bill that is before the House serves to indicate that mere lip homage is being paid to such slogans. To-day India is an independent country and it must be realized that the actions of the Government of this land are being watched by the entire world. Every Act that is passed in this country is now subject to the scrutiny of world opinion. Therefore the Governments in India, both Provincial and Central, should exercise due caution to see that the Acts that they promulgate do not belie their professions. I wish that even at this stage, the Hon. Minister would listen to the voice of reason and courageously come forward to drop the Bill. It may be that so long as the present Minister continues to be in charge of the Education portfolio, the Act may be worked equitably, but he cannot remain the Minister for Education for ever. When this harsh law is placed on the Statute Book there can be no guarantee that it will be always administered in the same manner as the present Education Minister intends to do. I, therefore, renew my request to the Hon. Minister for Education to drop the Bill."

* SRI K. BHASHYAM:—"Madam, Deputy Speaker, there has been a good deal of misapprehensions and also fears expressed about this Bill. The Bill is primarily intended to protect students in schools and colleges which are not properly conducted. It is only in such cases the Government interfere and nowhere else. It is provided in the very first few clauses of the Bill that only when the recognition is withdrawn that the Government can move in the matter. Even then it does not move at once. It moves only when it seems necessary to take control of the institution in the interest of the students who are left adrift because of the action of the management of the institution concerned. Therefore, so far as the apprehension of discriminations is concerned, there is nothing of the kind in the Bill. The Bill is not intended merely for any particular institution run by the Christians, or Muhammadans or even by Brahmans. It is only in institutions where the recognition is withdrawn and as a natural consequence the students who are educated there do not get the necessary facilities for prosecuting their studies that this Bill will come into operation. Therefore the question of discrimination does not arise. In the original Bill there were some objectionable features and there was some ground for the fear that the Bill might be used by unscrupulous persons for the purpose of taking over the management of institutions which they did not like. But that is not so, in the revised Bill. In fact, the very word 'requisition' has been replaced by 'taking over temporarily', and at the most it has been limited to a period of one year. Therefore much of the difficulty, or the apprehensions or fears have been completely removed. I want to say further in

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this connexion about the apprehensions of the Brahman community. True, there was originally some such apprehension. But the Veda-Patasalas even might be affected by this Bill. But the objectionable features of the Bill have been removed. The requisitioning or taking over will be only for a period of two years and that too only for purposes of seeing that the schools and the institutions are run on a proper basis for the well-being of the students.

"It was said that private enterprise will be discouraged by such a legislation. I do not think there is any substance in that. It does not stand to reason that because the Government are likely to take over for two years institutions that are mismanaged, that persons will not come forward for purposes of starting schools for educating the children. There are managers and managers and managements and managements. In certain of the schools there is falsification of accounts, and the attendance registers are fudged. Now, in these cases how is the Government to take action? If the Government warn the management they threaten to close down the school. Who is to suffer in the event the management closes down the schools? Certainly it is the large number of students that would suffer. At that time certainly it is the bounden duty of the Government to come forward to protect the students from being deprived of their education. It is only in such cases that the Government will move and I am sure that the Government itself will take care to see that the interests of the students are really protected and the managements that do not come up to standard are not protected either. I would like to say, in one sense, the managements have also been protected.

"One submission was made to the House that India was a secular State and so the State should not interfere with religious matters. There is nothing in the Bill so far as I see that interferes with religion. Under clause 3 of the Bill it has been provided that when the institution is taken over it will be handed over only to such person or body of the same denomination as that of the person or body from whom control of the property is taken over. A Christian-managed institution would be handed over to a Christian management, a Muhammadan institution to a Muhammadan management and so on. Therefore nothing that was done before by way of any religious lectures, by way of utilizing any of the buildings for religious purposes will be allowed to be interfered with. Therefore, much of the apprehension that religion would be interfered with is really unnecessary and groundless. All the practices and the usages that were carried on before taking over will be allowed to be carried on.

"I agree with the last speaker to the extent that the penalty is a little too high—six months imprisonment. In a way it may be justified also. It is not that every person will be affected

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by it but only a few dishonest persons. Thus supposing a person is asked to go before an officer of the Government and depose to details of furniture for the purposes of carrying on the school and in this instance he tells lies and gives false returns and that too if he is a person in charge of the education department tells lies, that makes the offence much more serious than in the case of any other person. Therefore it is well, it is necessary that there should be the penalty of imprisonment, though six months may be reduced to some extent. Still there must be some sentence deterrent enough not to allow such things to happen.

"Where immovable property is taken over rent is provided and compensation is provided for movable property. So far as the Bill is concerned, I would respectfully submit that the measure is intended to protect the students who would otherwise have to drift. This is not intended to protect the dishonest persons who are not able to conduct the schools committed to their charge in a proper way. Again in regard to the withdrawal of recognition, notice has to be given to the management by the Director of Public Instruction for purpose of getting their explanation. After receipt of this explanation further explanation is also called for and it is only then that the recognition is withdrawn. Our Government and the officers who are interested in the education of children would not likely to take up an institution for the pleasure of taking it up. The institutions would be taken up only for the purpose of protecting the students. I, therefore, submit that the Bill is a necessary one designed for the protection of the students and the apprehensions of the minority as a whole are groundless and they need not fear anything from this Bill. They can allow it to be passed with a satisfied mind."

The House then adjourned for lunch.

(After lunch—2-30 p.m.)

* JANAB M. S. ABDUL MAJID:—"Mr. Speaker, I rise to oppose the Bill. Even after it has emerged from the select committee, it has not changed substantially in several of its provisions. The only important change which has taken place is with regard to the word 'requisition' becoming 'taking over.' It is something like substituting the words 'taking the life away' for the word 'murder.' That is how I view this important change about which hon. Members like Mr. Bhashyam have spoken this morning. The Hon. Minister while moving the Bill spoke about corruption existing in some of the school managements in this province. I would like to ask whether corruption does not exist in other departments of activity."

THE HON. SRI K. MADHAVA MENON:—"I did not speak about corruption in schools. It may be in the statement of objects and reasons."

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JANAB M. S. ABDUL MAJID:—"Even if it is not in the Hon. Minister's speech, he himself says that it may be in the Statement of Objects and Reasons. That also comes from the Minister himself."

"Sir, even granting there is corruption in particular schools, I really do not see why such a measure is brought forward just to close down the schools. If on the score of corruption, properties of educational institutions are to be taken over, on that very score, several private hospitals, dispensaries, chavadis and chatrams run by philanthropic people must also be taken over. I think perhaps the Hon. Minister is considering several other Bills in that direction."

"The Hon. Minister was solicitous about the number of children who would lose their educational facilities as a result of the closing down of the schools or the withdrawal of recognition. I would like to ask how that will compare with the tens of thousands of children that are to-day in this Province without any educational facility whatsoever, for want of school buildings. When it is the responsibility of the Government to provide more schools and give more educational facilities, we find that they are taking away even the little that exists in this Province. It is because of these private institutions that education has reached the stage of 7 per cent literacy in this Province. If even these institutions are going to be taken away merely on the pretext that they are mismanaged or corrupt, even the little that we have to-day will go out of existence."

"Again, Sir, I find that the policies and programmes of this Government are being built upon suspicions. You suspect everybody. You suspect the people of the Province through whose votes you are to-day occupying the seats of authority. You are suspecting your own officials, but it is because of your officials that the administration is being carried on. You suspect everybody from top to bottom."

MR. SPEAKER:—"I do not suspect everybody." (Laughter.)

JANAB M. S. ABDUL MAJID:—"If the Government are going to base their policy and programme on mere suspicions, I do not know to what crisis we are heading. Sir, when we require more schools and more educational facilities to liquidate the appalling illiteracy and ignorance in this Province and carry the light of learning to the dark and dingy corners, measures are being brought forward just to put an end to such an effort particularly by the private agencies."

"Lastly, Sir, I really do not understand why the Hon. Minister should be so tenacious and show a bull dog tenacity in holding on to this Bill. It is not a Bill which embodies the creed of the party in power or implements the ideologies of the Congress manifesto. It is not a Bill to which the prestige of

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the Government is attached. Therefore, even if the Bill is given up, the credal edifice of the party in power will not come down. The ideologies of the Congress Party or the Government will not dissolve into thin air. It will not affect the prestige of the Government. On the other hand, if we give up this Bill, it will set at rest the apprehensions and the suspicions of the minorities in this Province. When I say 'minorities' I mean all the minorities in this Province. You are aware, Sir, that the Government is the Government of the majority community, according to whose dharma and highly democratic principles their hands should extend in justice and their hearts should expand in generosity and benevolence. But what we find to-day is quite the contrary. (The Hon. Sri K. Madhava Menon: 'Mere pathos.') The Hon. Minister says that it is mere pathos. I am not surprised at that. You are the party in power; you represent the majority community. I plead, Sir, that you must be more generous and more benevolent. Instead, you are simply forging ahead under suspicion, under prejudice and bias. That is my complaint. By giving up this Bill, the Government would not be harming their credit or their policy. By that one stroke of statesmanship, they will capture the imagination of the minorities and earn the everlasting gratitude of the people concerned. I feel, Sir, that this Bill is conceived in the womb of hatred and nurtured with the milk of prejudice and it is a thrice-cursed child. I am really surprised that the Hon. Mr. Madhava Menon should come forward to claim the parentage of such an unholy child. Therefore, Sir, I plead with all the vehemence that I can command, with all the sincerity that I can command, that he should give it up. As I said, it does not embody any of the ideologies and the high principles of the party. It is after all a minor Bill. By giving it up, you will not be affecting your ideologies, principles and creeds. On the other hand, you will get the co-operation and support and the good-will of the people concerned.

"Sir, was there ever so much agitation in this Province particularly by all the minorities with regard to any other Bill? This is the only Bill in regard to which people who could speak with authority have spoken, missionaries interested in providing education have spoken. Why is it so? It is because they feel that if this Bill becomes law, it will be implemented just to crush private enterprise and philanthropic enterprise in this Province. After all, it is not a very big legislation. It was brought by another Minister who just wanted to take some sort of revenge on some people. Have not the Government given up several Bills after they were placed before the House or announced to the public? Have they not given up the Advertisement Tax Bill and so many other Bills? They could do the same now. Perhaps the Hon. Mr. Madhava Menon feels that it is a question of prestige and that if he withdraws this Bill now, his prestige will go down. I do not understand the reason or justification for such a belief. I request

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him to revise his opinion and give up the Bill so that he may dispel the suspicions and apprehensions in the minds of the minorities. With these words, Sir, I once again oppose the Bill."

* DR. M. J. SAMUEL:—"Mr. Speaker, the Hon. Minister for Education while presenting the report of the Select Committee yesterday said that the Select Committee had made certain important changes in the body of the Bill. Mr. Anwar said yesterday that even its nomenclature had undergone a metamorphosis. I do not agree with that, Sir. The changes made in the body of the Bill no doubt ease the situation to some extent. Hon. Members who have spoken yesterday and to-day have criticised the Bill even at this last stage asking for its withdrawal when it is about to be passed. Ever since the Bill was published last year, there has been opposition from all quarters of private management, mostly from the Catholic hierarchy. The Bill has undergone some changes during the Select Committee stage and we are grateful to the Hon. Minister for the changes that have been effected.

"Hon. Members who took part in the discussions yesterday, 2-45 p.m. expressed their disapproval of the Bill because of the large powers vested in the Government to withdraw recognition and grants, to remove correspondents, to requisition and acquire buildings under the Rent Control Act and the Land Acquisition Act and to proceed to court for defalcation of accounts. I cannot see the reason for the introduction of this Bill for safeguarding the interests of the student population as stated in the Statement of Objects and Reasons. We are yet to hear of instances where pupils were stranded by closure of certain schools mismanaged by private agencies. The annual report of the Director of Public Instruction reveals very clearly that the number of schools that were closed for mismanagement is hardly half a dozen and, on that account, we cannot see any ground for the introduction of the Bill. The Bill, however, is based on two assumptions. One is that corruption and mismanagement have driven the Government to proceed with the measure but this has neither sure nor strong foundation. In so doing, they have restricted the opening of more schools by private management. The second assumption is that bad schools, or mismanaged schools would be taken over by the Government for the sake of the student population. I have already mentioned about the very small number of schools that had been closed on this account and I cannot understand how a new management suddenly springing up, would be able to manage such an ill-managed and mismanaged school to the benefit of the student population. I feel, Sir, it will be a very hard job both for the Government and for the private management to take over the control and management of such schools and run them well. Moreover, there is the fact that the institutions would be taken over for a period of one or two years. As it is suggested that there will be a temporary control for a year or two, it would not work well as the new management cannot invest any money for improving the

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buildings or equipments. I hope, Sir, that when amendments are taken up, the Hon. Minister for Education would be generous enough to grant some of our amendments.

"Let me take up the clauses of the Bill. The Bill provides for rental or compensation for immovable properties taken over. I request the Hon. Minister to make similar provisions for some sort of rent for the use of furniture, books, apparatus, equipment, registers, records, etc., as the Bill does not make any provision for any rental for the use of these things. There is the question of taking over of institutions connected with the main institution, such as hostels, quarters for teachers and servants. As you know, Sir, most of the mission institutions have big hostels and also quarters attached for teachers, staff and servants. If the new management were to take into their hands these buildings and out-houses and even in certain instances, chapels and prayer halls, it would be a great handicap for the old management to house their own personal staff or their teachers or boys. I request the Hon. Minister to accept the deletion of this clause at the amendment stage. Coming to clause 2, Sir, the management of many schools under missionary organization is in the hands of committees or councils or in the hands of religious heads such as the Bishop. The sponsors of the Bill, I am afraid, have not given any significance to that fact. Actually there are two kinds of management, one is the local management and the other is the general management which is a committee or a council of some respectable people. When this Bill comes into operation, I would like to give a note of warning to the Government that in handing over schools after the temporary period of one or two years, they must see that they hand over not to the particular individual but to the council or committee or the particular religious head."

* THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir, I am particularly aware that education, particularly elementary and secondary education, in our Province is not run by the Government but by private agencies; I am perfectly conscious of the fact that it is the local bodies and private agencies that are running it. The Government are not running secondary or elementary schools except those attached to training schools or a few Muslim high schools here and there. After hearing the speeches that have been delivered here, it would appear that I have been put in charge of Education of the Province to liquidate the entire education and not do anything to advance education. It would appear that the moment the Bill is passed, no private agency will run any institution as there will be no incentive for anybody to do it and when Government are not themselves running any institutions, except one or two here and there, the only inference possible is that it is the misfortune of the country that I have been put in charge of Education in that I am to preside over the liquidation of education in the Province. If that is so, and if my idea is that and that will be the result that will follow, my position, I submit, is not

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here but will be somewhere else in the hospital in Kilpauk or so and I have to consult some medical authority if my place is here or not. I realise and I grant that the Government are not running elementary and secondary educational institutions and that they are only giving them grants according to the Grant-in-Aid Code and I am confident that I am doing nothing which will restrain the agencies that have been running these institutions, which Mr. Anwar said, is the State's business. He said that I will not do it and will not allow any others to do it and Mr. Majid remarked that instead of the 7 per cent literacy that we are having at present, the percentage will go down to zero. I cannot feel proud or feel complimented because that complaint has been made in comparison, rather unfair comparison to my illustrious predecessor who has done more for education than anybody else in this province. It is an uncharitable thing, it is an unfortunate thing to attribute bad things and even to attribute motives to him. (Janab N. Muhammad Anwar: 'Then why is he off?') Many people go out and many come in; nothing is permanent and even our lives are so not to speak of ministerships or memberships of this House. It was suggested that some institution offended him and this Bill was devised to bring that institution to its heels. It is absolutely wrong. I may say, Sir, that I and every Member of the Cabinet is responsible for this Bill. When I was reading the proceedings of the House relating to the first reading of the Bill, what struck me was that there was a tremendous amount of similarity between the speech delivered by my hon. Friend Mr. Anwar then and the one he has done now; every word that he spoke on that occasion, he has repeated now. Let me correct him now and say that the Bill was not moved by my late colleague Mr. Avinashilingam but it was Mr. Kala Venkata Rao who moved the Bill and Mr. Avinashilingam came to reply to the criticisms offered with regard to the Bill. It is unfortunate and uncharitable to attribute motives to him and suggest that it was the outcome of a particular spite or it arose out of a particular incident. There is nothing like that and I take full responsibility for the Bill. Unfortunately, Sir, the entire criticism has been side-tracked and much has been said about the protection of minorities and the representation of minorities and their rights. I would invite any Member of the House to point out any one section in the Bill as it has emerged from the Select Committee and say that it is intended against any particular minority, be it a missionary institution, a Muslim institution, a Hindu institution or a Brahmin institution and I will even add, an institution intended for backward communities or the Harijan community. The solicitude for Brahmin institutions in some quarters is a matter of interest to me. There are 154 communities which have been put down under the schedule and I should be grateful if it could be pointed out that there is any section in the Bill which threatens the minority communities with extinction. But hon. Gentlemen like Mr. Majid say that the minorities are going to be crushed and I am challenging from the very beginning to cite one section to show that minorities are likely to be crushed. I can

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perfectly understand and appreciate what Messrs. Pais and Fernandez and other Christian friends said with regard to the Bill. His Grace the Archbishop of Madras has practically given them a mandate as to what their attitude should be on the Bill and apart from their general feelings in the matter, I have myself practically seen a letter written in a paper defining what their attitude should be. Apart from the objections that they have to it, it is quite natural. But for the fact that I know Mr. Anwar Sahib so well, I would have characterized his reference to proselytization as highly mischievous but I know full well that he is not capable of it. To say that the Government has got a kink in their brain that the Christian missionaries are out to proselytize and it is coming through their educational institutions and the Government want to put a stop to it by means of this Bill is all entirely wrong. He said 'that is absolutely false so far as my personal experience goes concerning Loyala's; I am a product of that noble and wonderful institution and I can give a certificate to the fact that nothing can be like that.'

3 p.m. "I am afraid, Sir, it is a case of imagination running riot and reason going to winds. Because, Sir, assume for the sake of argument that we want to destroy Christian institutions or Muslim institutions—assume it to be correct, if you think I am capable of doing it, then the first thing I have to do is to cancel the recognition of the institution, or the management of the institution should be so foolish as to stop the institution. If I want to stop proselytization, why should I have the Bill? After cancelling the recognition, never start the institution at all. So I cannot understand the logic of the contention that this Government want to stop proselytization, and so have brought this Bill. Sir, if I do not want any Christian institution, the best thing for me to do is, if I have got the courage to do it, to ask the Director of Public Instruction to cancel the recognition. Sir, this reminds me of the story of catching the crane by putting a little bit of butter on its head. The butter when placed on its head, being exposed to the sun, melts and flows down its head into its eyes and blinds its eyes and then you can catch it. Similarly, it is said this Bill is brought against Christian institutions. Sir, I do not know why this question of proselytization was brought in at all in this discussion.

"Now, Sir, take the figures of institutions closed. It is six in the previous years and four this year." But it is not a Christian institution that was so closed; it is not a Muslim institution that was so closed. They are all Hindu institutions. So if it is our idea that this Bill is introduced for stopping Christian or Muslim institutions, look at the figures and see if it is a Muslim or Christian institution that was closed.

"Sir, it was Mr. N. S. Varadachari and Begum Sultan Mir Amiruddin who twitted us by saying that we should not make any legislation for an exception. What I told Mr. Varadachari yesterday in connexion with another Bill was that I was giving protection

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to certain people. But Mr. Varadachari's fear is that there are some people who are likely to abuse it. Sir, any law can be abused in that way. It is not a case where your fear is based on any actual difficulty. Sir, not only the number of schools has increased from what it was five years back; the number of school-going children has swelled to 1,000 and 2,000 from 200 and 300 per school. Then, Sir, it was a curious argument that Mr. Majid put forward when he asked Government to compare the tens of thousands of children who are not receiving any education with those who would lose their education when the schools are closed. I am not able to understand it at all. Whoever said that those children should not receive education? Sir, when, in the course of an academic year, a Hindu, or Christian or Muslim institution is closed of its own accord, or say, if its recognition is cancelled, is it not the duty of Government to see that the students are accommodated in another institution at least temporarily? Many people said that this Bill is like the ass in a leopard's skin, or something like that, or better still, like a tiger in an ass's skin! Sir, there is nothing like that. The idea of Government is that the period of control should be limited to one year, and if circumstances necessitated it, to another year also. I may tell here that I am going to accept the amendment of Mr. L. C. Pais to delete the words 'as far as possible' (though it is not a necessary amendment) just to remove even any shred of doubt that may exist among members, so that the position will be thus: the Government take over any private institution and if they cannot manage it themselves, it must go only to a management of the same denomination and none other.

"Now, Sir, let me say the reason for this legislation. The number of schools is increasing by hundreds every year. Government have been giving them grants for equipment and tuition. Even yesterday I had a discussion with my educational authorities on this matter. They are telling me that of late absolute defiance and disobedience of orders is becoming rampant, because the management know that nothing could be done by Government. The only thing that can be done is to cancel recognition, and it will never be done, because the students will suffer if that course is adopted. So unless the management knows that Government would run the institution themselves obedience cannot be enforced. I had an experience of it in my own district. One fine morning the management of a school at Pattambi closed the institution soon after the opening of the school after the midsummer holidays. What are the six hundred and odd students to do? There was no building and no furniture available to run the school. Luckily for us I was able to get some friends to put up a shed in ten days where we could accommodate the pupils and engage the teachers. Now, Sir, the same thing cannot be done anywhere and everywhere. I have to say, Sir, of late the schools are run—and in 99 cases it is not missionary institutions—with a speculative purpose or for making profit. There are a number of adventurers who

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have begun schools in that way. So should not Government have power to continue the institutions in case the management stop them all of a sudden?

"Now, Sir, I fail to see where the question of discriminating the minority community comes in. I fear it arises out of the fact that they suspect every action of Government. How can they get on if they are to suspect Government for every action of theirs? It is all suspicion, suspicion and suspicion that is at the bottom of it. In this connexion I am reminded of a stanza from the Gita, which I will quote: '*Samasaya Athma vinasayathi.*' It means 'suspicion kills the person who suspects.' The question is, 'who suspects whom?' It is not Government suspecting the minority community. It is the minority community suspecting Government. Government do not suspect anybody.

"Sir, Mr. L. C. Pais read from the speech of His Grace the Archbishop of Madras certain very strongly-worded criticism of the Bill. Strong speeches I can make; even stronger speeches than that I am capable of making. But all that would not create good feeling; they would only create bitterness; they would only create a feeling of minority discrimination. But the real fact is that the number of schools is increasing every day. They are started for making a profit out of them and if not for that, for various reasons. Take the case of a management which takes fees from pupils and does not pay a single pie to the teaching staff. What is to be done with that management? That is the object of this Bill. So, Sir, suspicion is not with Government, but it is in the minds of those persons who say that Government are suspicious. (Interruption by Janab Muhammad Raza Khan.) I do not want to reply to Mr. Majid when he is not here, as others were doing, attacking Mr. Avinashilingam Chettiyar when he is not here.

"Mr. Pais was saying that Government were making serious inroads into private enterprise and that when Socialist or Communist Government come to power they will take advantage of this legislation and sweep away all institutions which they do not like. Let us not be under any such delusion. When they come to power they will not require this law at all. They have got their own way of dealing with questions. They do not require our legislature at all. They know how to do things. And so that fear need not disturb us. Mr. Pais then referred to certain misconceptions regarding taking control within three months. He asked what will happen if within three months control is not taken by Government. Sir, that is a real protection given to the institution. That is the farthest limit within which Government can take control. If Government do not take control within three months, the management can run the institution themselves.

"Then, Sir, regarding defeatist mentality referred to by Mr. Anwar, really the defeatist mentality is with those who fail to see the object of this legislation. Then, Sir, Mr. Raza Khan asked, 'what is the use of praising private institutions when you are out to destroy them by this Bill?' He also said that the Hon.

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Education Minister was profuse in promises and sweet words. I may assure him I am not going to give any promises if he is afraid of promises. Sweet words, if he does not like, I cannot help it for when I have to say a bitter thing, why not I coat it with sugar, so that it may not be distasteful? So I fail to see why I should not use a sugar-coat when I have to say bitter things. Then the hon. Leader of the Opposition asked why the Bill as it emerged from the Select Committee was not published. Sir, the Select Committee thought there was no need for it as only very few amendments have been made (and even they were only liberalizing the provisions) and secondly as more powers had not been taken by Government. Sir, all the criticism against the Bill has been only in general terms of discrimination against minorities. It is only an imaginary fear. There has been unprecedented alarm about this Bill in the Province. The Director may take any action at any time even without this Bill. So unnecessary fears have been created. Then, Sir, reference was made to the present Government being a secular Government. Of late, for everything this phrase has been made use of."

-MR. SPEAKER:—"The question is—

'that the Madras Educational Institutions (Requisition of Property) Bill as reported by the Select Committee be taken into consideration.'"

The motion was carried.

Clause 1 was put and carried.

Clause 2.

MR. SPEAKER:—"The motion is—

'that clause 2 do stand part of the bill.'"

* SRI L. C. PAIS:—"Mr. Speaker, Sir, I move—

'that the following new sub-clause be added:—

"(e) '*Tribunal*' in this Act means a body constituted by Government and consisting of three members who shall be a representative of registered managements a representative of the Legislature and a judicial officer not lower than the grade of a District Judge with the judicial officer as the chairman of this tribunal."

"The Hon. Minister has shown considerable goodwill in having agreed to accept one of my amendments. I only wish that he extends this goodwill and accepts all the reasonable amendments which I am placing before the House.

"In clause 3 (1) I have proposed an amendment to the effect that the Government shall take over control of the property of an educational institution after obtaining the approval of the tribunal constituted under the Act. The object of the amendment is that the requisition of the property should be considered

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by that tribunal. As the word 'tribunal' has to be defined in the clause relating to definitions, I move the above amendment. The reason why I insist upon the constitution of a tribunal is this. Sub-clause (1) of clause 3 begins with the words 'In any case where recognition is withdrawn from an educational institution'. I may narrate to the House the procedure that is now obtaining for withdrawal of recognition. The District Educational Officer passes the order first and against that order there is an appeal to the Director of Public Instruction. Against the order of the Director, there is a further appeal to the Government under the Madras Educational Rules. It is not made clear in the Bill whether the Government intend to take over control of the property immediately after the order of the District Educational Officer or after the final order of the Government on appeal. If the intention is that the Government should take over control of the property immediately the order of the District Educational Officer is served up on the school, I submit that it is very necessary that the matter should be placed before an impartial tribunal. Otherwise the party will be deprived of its legitimate right to appeal."

MR. SPEAKER:—"Let the hon. Member confine himself to clause 2."

SRI L. C. PAIS:—"I have nothing more to say on clause 2."

JANAB ABDUL HAMEED KHAN:—"I second the amendment."

MR. SPEAKER:—"Amendment moved—

'that the following new sub-clause be added:—

"(e) 'Tribunal' in this Act means a body constituted by Government and consisting of three members who shall be a representative of registered managements, a representative of the Legislature and a judicial officer not lower than the grade of a District Judge with the judicial officer as the chairman of this tribunal."

* THE HON. SRI K. MADHAVA MENON:—"Sir, this amendment will be appropriate only if I accept his amendment to add the words 'after obtaining the approval in writing of the tribunal constituted under the Act' at the end of clause 3 (1). I am not accepting the latter amendment and I will explain the reason when that amendment is taken up. Therefore I oppose this amendment."

MR. SPEAKER:—"The question is—

'that the following new sub-clause be added:—

"(e) 'Tribunal' in this Act means a body constituted by Government and consisting of three members who shall be a

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representative of registered managements, a representative of the Legislature and a judicial officer not lower than the grade of a District Judge with the judicial officer as the chairman of this tribunal."

THE HON. SRI K. MADHAVA MENON:—"Sir, I may add that this amendment is out of order under section 82 of the Government of India Act, 1935, as it imposes a further charge on the revenues of the Province."

MR. SPEAKER:—"Having allowed it, let me see the sense of the House."

The amendment was lost.

Clause 2 was put and carried.

Clause 3.

MR. SPEAKER:—"The motion is—
'that clause 3 do stand part of the Bill.'"

Clause 3 (1).

* SRI L. C. PAIS:—"Mr. Speaker, Sir, I move—
'that in clause 3, sub-clause (1), for the words "within three months from the withdrawal of the recognition", substitute the words "within three months after recognition is finally withdrawn".'

"Just before I explained the procedure adopted in regard to withdrawal of recognition. If the intention of the Bill is that the Government should take over control immediately after the order of the District Educational Officer, the management of the institution concerned is, as I indicated above, deprived of the right of appeal which it now enjoys under the Madras Educational Rules. The management must at least be given the right to have the matter examined by an impartial tribunal."

DR. M. J. SAMUEL:—"Sir, I second the amendment, as the amendment is quite necessary."

MR. SPEAKER:—"Amendment moved—

'that in clause 3, sub-clause (1), for the words "within three months from the withdrawal of the recognition", substitute the words "within three months after recognition is finally withdrawn".'

THE HON. SRI K. MADHAVA MENON:—"Sir, the amendment, according to me, does not fit in and I am not accepting it. There is no question of temporary or final withdrawal of recognition. My hon. Friend says that a management should have the right of appeal to the Government against the order of the

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Director of Public Instruction. Unless the Government stay the order of the Director, the withdrawal will remain. There is no meaning in the Government staying the order of the Director."

* SRI L. C. PAIS:—"According to the present procedure, the order of the District Educational Officer does not prevent the school from functioning pending final adjudication. The institution continues to function pending appeal and there are instances where the institution concerned has succeeded and recognition restored."

THE HON. SRI K. MADHAVA MENON:—"Taking over control cannot be done by the Director; it can be done only by the Government. The Government can take over only when there is no school and not when the school is going on."

MR. SPEAKER:—"The question is—

'that in clause 3, sub-clause (1), for the words "within three months from the withdrawal of the recognition", substitute the words "within three months after recognition is finally withdrawn".'

The amendment was lost.

SRI L. C. PAIS:—"Sir, the next amendment which I propose to this clause is as follows:—

'that at the end of clause 3, sub-clause (1), the words "after obtaining the approval in writing of the tribunal constituted under the Act" be added.'

MR. SPEAKER:—"This is only a consequential amendment."

SRI L. C. PAIS:—"Therefore I do not move the amendment and I pass on to the next amendment."

Clause 3 (5).

* SRI L. C. PAIS:—"Sir, I move—

'that in the proviso to clause 3, sub-clause (5), the words "as far as possible" be omitted.'

DR. M. J. SAMUEL:—"I second the amendment."

MR. SPEAKER:—"The motion is—

'that in the proviso to clause 3, sub-clause (5), the words "as far as possible" be omitted.'

THE HON. SRI K. MADHAVA MENON:—"Sir, I accept the amendment. It means that in case the Government decide to entrust a property to some other person or body, it must be given only to such person or body whose religious denomination is the same as the one from whom the property is taken over."

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MR. SPEAKER:—"The question is—

'that in the proviso to clause 3, sub-clause (5), the words "as far as possible" be omitted.'

The amendment was carried.

Clause 3 as amended was put and carried.

Clause 4 was put and carried.

Clause 5.

MR. SPEAKER:—"The motion is—
'that clause 5 do stand part of the Bill.'

SRI L. C. PAIS:—"Sir, I move—

'that in clause 5, line 2, for the word "compensation", the word "rent" be substituted.'

"I do not know why a distinction has been made between movable and immovable property. Clause 4 (1) provides for the payment of 'rent' for immovable property and clause 5 provides for the payment of 'compensation' for movable property. It is not clear whether by 'compensation' is meant the rent or the full value of the property. The management of the institution concerned will be anxious to get back the movable property like the laboratory apparatus, stools, desks, etc., after the period of requisition and in the meanwhile to get a fair rent therefor."

JANAB N. MUHAMMAD ANWAR:—"I second the amendment."

MR. SPEAKER:—"Amendment moved—

'that in clause 5, line 2, for the word "compensation", the word "rent" be substituted.'

THE HON. SRI K. MADHAVA MENON:—"Sir, I oppose the amendment. There is no necessity for substituting the word 'rent' in the place of the word 'compensation'. If an immovable property like a building is taken over, the Government are bound to pay the rent. Immovable property consists of things like laboratory apparatus, etc., which are already being used. Therefore the Government say that they will pay compensation for any damage that might have been caused."

MR. SPEAKER:—"The question is—

'that in clause 5, line 2, for the word "compensation", the word "rent" be substituted.'

The amendment was lost.

Clause 5 was put and carried.

Clauses 6 and 7 were put and carried.

Clause 8.

MR. SPEAKER:—"The motion is—

'that clause 8 do stand part of the Bill.'

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* SRI L. C. PAIS:—"I shall just read the clause as it stands now. Sub-clause (1) reads: 'Where the control of any property taken over under section 3 is to be relinquished, the Government may, after making such enquiry, if any, as they may consider necessary, by order in writing specify the person to whom possession of the property shall be given.' You are taking possession of the property from a particular person or persons. I want to know why you should think of making an enquiry when it comes to the question of restoring possession of the property; are you not going to restore it to the same person from whom you have taken it? My amendment is the following be substituted for clause 8 (1):—

'where the control of any property is taken over under section 3 is to be relinquished, the Government shall release it to the person or persons from whom it was taken over.' In the absence of such a person or persons, the Government may, after making such enquiry as they may consider necessary, by order in writing specify the person to whom possession of the property shall be given."

It is only in cases where the same person is not available or is dead or absent that an enquiry will have to be made; but so long as the person from whom you have taken possession is there, no question of enquiry ought to arise."

* DR. M. J. SAMUEL:—"Sir, I support the amendment of Mr. Pais. When the Government have taken over the property of any institution they know fairly well that it was taken over from a certain individual or from a committee or council. So, there is no necessity for the wording in the sub-section that the 'Government may, after making such enquiry as they may consider necessary'. I, therefore, support the amendment."

MR. SPEAKER:—"Amendment moved—

'that the following be substituted for clause 8 (1):—

"Where the control of any property taken over under section 3 is to be relinquished, the Government shall release it to the person or persons from whom it was taken over. In the absence of such a person or persons, the Government may, after making such enquiry as they may consider necessary, by order in writing specify the person to whom possession of the property shall be given.'"

THE HON. SRI K. MADHAVA MENON:—"Sir, Mr. Pais himself has given the answer for my opposition to his amendment. Under clause 3 (2), the control of the property is taken over by the Government from a person in possession or persons. The same person or persons may not live in all cases at the time it is to be restored, or may not be entitled to get back possession of it. If there is a dispute as between two persons with regard to its possession, then the dispute will have to be settled and the Government may not know at the time of restoring the property to a person, whether that person was the identical person from whom the property was taken over; and for that purpose, we would have to make an enquiry. This clause is the same as

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section 4 (1) of the Central Act regarding requisition of land, etc. In fact, sub-section (2) of this clause says that 'the taking over of such control shall be effected by an order in writing addressed to the person who is deemed by the Government to be in possession of the property'. Suppose you have restored the property to a person who is not entitled to it, then you will have to give compensation to the actual party. It is only to cover such cases that we are making this provision in clause 8. I, therefore, oppose the amendment, Sir."

MR. SPEAKER:—"The question is—

'that the following be substituted for existing clause 8, sub-clause (1):—

"(1) Where the control of any property taken over under section 3 is to be relinquished, the Government shall release it to the person or persons from whom it was taken over. In the absence of such a person or persons, the Government may, after making such enquiry as they may consider necessary, by order in writing specify the person to whom possession of the property shall be given.'"

The amendment was lost.

Clause 8 was put and carried.

Clauses 9 to 13, the Preamble and the Short Title were put and carried.

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

'that the Bill as amended be passed into law'

I have not anything to speak as exhaustive discussion has taken place and reply has been given, mainly on the general points and not on particular clauses of the Bill. I have only to pray with Mr. Pais. (An hon. Member: 'Piously pray!') Yes, I want to be as pious as possible in my prayer. Mr. Pais stated that this Bill would be a dead letter and it would not be used. My prayer is that it will be a dead letter and there should be no occasion to use the provisions at all. If the Bill is to be a dead one, let there be no resurrection as my friend here reminds me. Let there be no occasion for the Director to cancel recognition or for the management concerned to stop the institution or for the Government to use this extraordinary power to take control for one year."

MR. SPEAKER:—"Motion moved—

'that the Madras Educational Institutions (Requisition of Property) Bill, 1948, as amended, be passed into law'."

* JANABI MUHAMMAD RAZA KHAN:—"Sir, the silver lining in the cloud is the concluding remarks of the Hon. Minister for Education. I am also one with him in feeling and in praying that this Act may remain a dead letter. I am sure the Minister will have that feeling and the determination. As far as we are

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concerned, I can say that there are some clauses in the Bill about which people, not only the minorities, but even the majority, feel some suspicion; because of the way in which the Bill was conceived by the then Hon. Minister for Education, Mr. Avinashilingam Chettiyar. It is wrong on principle that we should speak about a man who is not present here and much more when he is not holding office. Incidentally, it was rather curious to hear the Hon. Mr. Madhava Menon paying so much tribute, so much compliment and regard to him; though the result of all was that he is no more our Education Minister. I have never seen such a thing happening. The fact is that his policy created a feeling of bitterness and suspicion"

MR. SPEAKER:—"The hon. Member may speak on the clauses of the Bill."

* JANAB MUHAMMAD RAZA KHAN:—"We do not speak unless there is some occasion for suspicion. Minorities were perturbed on account of the then policy, but now that the Hon. Minister has expressed the hope that the Bill may remain a dead letter, I hope that as long as this Assembly lasts, there will not be a single occasion for it to be used. But there may be a few instances otherwise when the Hon. Minister is invested with some powers, that he naturally gets that mentality of thinking, 'when the power is there, why not I use it? Or why not I misuse it?' and so he uses it. Therefore, I say people have got a good ground to suspect. The Hon. Minister made reference to the suspicion of minorities, but I do not like to traverse this point. I am sure the public also will take greater interest and nobody will be perturbed in their zeal or in their efforts to have more schools and colleges started. Every section of this House is interested in this matter, because we know the financial difficulties of the Government and we know they cannot open more schools and colleges. We do want that more schools and colleges should come into existence with the help of the general public and of philanthropic bodies. I am sure this Bill will not be a deterrent to that spirit and there will be more schools and colleges coming into existence in this Province."

SRI D. V. RAMASWAMI:—"Mr Speaker, Sir, Mr. Raza Khan is entirely wrong in saying that the Education Minister said that he gave an assurance that this Bill would be a dead letter. If I remember aright, what he said was that he hoped there might not be any occasion to use the provisions of this Bill and that hope included his confidence that there might not be such bad cases as would require an interference by the Government by bringing into operation the provisions of this enactment. He only joined the critics of this Bill in hoping that the Bill would be all right, that it would come into operation only if there were cases where Government interference was found absolutely necessary. Therefore, Sir, I say there was no assurance given by the Hon. Minister that this Bill would remain a dead letter."

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JANAB M. MUHAMMAD ISMAIL:—"The Hon. Minister for Education has not satisfied the House as to why there should be such a clause as No. 11 in the Bill. Clause 11 says:

'Save as otherwise expressly provided in this Act, no decision or order made in exercise of any power conferred by or under this Act shall be called in question in any court of law.'

It is one of the fundamental rights of a citizen whenever he feels aggrieved to have recourse to a court of law. Bill after Bill and Act after Act is taking away that right of the citizen. A hundred times it has been asked, why and for the hundred and first time I put the question and yet it has not been answered.

"Again, Sir, I think Mr. Pais's amendment to clause 8 (1) is a very reasonable one, because the primary duty of the Government is to restore the property to the man from whom it was taken. It has not been clearly stated in the clause that if any dispute has arisen in the interval and if there are any difficulties, then the Government should make enquiries, settle the dispute and then come to a decision in the matter of the restoration of the property. As it is, it appears as if the Government may take the property from anybody and give it back to somebody else. That impression was referred to in the amendment, and the amendment makes the position clear."

* THE HON. SRI K. MADHAVA MENON:—"I am sorry, Sir, I did not make myself clear. The Leader of the Opposition said something about clause 8. I want him to visualize the position as it would arise. I may be the manager or the owner of a school but residing in Madras, and my school may be run in Kozhikode with the help of a correspondent or agent engaged by me. The Collector may be taking possession of my school from my agent and not exactly from me. The Collector may not know, at the time of the restoration, who is the owner. That is why the clause here says: 'the Government may, after making such enquiry, . . . specify the person to whom possession shall be given'. At the time of the restoration of the property, it is the Collector who has to restore it, and he must know who is entitled to the property. It is not always possible to give the property back to the person from whom it is taken."

JANAB M. MUHAMMAD ISMAIL:—"On a point of explanation, Sir. Here it is a question of giving back the property. The owner may act through an agent, or a correspondent or anybody else; but the owner it is who is actually concerned. Also, I think when the Government have to take over any property, it is not from any clerk or some third party that they will take over; they will naturally take it over from the owner; and so, it is to the owner that the property must be restored."

* THE HON. SRI K. MADHAVA MENON:—"I will refer my friend to clause 3 (2) which says: 'The taking over of such control shall be effected by an order in writing addressed to the person

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who is deemed by the Government to be in possession of the property'. We are not taking it from the owner. When a man stops the school, possession has to be taken over immediately, so that the students might continue, and you cannot wait for a roving enquiry as to who is the person from whom it should be taken over. For the matter of that, the owner may be in Timbuctoo. Whoever is in possession of the property, we will have to take it over from him. Sub-clause 3 (2) specifically says: 'addressed to the person who is deemed by the Government to be in possession' and the order shall be served 'on such person in the prescribed manner'. We may not be in all cases able to serve the order on the owner of the property but may have to serve it on the person in possession. It is only when we return the property that we must see who has got the *prima facie* title to it or who really is the owner of the property. That is why an enquiry is provided for in clause 8. Anyhow, Sir, let me say I feel that the provision in clause 8 (1) is more advantageous and more proper than the amendment of Mr. Pais.

"As regards clause 11 of the Bill, there is nothing to explain; it is quite clear. The clause says: 'Save as otherwise expressly provided in this Act.' We have provided for relief through courts in certain cases. When recognition of a school is withdrawn, you cannot go to court even now and we have to take possession even now. But when the compensation question or the rent question comes in, a provision has been made for the party concerned to go to court. In other cases only, it cannot be done. It is all so plain here that no answer is necessary in regard to the existence of this clause."

MR. SPEAKER:—"The question is—

'that the Madras Educational Institutions (Requisition of Property) Bill, 1948, as amended, be passed into law'."

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

(2) THE MADRAS VILLAGE PANCHAYAT BILL, 1949.

3-45 p.m. * THE HON. SRI K. CHANDRAMOULI:—"Mr. Speaker, Sir, I beg to present the Report of the Joint Select Committee on the Madras Village Panchayat Bill, 1949 (L.A. Bill No. 22 of 1949). The provisions and the principles underlying the Bill were discussed in this House before the Bill was referred to the Select Committee.

"The Select Committee sat for fourteen days and before proceeding with the examination of the Bill, it heard the evidence of two expert witnesses, Sri T. A. Ramalingam Chettiyar and Sri C. V. Nayudu. The views of the Andhra, Tamil Nad and West Coast Panchayat Conferences on the Bill, were circulated to the members of the Committee. The Committee then examined each clause minutely and gave valuable suggestions which have been

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incorporated in the Bill. I shall just give you some of the important changes that have been made by the Joint Select Committee.

"The Bill, in the first instance, provided for representation of minority communities and women by the method of co-option. The Select Committee considered that this was unnecessary and suggested that reservation of seats for Harijans for a period of ten years only need be provided in the new set-up, following the Draft Constitution of India. Some change was needed with regard to the definition of the ward system and clause 10 has been amplified for this purpose.

"The Committee also considered it necessary in the interests of panchayat works, that power should be taken for the Inspector to appoint such engineering staff as may be necessary for a panchayat or a group of panchayats, so that the works could be executed without any delay. This has also been provided for under clause 35.

"The Committee also felt that the Inspector should be assisted by two Regional Officers, one for the north and the other for the south, to supervise the administration of panchayats in the Province. Provision has accordingly been made in clause 43 (1) of the Bill.

"It has been considered that a president who is elected by the entire electorate in the village should not lose his office when a panchayat is dissolved or superseded for the actions of the panchayat, resulting from resolutions passed by members. The president will therefore be allowed to function as the president of the panchayat as well as the executive authority while the panchayat is under dissolution or supersession.

"The levy of a cess on entry of goods into the village for consumption, use or sale therein was considered undesirable and the Committee suggested that a provision might be made for the levy of a duty on commercial crops, groundnut, tobacco, cotton, etc., bought and sold in the village. I will move suitable amendments to relevant clauses in the Bill dealing with taxation and finance when the Bill is taken up for consideration.

"Two more items of levy of duty on transfers of property, viz., on exchange of immovable property and perpetual leases of such property have been added.

"The Committee has decided to delete the provision for continuance of private markets except those the income derived from which is used for religious, charitable or educational purposes, so as to augment the resources of panchayats. Clauses 82 and 83 as amended provide for this.

"Provision has been made for assigning numbers to buildings in villages and for their maintenance, so as to facilitate, census, etc., operations.

"The Committee suggested that provision should be made to enable the executive authority to call for information from

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village headman and karnam. This will facilitate speedy and efficient transaction of business and provision has been made in clause 102 of the Bill.

"The Bill as originally drafted proceeded on the assumption that panchayats would be constituted for all the villages soon after the commencement of the Act. It has since been found that it would take two or three years to constitute panchayats for all the villages in the Province. Meantime, it is necessary that provision is made for the administration by district boards of non-panchayat areas as at present. Schedule IV to the Bill containing amendments to the Madras Local Boards Act have been revised accordingly.

"The transitional provisions in Schedule III have been revised to fit them with the scheme of reservation of seats for the members of Scheduled Castes only, instead of co-option for minority communities and women.

"The Select Committee has devoted considerable time and attention to make the Bill clear and simple and has made verbal changes to clarify the intention and remove ambiguities. I have great pleasure in expressing my gratitude to the members of the Committee for their kind and willing co-operation and for sitting long hours in spite of other engagements, to finish the scrutiny of the Bill in a comparatively shorter time, so as to make it possible for me to move the Bill for the second reading at this session.

"With these few words, Sir, I move—

'that the Bill as amended by the Joint Select Committee be taken into consideration at once'.

MR. SPEAKER:—"Motion moved—

'that the Madras Village Panchayat Bill, 1949, as amended by the Joint Select Committee, be taken into consideration at once'.

JANAB ABDUL HAMEED KHAN:—"Mr. Speaker, Sir, I congratulate the Hon. Minister for Local Administration for the very amicable manner in which he has helped the members of the Joint Select Committee in getting the Bill through as quickly and as speedily as possible. At the same time I must say that we have not been able to change a very fundamental aspect of the Bill, namely, the method of election of the president of the panchayat board. In the Bill we find that the president of the panchayat shall be elected by the residents of the village who are voters according to the electoral roll in the panchayat area as a whole, whereas there was a valuable opinion expressed in the Select Committee in favour of the *status quo*, namely, that the election of the president shall be from among the members of the panchayat. Arguments were advanced both for and against the proposal to have the election of the president by the entire village. Unfortunately it was not possible for the Select Committee to see eye to eye with some of us who hold the view that it would certainly

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not be conducive to the smooth and proper working of the panchayat if the presiding officer is not responsible to the members of the panchayat itself. Under the present provision in the Bill, the president is independent of the other members of the panchayat board and therefore he could follow an independent line of policy, because he is not beholden to them for his seat and therefore, not responsible to them, and he is not under any necessity to agree with the other members of the panchayat. That being the case, there is every possibility and every danger of the president assuming dictatorial and arbitrary powers and acting in an arbitrary manner regardless of the wishes or opinion of the other members of the panchayat. I submit, Sir, that it is very necessary that the presiding officer of the panchayat board should be elected by the panchayat as a whole, and should act in harmony with others, because without unity of action and unity of thought among the members of the panchayat, no good work will be done by the president acting himself alone. If therefore, the president is not beholden to the members of the panchayat for his position, the danger will be, as I said that he will ride roughshod over the wishes of the panchayat, and therefore, the very object of this Bill will be defeated. (At this stage Janab H. S. Hussain, the Chairman, occupied the Chair.)

"Secondly, Sir, there is also the danger of more factions being created in the village, apart from the party factions in the panchayat board itself. That will certainly not be conducive to harmony in the village and would produce a worse state of affairs therein under the present proposal in the Bill. If, on the other hand, a democratic system is introduced with parties based on economic considerations; then there is not likely to be any danger of factions arising in the village. But we have not yet reached that stage in our democratic institutions, and the present danger is that even in those villages where factions do not exist at present, this method of election of the president of the village panchayat would create endless factions among the people. Surely in a village there will be two parties. There will be at least two, or three or even four persons in a village dominating over the affairs of that village and they may not agree among themselves. So at the time of election, there will be at least two rival candidates for the presidentship of the panchayat board and the whole village will be divided into two or three or four camps, in accordance with the number of candidates aspiring for that office. Therefore, Sir, this provision is likely to create factions even in villages where till now there was harmony among the people. It is for this reason, Sir, that the British model of democracy has been followed in our own country in regard to the election of the Speaker of the Legislature, the presidents of the local bodies, which are analogous to the chairmen of the country councils in Britain and of the presiding officers of many other democratic institutions, because it is a wholesome and safe principle that the president should be from among the members of the respective councils and should be elected by the members themselves and not by the people of the village as a whole. Perhaps in the American constitution

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or in the constitution of some other countries, the method that is now sought to be adopted in this Bill, namely, election of the president by the people as a whole, might have been followed. But we have not yet reached that advanced stage of democracy in our country. Take for instance even the new constitution that is going to be adopted for our country. There, you will find that care has been taken by the framers of the constitution to avoid such a thing as election of the President by the people of the country as a whole. The president of our Republic is not going to be elected by the 32 crores of people in the Indian Union, but by the members of the Dominion Parliament. The same is the method that is being adopted for the election of the presiding officers in all assemblies and councils and local bodies in the provinces. Even in municipalities the same procedure is followed in regard to the election of the chairman. Why should we deviate from this wholesome procedure and leave out the method of election of the presiding officer by the respective councils?

"Apart from the fact that we have not developed our democratic institutions to such an advanced stage, and because there is still illiteracy among the vast masses of our people, there is every possibility that this method of election of the president of the village panchayat is likely to create unnecessary factions among the people where factions did not exist before, because of the rivalry between one group and another. I think, Sir, it is better to leave it to the members of the panchayat themselves, because it is they who could understand the party politics in their village and the needs of the people of the village. Perhaps there may be differences among themselves, but if they are trained in the working of these democratic institutions, in course of time they will be able to work them out successfully; and in any case, they will not degenerate into wholesale party factions in the village, as would be the case under the method of election, contemplated in the Bill.

4 p.m. "It will be too much for us to expect that people even to-day are ready to understand what a party is and what party politics are. To expect that, I am afraid, is too much. The Hon. Minister for Local Administration is a very ambitious gentleman. He wants to start pure democracy even from the villages. He would, if left to himself, take it to higher and higher bodies and develop it in the country. In answer to my apprehensions the Hon. Minister may say that to say that our people are not ready for democracy is wrong, because we have all along been working democracy. Panchayats have existed in this country and they have worked well. They had a leader and that leader has been holding sway over the village. He has been carrying on the administration smoothly. Therefore, the Hon. Minister may be of the opinion that it is not right to say that our people are not ready to work democracy, and that even to-day in the villages people are prepared to elect their leader without any factions. While I agree with the opinion that in the past in our country, we have worked panchayats well, I want to say now that much water has flown under the bridge. Subsequently we have passed

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through stages which have made us forget all those methods of democracy which we followed in ancient times. My plea is that while we have in a way degenerated, if I should say so, from those days when we worked democracy in our panchayats, we are now not in a position to understand what is democracy and how to work it at higher stages. To say that people are ready to work democracy at the lower level in the villages themselves, is to expect too much. Therefore, I would request the Hon. Minister to just keep his ambition in suspense for some time and allow the old methods to be followed for some time. Later on, after seeing that the panchayats, which the Hon. Minister has envisaged in his Bill, are functioning satisfactorily, he may come forward with an amending Bill. Then there is the other question. That is with reference to the decision of the Joint Select Committee in giving up co-option of minorities and having instead reservation only for the Harijans for a certain period. As the Hon. Minister stated, this was adopted by the Committee in strict obedience to what has been done by the Constituent Assembly in framing the Constitution of India. In the Constituent Assembly, they have given reservation for Harijans. The Congress Party in this Province is right in following the principles which have influenced the Constituent Assembly in giving up separate electorates and providing for reservations for Harijans. I do not want to speak at length on this question. This is a very big question, and one can speak with very cogent reasons for a long time. It is not the occasion for me to take up that big question and speak. The Joint Select Committee following faithfully the behests or the dictates of the Constituent Assembly have provided reservation for Harijans. Things in this Province are somewhat different. The Joint Select Committee could have taken note of the peculiar position in this Province, and could have followed a different policy. I do not think that the Government of India or the Constituent Assembly would have come down on this Madras Government if they had introduced separate electorates for all the minorities. But this Government did not do that. They thought they must blindly follow the High Command. I do not think I have anything more to say on this subject except to wish this Bill a smooth passage in this House, because, not only has the Bill been very carefully scrutinized in the Joint Select Committee, but the Hon. Minister is such a gentleman that it becomes very difficult for any one, however opposed he may be in policies, to question the Hon. Minister's *bona fides* or his intentions. He means well by everybody. When that is the case, I do not think that any of us will have the heart to criticize him strongly or even to doubt his *bona fides*."

* JANAB M. A. MUHAMMAD IBRAHIM:—"Mr. Chairman Sir, I rise to oppose this measure for the reason that this is not the opportune time for the Government to bring forward this measure. There are two points which the Government have to take into consideration. One is that we are to run the New Constitution from January 26th, 1950, and the whole picture of the New Constitution is not before the people. It is better that

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the people have a definite idea and some experience of the New Constitution, and, if the Government bring forward this measure after that, it may be properly appreciated. The New Constitution will come into force from January 26th, 1950, and I ask, Sir, where is the necessity for this Government to rush through this measure at this juncture. The other reason I put forward is this. There is the talk of separation of Andhra Province from the Madras Province. Already we have been experiencing financial difficulties in every sphere. This measure brings forth not only financial difficulties but it empowers the panchayats to levy certain new taxes upon the poor people. Therefore, I ask, is this the opportune time, when we are going to divide the Province into two, for this measure to be brought forward? Is it not advisable for the Government to wait for some months more and see whether this measure can be amended or modified so that it can be passed with better benefits? I say for two reasons that this is not the opportune time for the Government to bring forward this measure. The conception of the whole Bill is not good when you view the functions which are given under clauses 51 and 52 of the Bill. With the poor resources of the panchayat, the panchayats have been asked to run a costly administration. The panchayats may break down any moment for want of finance. In clause 51 all sorts of functions have been assigned to the panchayats. They are lighting of public roads, maintenance of public roads, public health activities, preventive functions of public health, irrigation, etc. Clause 52 provides for the opening and maintenance of elementary schools, reading rooms, and other measures of public utility calculated to promote the safety, health, comfort or convenience of the inhabitants of the village. For all these, the Government do not contribute anything. But the panchayats have been asked to levy fees in certain proportions. In clause 64 of this Bill, provision is made for the levy of a house-tax, a profession-tax and a vehicle-tax in panchayats. Will these taxes be sufficient to carry out the functions mentioned in clauses 51 and 52? I say that the machinery will break down for want of finance. Even if the necessary finance is forthcoming the machinery would be costly or top-heavy. For utility purposes the panchayats may not be spending much money derived from the people, but they may be spending money for paying the executive officer and his servants. There are the executive officers, the health officers, the engineers and the staff for panchayat boards. For the running of a dispensary or school, funds may not be forthcoming. All the moneys collected will be expended on the top-heavy administration. From this point of view, I say the very conception of this Bill is not sound. The next point that I would urge is that there is lack of co-ordination between the various officers, namely, the Provincial Government, the district authorities and the panchayat. Each and every authority has got concurrent jurisdiction or concurrent functions in the matter of education, irrigation, public health, maintenance of road and transport. Some sort of co-ordination is necessary for running the panchayat administration efficiently in regard to maintenance of roads, educational institutions and

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public health institutions. The panchayat administration will break down if there is no proper co-ordination. From this point of view also the whole conception of the Bill is not sound.

“Sir, I come to certain other defective provisions in the Bill. Provision has been made that certain members may be nominated or shall be ex-officio members. I can understand a certain necessity for reserving seats for some communities. But where is the necessity for ex-officio members? In clause 8 it is said that the headman of every revenue village will be ex-officio member of the panchayat thereof but will not have the power of voting at the meetings of the panchayat. At the same time, clause 70 gives him the power of collecting taxes, whether he is a servant or member of the panchayat. That sort of conception of dual duty is defective. Some sort of amendment is necessary. There is no necessity for the headman being appointed an ex-officio member. 4-15 P.M.

“As Mr. Hameed Khan has pointed out, there is no necessity for the direct election of the president in the panchayat. I am sure all the members would agree with me that the election of the president should depend upon the will of the members of the panchayat. If they have no voice in the election of the president, no respectable people will come forward to offer themselves as candidates for election. Therefore, a suitable amendment is necessary with regard to the method of election of the president.

“Sir, I find some sort of concurrent jurisdiction is being given to the Collector on the one hand and the Inspector of Local Boards on the other. If really Government want to control every aspect of the panchayat's activities, let the Inspector control it. Wherein comes the Collector? The ‘Inspector’ is defined as including anybody who is authorized by the Government to exercise or perform any of the powers or duties of the panchayat. Where is the necessity for giving concurrent power to the Collector? The Inspector may ask the Collector to do certain things. Why have the Government taken the Collector also along with the Inspector and given him certain concurrent jurisdiction as has been done in clause 45? There is no necessity for this.

“Then, Sir, the Government are stepping in through the Inspector at every stage in the whole scheme of the panchayat administration. Taking the Bill as a whole, we find that everything depends on the sweet will and pleasure of the Inspector. (Hear, hear.) The panchayat itself has no functions to carry out. In spite of the fact that the members and the president are to be elected, the panchayat is powerless and at every stage Government interfere. The Government are carrying the panchayat administration through its officers—the panchayat is an advisory body. The idea of the framers of the Bill is that the villagers should not be given freedom for their own governance. But the real spirit of the scheme as put forward in this Bill is that the Government control the whole administration through the Inspector. Under the circumstances, the measure is not a proper one to be enforced at present.”

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SRI A. KAMESWARA RAO:—“ Mr. Chairman, I wholeheartedly congratulate my Hon. Friend the Minister for Local Administration on bringing forward this piece of legislation which really revolutionises the whole system of freedom movement from top to bottom. Here the village will really be a republic and the villager will feel that he is enjoying the fruits of freedom. Not only that; the village becomes a training ground for the statesmen of the future. Some of my friends have asked what necessity is there for this Bill when we are going to have the elections on adult franchise. I feel this is absolutely necessary because it is there that the villager will know how to exercise the vote that he has got. Every adult will feel that he is part and parcel of that great free India or the Indian Republic and that he is also part and parcel of the Government if he is really enjoying some sort of power in the village itself. He need not go to Madras or to the capital, Delhi, to see how the Government is being administered. He himself will have an idea of it in a small sphere. Then when a person is elected to a panchayat, he is authorized to levy small taxes, to look after the public health, lighting and other amenities of the local people. So, he takes pride in trying to tax the people and collect it on the one hand and then to administer it correctly on the other. So, it is a training ground. No doubt there will be some confusion in the Government, in the beginning. There is bound to be some confusion whenever we introduce any new method in the villages.

“ Mr. Hameed Khan was saying that there is illiteracy, democracy is in its infant stage, there will be factions and there will be poor democracy if the president is elected by the people. But, Sir, if the clause that the president should be elected by the general electorate is removed, then there is no necessity at all for this Bill. It can be scrapped because that clause is the cornerstone of the Bill in the sense that it gives the real freedom to the villager to try his vote. I am glad that the Hon. Minister, being himself a villager, has brought forth this Bill. This Bill has come in time. I am sorry that some friends are trying to oppose it. This is a Bill which has to be wholeheartedly supported without any dissension. Of course, here and there some defects exist. I personally feel that the co-option of the village munsif in the panchayat will be a nuisance to the panchayat because on the one hand there is the elected president and on the other hand there are the elected members and these nominees of the Government or servants of the Government are naturally in the villages all-powerful and try to create factions, misuse their power and try to embitter the feelings of the people. Therefore, such people should not be at all in the elected body. All the elected members have in one way or other to go to the village munsif for small mercies for he is the man who collects the kist. So, even though he has no voting power, his very presence will terrify even the independent members in the panchayat. If the Government really want that there should be an officer of that type, they must co-opt the village karnam or the village accountant

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also so that they may maintain a balance. Generally what is happening to-day in the villages is that these are the people that quarrel and are responsible for all the havoc in the village. It is better that co-option is given up; let there be an elected body. In the Legislature also we are not going to have co-option in future. So also there should be no co-option in the village panchayats. In the matter of maintaining accounts, etc., also, the karnam is more connected with it than the munsif who is a mere figure-head trying to rule the village. This piece of legislation is really on the model of Soviet Russia for it is giving power to the villagers. This Bill affords a training-ground for the future statesmen and I would be delighted if it can be made more progressive. For instance, if the small huts of the poor people are taxed, it would be rather oppressive. There are people who are having merely bamboo or thatched huts. Such people should be exempted from taxation and there should be provision made for this purpose.

“ Sir, I would like to deal with the question of communal representation or the representation of minorities in the panchayats. I think our friends in the Select Committee have done well in trying to follow the precepts of the great Indian Constitution. In future there should not be any of these divisions. The British created separate electorates and divided India and to-day India is split and brothers and sisters who had been united together for hundreds of years have been separated from each other, by the creation of two Dominions. I am only sorry for that. Whatever may be our quarrels, we should have been united together and India should not have been divided. I wholeheartedly support the theory that there shall not be in future any reservations for minorities except for Harijans who have been down-trodden and who had been denied freedom for centuries together. It is absolutely necessary that such a class of people should be given representation for ten years.

“ Then, Sir, there should be more provision not only for taxing but also for giving more percentage of the money that we are collecting. We should give 20 or even 30 per cent of our collections to the village republics or panchayats for managing their own affairs.

“ Sir, there must be decentralisation of management. We have to try and we must try it. As everyone is able to manage his affairs in his own house, so also, every village must be able to maintain its own affairs. The more we try to collect, the more we should spend also. You may be compelled to spend more percentage on one place. For instance, what is happening to-day? Out of the whole taxes that were being collected, 75 per cent goes only to the military and 25 per cent only goes for public health, education and such other things. The villages, which are the very foundations should be managed well. Compulsory elementary education should be introduced in the villages and small crafts schools and the like should be started. These should be

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p.m.

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steadily and slowly developed. At present, the villages have no facilities for education; they do not have schools which train students even up to the third standard. If these panchayats can conduct schools and train children at least up to the third form, it will be much better and you will have a nation of strong people with better brains and better education. Of course about 16 crores of people are going to get their right to vote and right to take part in the administration of this country. If they from the villages, the very foundation of our society, are not given proper training, there will be a lot of trouble. They will not know what democracy is.

"I do not want the elections to the panchayat boards to be postponed till the conduct of general elections. These elections should come immediately if possible as soon as the voters' list is ready. Because, two to three months' propaganda is very necessary in these villages before the elections. The people in the villages should be told that they have votes and they should also be told how to exercise it. This is essential, particularly, in the case of general elections. So, Sir, for training the voters also, it is very necessary that the elections to these panchayat boards should take place even before the general elections.

"In this connexion, I would like to urge that some schools must be started immediately in these villages even at the expense of the Government or at the expense of some public institutions. (At this stage Mr. Speaker occupied the Chair.) Some schools—summer schools, or winter schools or some training centres—must be started immediately to make the adult voters know what actually a vote is. Otherwise, there is the danger that the rich people may purchase these votes for a song and misuse that power (hear, hear). That is why there must be training centres started immediately by the Government. I know, Sir, for everything we want money and money is the question now. But, if there is a will, there is a way. If the Government . . ."

JANAB N. MUHAMMAD ANWAR:—"Sir, as a personal request, now that His Excellency the Governor-General of India is going to inaugurate what is going to be a unique function in the history of this country, viz., the opening of a non-rice canteen, I request that we may be allowed to attend that function and suggest that you may, with the consent of the Hon. Minister, adjourn the House now."

MR. SPEAKER:—"How long will it take for the hon. Member to finish his speech?"

SRI A. KAMESWARA RAO:—"Sir, I want at least ten more minutes."

MR. SPEAKER:—"The hon. Member may continue his speech on Monday."

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SRI A. KAMESWARA RAO:—"Sir, if it is for Governor-General's function which should be attended by Members, although I have not got any invitation, yet if others are going to attend, I have no objection to continue my speech on Monday."

MR. SPEAKER:—"I would like to know what the Hon. Minister wants to say in the matter."

THE HON. SRI K. CHANDRAMOULI:—"Sir, I have personally no objection for the adjournment of the House now if it is agreeable to you also."

MR. SPEAKER:—"I now adjourn the House to meet again at 11 o'clock on Monday, the 19th December."

117th December 1949

APPENDIX I.

[Vide answer to starred question No. 225 asked by Sri K. Linga Raju (on behalf of Sri V. Raghavayya) at the meeting of the Legislative Assembly held on 17th December 1949, page 77 supra.]

PART I.

[See clause (c) of the question.]

Name and address of the Party.

Particulars regarding the tractors.	Sri N. R. Samiappa Mudalliar of Tanjore (including temple property).	Sri Lakshmi- narayana Reddiyar of South Arcot.	Hon'ble T. S. S. Rajan of Tiruchirappalli.
(1) Period for which the tractors were in possession.*	During the months of June, July and August 1949.	During the months of June, July, August and September 1947.	During the months of May, June, July and August 1947.
	ACS.	ACS.	ACS.
(2) Number of acres ploughed.	580	187	14.48
(3) Number of acres levelled.	580	187	35.00
(4) Number of acres harrowed.	..	..	34.91
(5) Hire charges including transport charges due.	Rs. 2,930 0 0	Rs. 995 0 0	Rs. 3,531 2 0
(6) Hire charges actually collected in advance.	Rs. 3,000 0 0	Rs. 600 0 0	Rs. 3,531 2 0
(7) balance due ..	..	Rs. 395 0 0 (This is being collected.)	..

* The departmental tractors were not solely with the three parties during all the period noted against each. In some instances the machines were also diverted to tackle the lands of the adjoining applicants during the period noted against the parties.

PART II.

[See clause (d) of the question.]

Statement showing the book value of tractors.

Type of tractor.	Number.	RS.	A.	P.
D7. Caterpillar tractors with dozers.	5	96,445	0	0
D6. Caterpillar tractors with dozers.	15	2,78,000	0	0
D4. Caterpillar tractors with dozers.	4	45,705	0	0

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Statement showing the book value of tractors—cont.

Type of tractor.	Number.	RS.	A.	P.
D7. Caterpillar tractors without dozers.	5	87,810	0	0
D6. Caterpillar tractors without dozers.	2	27,850	0	0
International Harvester Company T. D. 9. tractors.	4	43,816	4	0
International Harvester Company, W. D. 9. tractors.	4	31,375	0	0
L. H. case tractor	1	7,410	0	0
10/20 McCormic Deering tractors.	2	5,950	0	0
International T6. tractors ..	22	2,43,090	1	0
McCormic Deering W6. tractors.	30	2,12,793	11	0
Fordson Major Row Crop tractors.	3	25,999	13	6
Massey Harris 20 K tractors.	20	1,14,000	0	0
Massey Harris 30 K tractors.	20	1,39,526	0	0
John Deere Tractors.. ..	17	1,60,055	0	0
John Deere Model (A) ..	3	9,722	4	0
Total ..	157	15,29,548	1	6

APPENDIX II.

[Vide item II (2) at page 120 supra.]

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

The Joint Select Committee appointed to consider the Madras Village Panchayats Bill, 1949 (L.A. Bill No. 22 of 1949), has the honour to make the following report.

2. The Bill was published in English in the *Fort St. George Gazette*, dated 7th June 1949.

3. The Joint Select Committee was appointed on the 1st July 1949.

4. The Joint Select Committee met altogether on 14 days, viz., 14th and 15th July 1949, 10th August 1949, 14th, 15th, 16th, 19th,

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20th, 21st, 23rd, 24th and 26th September 1949 and 17th and 18th October 1949 and subjected the provisions of the Bill to a careful scrutiny.

5. The Committee went through the numerous representations and suggestions received from individuals, panchayat boards and provincial panchayat organizations in respect of the Bill and also examined Sri T. A. Ramalinga Chettiar and Sri C. V. Naidu, Tiruvallur.

6. The more important of the changes made by the Committee relate to the representation of minorities in the panchayats, the basis for division of the village into wards for the purpose of electing members to the panchayat and the taxes levied by the panchayat. They are—

(i) instead of co-opting members to represent Muslims, Indian Christians, members of the Scheduled Castes or women, seats have been reserved for the members of Scheduled Castes only with due regard to their population in a village and for a limited period of ten years from the commencement of this Act,

(ii) instead of the proposed division of all villages into not less than 4 wards, a Class I panchayat village shall be divided into not less than 5 wards and a Class II panchayat village shall be divided, if it has a population of 1,000 or less into 2 wards and if it has a population of more than 1,000 into not more than 5 wards and

(iii) the proposed cess on the entry of goods into the village for consumption, use or sale therein has been omitted and provision has been made for the levy of a duty in every village on certain new items of transfers of property.

7. The other changes made in the Bill are all shown in the Bill as amended. It was not considered necessary to refer to them in detail.

8. The Committee decided that it was not necessary to republish the Bill.

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

FORT ST. GEORGE,
18th October 1949.

K. CHANDRAMOULI,
Chairman.

[17th December 1949]

ANNEXURE.

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

(L.A. BILL No. 22 OF 1949.)

A Bill to make better provision for the administration of village affairs by panchayats.

(As amended by the Joint Select Committee.)

WHEREAS it is expedient to make better provision in a separate enactment for the administration of village affairs by panchayats; It is hereby enacted as follows :—

CHAPTER I.—PRELIMINARY.

1. (1) This Act may be called the Madras Village ^{Short title,} Panchayats Act, 1949. ^{extent and}

(2) It extends to the whole of the Province of Madras ^{commence-} except the City of Madras, the municipalities governed by the Madras District Municipalities Act, 1920, and the cantonments governed by the Cantonments Act, 1924.

Madras Act
V of 1920.
Central Act
II of 1924.

(3) It shall come into force on such date as the Government may, by notification in the *Fort St. George Gazette*, appoint.

2. In this Act, unless there is anything repugnant in the Definitions, subject or context—

(1) 'building' includes a house, outhouse, stable, latrine, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever;

(2) 'casual vacancy' means a vacancy occurring otherwise than by efflux of time, and 'casual election' means an election held to fill a casual vacancy;

(3) 'Collector' means the Collector of the revenue district;

(4) 'company' means a company as defined in the Indian Companies Act, 1913, or formed in pursuance of an Act of Parliament or of Royal Charter or Letters Patent, or of an Act of the Legislature of a British Possession and includes any firm or association carrying on business in the Province of Madras, whether incorporated or not, and whether its principal place of business is situated in the said Province or not;

Central Act
VII of 1913.

(5) 'district board' means the body constituted for the local administration of a district under section 6, sub-section (1), of the Madras District Boards Act, 1920;

Madras Act
XIV of 1920.

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(6) 'election authority' means such authority, not being the president or vice-president or a member of the panchayat, as may be prescribed;

(7) 'executive authority' means—

(i) in the case of a panchayat having an executive officer, the executive officer, and if there is no executive officer in charge, the president of the panchayat;

(ii) in the case of any other panchayat, the president thereof;

(8) 'executive officer' means the executive officer of a panchayat;

(9) 'Government' means the Provincial Government;

(10) 'house' means a building or hut fit for human occupation, whether as a residence or otherwise, having a separate principal entrance from the common way, and includes any shop, workshop or warehouse or any building used for garaging or parking buses or as a bus-stand;

(11) 'hut' means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever material made, which the panchayat may declare to be a hut for the purposes of this Act;

(12) 'Inspector' means the Inspector of Municipal Councils and Local Boards, and includes any officer who is authorized by the Government to exercise or perform any of the powers or duties of the Inspector under this Act;

(13) 'latrine' includes privy, water-closet and urinal;

(14) 'member' means a member of a panchayat;

(15) 'ordinary vacancy' means a vacancy occurring by efflux of time and 'ordinary election' means an election held to fill an ordinary vacancy;

(16) 'panchayat' means the body constituted for the local administration of a village under this Act;

(17) 'prescribed' means prescribed by the Government by rules made under this Act;

(18) 'president' means the president of a panchayat;

(19) 'private road' means any street, road, square, court, alley, passage, cart-track, footpath or riding-path which is not a 'public road,' but does not include a pathway made by the owner of premises on his own land to secure access to, or the convenient use of, such premises;

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(20) 'public road' means any street, road, square, court, alley, passage, cart-track, footpath or riding-path, over which the public have a right of way, whether a thoroughfare or not, and includes—

(a) the roadway over any public bridge or causeway;

(b) the footway attached to any such road, public bridge or causeway; and

(c) the drains attached to any such road, public bridge or causeway, and the land, whether covered or not by any pavement, veranda or other structure, which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to the Provincial or Central Government;

(21) a person is deemed to have his 'residence' or to 'reside' in any house if he sometimes uses any portion thereof as a sleeping apartment, and a person is not deemed to cease to reside in any such house merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return to such house at any time and has not abandoned his intention of returning;

(22) 'revenue village' means any local area which is recognized as a village in the revenue accounts of Government after excluding therefrom the areas, if any, included in—

(a) the City of Madras including Fort St. George with the glacis;

(b) municipalities constituted under the Madras District Municipalities Act, 1920; and

(c) cantonments constituted under the Cantonments Act, 1924;

and includes a hamlet in existence at the commencement of this Act and notified by the Inspector to be a revenue village for the purposes of this Act;

(23) 'Scheduled Castes' shall have the same meaning as in the Government of India (Scheduled Castes) Order, 1936, as in force for the time being, in regard to the local area concerned;

(24) 'unreserved forest' means forest not notified under section 4 of the Madras Forest Act, 1882, and includes unreserved land at the disposal of the Government.

(25) 'village' means any local area which is declared to be a village under this Act;

(26) 'water-course' includes any river, stream or channel, whether natural or artificial;

(27) 'year' means the financial year.

Madras Act
V of 1920.

Central Act
II of 1924.

Madras Act
V of 1882.

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CHAPTER II.—CONSTITUTION, GOVERNMENT AND CONTROL OF PANCHAYATS.

power of
Inspector to
constitute
and alter
villages for
purposes of
the Act.

3. (1) The Inspector shall, as soon as may be after the commencement of this Act, by notification—

(i) declare every revenue village with a population of not less than five hundred to be a village for the purposes of this Act and specify the name of such village ;

(ii) group a revenue village with a population of less than five hundred, with any contiguous revenue village or villages so that the total population of all the revenue villages so grouped is not less than five hundred, declare the revenue villages so grouped to be a village for the purposes of this Act, and specify the name of such village.

(2) (a) The Inspector may, by notification, exclude from a village any revenue village comprised therein, provided that the population of the village, after such exclusion, is not less than five hundred.

(b) In regard to any village so excluded, the Inspector shall take action under sub-section (1) according as it has a population of not less than five hundred or of less than five hundred, as the case may be.

(c) Before issuing a notification under clause (a) or under clause (b) read with sub-section (1), the Inspector shall give the panchayat or panchayats which will be affected by the issue of such notification a reasonable opportunity for showing cause against the proposal and shall consider the explanation and objections, if any, of such panchayat or panchayats.

(3) The Inspector may pass such orders as he may deem fit—

(a) as to the disposal of the property vested in a panchayat which has ceased to exist, and the discharge of its liabilities ;

(b) as to the disposal of any part of the property vested in a panchayat which has ceased to exercise jurisdiction over any local area, and the discharge of the liabilities of the panchayat relating to such property or arising from such local area.

An order made under this sub-section may contain such supplemental, incidental and consequential provisions as the Inspector may deem necessary, and in particular may direct—

(i) that any tax, fee or other sum due to the panchayat or where a panchayat has ceased to exercise jurisdiction over any local area, such tax, fee or other sum due to the panchayat as relates to that area shall be payable to such authorities as may be specified in the order ;

(ii) that appeals, petitions, or other applications with reference to any such tax, fee or sum which are pending on the date on which the panchayat ceased to exist or, as the case

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may be, on the date on which the panchayat ceased to exercise jurisdiction over the local area, shall be disposed of by such authorities as may be specified in the order.

4. (1) A panchayat shall be constituted for each village with effect from a date specified in that behalf in the notification issued under section 3, sub-section (1)

Constitution of panchayats for villages and their incorporation.

(2) Subject to the provisions of this Act, the administration of the village shall vest in the panchayat but the panchayat shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its president or executive authority, or to the district board or any other authority.

(3) Every panchayat shall be a body corporate by the name of the village specified in the notification issued under section 3, shall have perpetual succession and a common seal, and, subject to any restriction or qualification imposed by or under this Act or any other law, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, movable or immovable, of entering into contracts, and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

5. (1) (a) The Government shall classify panchayats with jurisdiction over a population estimated at not less than five thousand and with an estimated annual income of not less than ten thousand rupees as Class I panchayats.

Classification of panchayats.

(b) Other panchayats shall be known as Class II panchayats.

(2) The Government may alter the classification of a panchayat if in their opinion the panchayat satisfies or ceases to satisfy the conditions referred to in sub-section (1), clause (a).

(3) Any decision made by the Government under this section shall not be questioned in any Court of law.

6. (1) The total number of members of a panchayat, exclusive of its president and other *ex-officio* members shall be notified by the Inspector in accordance with such scale as may be prescribed with reference to population.

Strength of a panchayat.

(2) The Inspector may from time to time by notification alter the total number of members of a panchayat notified under sub-section (1).

(3) The number notified under sub-section (1) or the number as altered by notification under sub-section (2) shall not be less than five or more than fifteen.

7. The members of the panchayat exclusive of the *ex-officio* members shall be elected in such manner as may be prescribed.

Elected members.

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Headman to be ex-officio member.

8. The headman of every revenue village which is comprised within the jurisdiction of a panchayat shall *ex-officio* be a member thereof, but he shall not be entitled to vote at the meetings of the panchayat.

Reservation of seats for members of Scheduled Castes.

9. (1) In every panchayat, the Inspector may, subject to such rules as may be prescribed by notification reserve such number of seats, if any, as he thinks fit for the members of the Scheduled Castes, with due regard to their population in the village.

(2) Any reservation made under sub-section (1) shall have effect only until the first ordinary elections to the panchayat after the expiration of a period of ten years from the commencement of this Act.

(3) Nothing contained in sub-section (1) shall be deemed to prevent members of the Scheduled Castes for whom seats have been reserved in any panchayat, from standing for election to the non-reserved seats in the panchayat.

Division into wards.

10. (1) For the purpose of electing members to a panchayat, the Inspector shall, after consulting the panchayat, by notification divide the village into wards and determine the number of members to be returned by each ward.

(2) A Class I panchayat village shall be divided into not less than five wards and a Class II panchayat village shall be divided, if it has a population of 1,000 or less, into two wards and if it has a population of more than 1,000 into not more than five wards.

Term of office of elected members.

11. (1) The term of office of the members of every panchayat who are elected at ordinary elections shall, save as otherwise expressly provided in, or may be prescribed under, this Act, be three years beginning at noon on the day on which the vacancies occur:

Provided that the Inspector may, by notification, for sufficient cause which shall be stated therein, direct that the term of office of the members of any panchayat as a whole be extended or reduced by such period not exceeding three months as may be specified in the notification.

(2) Ordinary vacancies in the office of an elected member of a panchayat shall be filled at ordinary elections which shall be fixed by the election authority to take place on such day or days within three months before the occurrence of the vacancies, as he thinks fit:

Provided that the Government may for sufficient cause direct or permit the holding of any ordinary election after the occurrence of the vacancy.

(3) (a) Every casual vacancy in the office of an elected member of a panchayat shall be reported by the executive authority to the election authority within such time as may be prescribed.

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(b) A member elected in a casual vacancy shall enter upon office forthwith, but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(c) Unless the Inspector otherwise directs, no casual election shall be held to a panchayat within three months before the date of retirement of its members by efflux of time.

(4) Where the number of members of a panchayat is increased, the members elected for the additional seats or the members elected in their places in casual vacancies shall hold office until the date on which the members elected to the original seats at the ordinary elections immediately preceding, will vacate office.

12. (1) If, at an ordinary or casual election, no person is elected to fill the vacancy or one or more of the vacancies, as the case may be, a fresh election shall be held on such day as the Inspector may fix.

(2) If at such fresh election also, no person is elected to fill the vacancy or any of the vacancies, as the case may be, the panchayat may, in the manner prescribed, elect a qualified person to fill such vacancy.

(3) The term of office of a member of a panchayat elected under this section, shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be.

13. (1) An electoral roll for each panchayat showing the names of persons qualified to vote at elections thereto, shall be prepared and published, and shall be revised, at such times, by such authority, and in such manner as may be prescribed.

(2) Every person whose name is included or who is qualified to be included in that part of the electoral roll for any territorial or special constituency of the Madras Legislative Assembly which relates to the village or any portion thereof shall be entitled to be included in the electoral roll for the panchayat, and no other person shall be entitled to be included therein.

Explanation I.—Where in the electoral roll of any territorial or special constituency of the Madras Legislative Assembly, there is no distinct part relating to the village, the following persons shall be entitled to be included in the electoral roll for the panchayat:—

(a) All persons who are entered in such roll under the registration area comprising such village and whose addresses as entered in such roll are situated in such village.

(b) All persons who are qualified to be included in such roll under the registration area aforesaid and who reside in such village.

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Explanation II.—In this sub-section, the expressions “territorial constituency” and “special constituency” shall have the same meaning as in the Government of India (Provincial Legislative Assemblies) Order, 1936, as in force for the time being.

(3) The name of any person shall not be included in the electoral roll for a panchayat in more than one place.

(4) The electoral roll for the panchayat shall be divided into separate parts for each ward.

(5) Every person whose name appears in the electoral roll for the panchayat shall, so long as it remains in force and subject to any revision thereof which might have taken place and subject also to the other provisions of this Act, be entitled to vote at an election; and no person whose name does not appear in such roll shall vote at an election:

Provided that a person who is of unsound mind, a deaf-mute or a leper, shall not be entitled to vote at any election.

Qualifica-
tion of
candidates.

14. No person shall be qualified for election as a member of a panchayat unless his name appears on its electoral roll.

Disqualifi-
cation of
officers and
servants of
Government
and local
bodies.

15. (1) No village headman, karnam, or village servant and no other officer or servant of the Provincial or Central, Government or of a panchayat, district board, municipal council or the Corporation of Madras shall be qualified for election as a member or for holding office as an elected member.

(2) If any question arises either before or after an election, whether any person is or is not disqualified under this section, the question shall be referred to the Government whose decision shall be final.

Disqualifi-
cation of
persons
convicted
of election
offences.

16. Every person convicted of an offence punishable under Chapter IX-A of the Indian Penal Code or under any law or rule relating to the infringement of the secrecy of an election, shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of member of a panchayat, for a period of five years from the date of his conviction or for such shorter period as the Court may by order determine.

Central Act
XLV of
1860.

Disqualifi-
cations of
candidates.

17. (1) A person who has been sentenced by a criminal court to transportation or to imprisonment for a period of more than six months for any offence other than an offence not involving moral delinquency (such sentence not having been reversed or the offence pardoned), shall be disqualified for election as a member while undergoing the sentence and for five years from the date of the expiration thereof:

Provided that the Government may direct that such sentence shall not operate as a disqualification.

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(2) A person shall be disqualified for election, as a member if, . . . at the date of nomination or election, he is—

(a) of unsound mind, a deaf-mute or a leper;

(b) an applicant to be adjudicated an insolvent or an undischarged insolvent;

(c) interested in a subsisting contract made with, or any work being done for, the panchayat, except as a shareholder (other than a director) in a company or except as permitted by rules made under this Act;

(d) employed as paid legal practitioner on behalf of the panchayat or as legal practitioner against the panchayat;

Central Act
V of 1898.

(e) an honorary Magistrate under the Code of Criminal Procedure, 1898, with jurisdiction over any part of the village;

(f) already a member of the panchayat whose term of office will not expire before his fresh election, co-option or appointment, as the case may be, can take effect or has already been elected, co-opted or appointed as a member of the panchayat whose term of office has not yet commenced;

(g) the servant or employer or the official subordinate or official superior of a member holding office at the said date; or

(h) in arrears of any kind due by him (otherwise than in a fiduciary capacity) to the panchayat up to and inclusive of the previous year, in respect of which a bill or notice has been duly served upon him and the time, if any, specified therein for payment has expired.

18. . . Subject to the provisions of section 20, a member shall cease to hold office as such if he—

Disqualifica-
tions of
members.

(a) is sentenced by a criminal court to such punishment and for such offence as is described in sub-section (1) of section 17:

Provided that the Government may direct that such sentence shall not operate as a disqualification;

(b) becomes of unsound mind, a deaf-mute or a leper;

(c) applies to be adjudicated, or is adjudicated an insolvent.

(d) acquires any interest in any subsisting contract made with, or work being done for, the panchayat except as a shareholder (other than a director) in a company or except as permitted by rules made under this Act;

(e) is employed as paid legal practitioner on behalf of the panchayat, or accepts employment as legal practitioner against the panchayat;

(f) is appointed as an officer or servant under this Act;

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(g) is appointed as an honorary Magistrate under the Code of Criminal Procedure, 1898, with jurisdiction over any part of the village ;

Central Act
V of 1898.

(h) accepts employment under or becomes the official subordinate of any other member ;

(i) ceases to reside in the village ;

(j) fails to pay arrears of any kind due by him (otherwise than in a fiduciary capacity) to the panchayat within three months after a bill or notice has been served upon him in pursuance of rules made under this Act, or where in the case of any arrear, such rules do not require the service of any bill or notice, within three months after a notice requiring payment of the arrear (which notice it shall be the duty of the executive authority of the panchayat to serve at the earliest possible date) has been duly served upon him by the executive authority ; or

(k) absents himself from the meetings of the panchayat for a period of three consecutive months reckoned from the date of the commencement of his term of office, or of the last meeting which he attended, or of his restoration to office as member under section 19, sub-section (1), as the case may be, or if within the said period, less than three meetings have been held, absents himself from three consecutive meetings held after the said date :

Provided that no meeting from which a member absented himself shall be counted against him under this clause if—

(i) due notice of that meeting was not given to him ;
or

(ii) the meeting was held after giving shorter notice than that prescribed for an ordinary meeting ; or

(iii) the meeting was held on a requisition of members.

(l) is removed from office under section 133, sub-section (4).

Restoration
of members
to office.

19. (1) Where a person ceases to be a member under section 16 or clause (a) of section 18, he shall be restored to office for such portion of the period for which he was elected, as may remain unexpired at the date of such restoration, if and when the sentence is annulled on appeal or revision, or the disqualification caused by the sentence is removed by an order of the Government ; and any person elected to fill the vacancy in the interim shall, on such restoration, vacate office. "

(2) Where a person ceases to be a member under clause (k) of section 18, the executive authority shall at once intimate the fact in writing to such person and report the same to the panchayat at its next meeting. If such person applies for restoration *suo motu* to the panchayat on or before the date of its next meeting or within fifteen days of the receipt

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by him of such intimation, the panchayat may at the meeting next after the receipt of such application restore him to his office of member :

Provided that a member shall not be so restored more than twice during his term of office.

20. (1) Whenever it is alleged that any person who has been elected as a member of a panchayat is not qualified or has become disqualified under section, 14, 16, 17 or 18 and such person does not admit the allegation, or whenever any member is himself in doubt whether or not he is not qualified or has become disqualified under section 16, 17 or 18, such member or any other member may, and the executive authority shall, on the direction of the panchayat or of the Inspector, apply to the prescribed judicial authority whose decision shall be final.

Authority
to decide
questions of
disqualifi-
cation of
members.

(2) Pending such decision, the member shall be entitled to act as if he is qualified or were not disqualified.

President and vice-president.

21. There shall be a president and a vice-president for every panchayat. "

President
and vice-
president
of pancha-
yat.

22. (1) The president shall be elected by the persons whose names appear in the electoral roll for the panchayat, from among themselves.

Election
and term of
office of
president.

If at an election held under this sub-section no president is elected, a fresh election shall be held :

Provided that no member shall be eligible to stand for election as president :

Provided further that a person who stands for election as president shall not be eligible to stand for election as a member.

(2) The election of the president may be held at the same times and in the same places as the ordinary elections of the members of the panchayat.

(3) Save as otherwise expressly provided in or prescribed under this Act, the term of office of the president who is elected at an ordinary election shall be three years beginning at noon on the day on which the vacancy occurs, and if such election is held after the occurrence of the vacancy, his term of office shall commence from the date of his election and expire at the time at which it would have expired if he had been elected before the occurrence of the vacancy.

(4) Subject to the provisions of sub-section (5), any casual vacancy in the office of the president shall be filled by a fresh election and a person elected as president in any such

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vacancy shall hold office only so long as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(5) Unless the Inspector otherwise directs no casual vacancy in the office of the president shall be filled within three months before the date on which the ordinary election of the president under sub-section (1) is due.

(6) The provisions of sections 15 to 20 shall apply in relation to the office of the president as they apply in relation to the office of an elected member of the panchayat.

(7) The president shall be an *ex-officio* member of the panchayat and shall be entitled to vote at meetings of the panchayat.

Election of
vice-president.

23. The vice-president shall be elected by the panchayat from among its members.

If at an election held under this section no vice-president is elected, a fresh election shall be held.

Cessation of
office of
president
and vice-
president.

24. The president or vice-president shall cease to hold office as such—

(a) in every case, on his election as president or vice-president of the district board or of any other panchayat in the district;

(b) in the case of the president, on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term of office;

(c) in the case of the vice-president, on the expiry of his term of office as a member or on his otherwise ceasing to be a member or on his election as president.

Functions
of the
president.

25. The president shall—

(a) make arrangements for the election of the vice-president;

(b) convene the meetings of the panchayat;

(c) have full access to the records of the panchayat;

(d) discharge all the duties and exercise all the powers specifically imposed or conferred on the president by this Act.

Devolution
and
delegation
of presi-
dent's
functions
and filling
up of
vacancies in
the office of
president.

26. (1) When the office of president is vacant, the vice-president shall exercise the functions of the president until a new president is declared elected and assumes office.

(2) If the president has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, his functions during such absence or incapacity shall, except in such circumstances as may be prescribed, devolve on the vice-president.

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(3) When the office of president is vacant or the president has been continuously absent from jurisdiction for more than fifteen days or is incapacitated and there is either a vacancy in the office of vice-president or the vice-president has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, the functions of the president shall devolve on a member of the panchayat appointed by the Inspector in this behalf.

The member of the panchayat so appointed (who shall be styled the temporary president) shall perform the functions of the president subject to such restrictions and conditions as may be prescribed, until a new president or vice-president is declared elected and assumes office, or either the president or the vice-president returns to jurisdiction or recovers from his incapacity, as the case may be.

(4) Any vacancy in the office of president shall be reported to the election authority, by such person and within such time as may be prescribed, and the election authority shall arrange for the election of the president.

(5) Subject to such rules as may be prescribed, the president may, by an order in writing, delegate any of his functions, with such restrictions and conditions as may be specified in the order, to the vice-president, or in case there is a vacancy in the office of vice-president or the vice-president has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, to any member.

(6) The reference to the president's functions in sub-sections (1), (2), (3) and (5) shall, where he is also the executive authority, be deemed to include a reference to his functions as executive authority.

(7) The president shall have power to control and revise the exercise or discharge of any functions devolving on the vice-president under sub-section (2) or delegated to the vice-president or any member under sub-section (5).

Members.

27. (1) Any member may call the attention of the executive authority to any neglect in the execution of panchayat work, to any waste of panchayat property or to the wants of any locality, and may suggest any improvements which may appear desirable. Rights of individual members.

(2) Every member shall have the right to move resolutions and to interpellate the president on matters connected with the administration of the panchayat, subject to such rules as may be prescribed.

(3) Every member shall have access during office hours to the records of the panchayat after giving due notice to the executive authority, provided that the executive authority may, for reasons given in writing, forbid such access.

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No president, vice-president or members to receive remuneration.

28. No president, vice-president or member shall receive, or be paid from the funds at the disposal of or under the control of the panchayat any salary or other remuneration for services rendered by him whether in his capacity as such or in any other capacity.

The executive officer.

Appointment of executive officers of certain panchayats.

29. (1) A whole-time executive officer shall be appointed by the Government for any panchayat which may be notified by them in this behalf.

(2) In the case of every panchayat not so notified and also in the case of any panchayat so notified, if there is no executive officer in charge, the president of the panchayat shall, subject to such rules as may be prescribed, perform the functions of the executive officer.

(3) Save as otherwise prescribed, no executive officer appointed under sub-section (1) shall undertake any work unconnected with his office without the sanction of the Government.

(4) The panchayat shall pay the executive officer such salary and allowances as may from time to time be fixed by the Government.

(5) The panchayat shall also make—

(a) if the executive officer is in the service of the Government such contribution towards his leave allowances, pension and provident fund as may be required by the conditions of his service under the Government to be made by him or on his behalf;

(b) if the executive officer is not in the service of the Government such contribution towards his leave allowances, pension and provident fund as may be prescribed in this behalf.

(6) The Government shall have power to regulate the classification, methods of recruitment, conditions of service, pay and allowances, and discipline and conduct of the executive officers appointed under sub-section (1).

Functions of executive officer.

30. The executive officer shall—

(a) have the right to attend the meetings of the panchayat or of any committee thereof and take part in the discussions thereat but without the right to move any resolution or to vote;

(b) attend any meeting of the panchayat or of any committee thereof if required to do so by the presiding officer.

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Powers and duties of the executive authority.

31. The executive authority shall—

(a) carry into effect the resolutions of the panchayat:

Functions of the executive authority.

Provided that where the president considers that a resolution has not been legally passed or is in excess of the powers conferred by this Act or that, if carried out, it is likely to endanger human life or health or the public safety, the executive authority shall refer the matter to the Government for orders, and their decision shall be final;

(b) control all the officers and servants of the panchayat;

(c) discharge all the duties and exercise all the powers specifically imposed or conferred on the executive authority by or under this Act and subject to all restrictions and conditions imposed by or under this Act, exercise the executive power for the purpose of carrying out the provisions of this Act and be directly responsible for the due fulfilment of the purposes thereof.

32. The executive authority may in cases of emergency direct the execution of any work or the doing of any act which requires the sanction of the panchayat and the immediate execution or doing of which is, in his opinion, necessary for the safety of the public, and may direct that the expenses of executing such work or doing such act shall be paid from the panchayat fund:

Emergency powers of executive authority.

Provided that—

(a) he shall not act under this section in contravention of any order of the panchayat prohibiting the execution of any particular work or the doing of any particular act, and

(b) he shall report the action taken under this section and the reasons therefor to the panchayat at its next meeting.

33. The Inspector may, by general or special order, authorize the Health Officer of a panchayat, or if there is no such officer, the Health Officer of the district, to exercise such of the functions of an executive authority under this Act in such area and subject to such restrictions and conditions and to such control and revision as may be specified in such order.

Exercise of functions of executive authority by Health Officer in certain cases.

34. Subject to such restrictions and control as may be prescribed, the executive authority may, by an order in writing, delegate any of his functions as such—

Delegation of functions of executive authority.

(i) if he is the president, to the vice-president and in the absence of the vice-president, to any other member;

(ii) if he is not the president, to the president; in the absence of the president, to the vice-president; and in the absence of both the president and the vice-president, to any other member.

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The exercise or discharge of any functions so delegated shall be subject to such restrictions and conditions as may be laid down by the executive authority and shall also be subject to his control and revision.

Establishment.

Officers and
servants of
panchayats.

35. (1) Subject to such rules as may be made under sub-section (2), the Inspector shall fix, and may alter, the number, designations and grades of, and the salaries, fees and allowances payable to, the officers and servants of every panchayat, other than the executive officer :

Provided that in an emergency, the executive authority may, subject to such rules as may be prescribed, employ temporarily additional officers and servants.

(2) The Government shall have power to make rules regarding the authorities who may appoint the officers and servants of panchayats, other than the executive officers, and the classification, methods of recruitment, pay and allowances, discipline and conduct, and conditions of service of such officers and servants.

Such rules may provide for the constitution of any class of officers or servants of panchayats other than the executive officers into a separate service for the whole of the province.

(3) Two or more panchayats may, subject to such rules as may be prescribed, and shall if so required by any authority empowered in this behalf by rules, appoint the same officer or servant to exercise or discharge any powers or duties of a similar nature for both or all of them.

(4) Notwithstanding anything contained in this Act, the Madras District Municipalities Act, 1920, or the Madras District Boards Act, 1920, any officer or servant of a panchayat (including the executive officer) may be transferred—

Madras Act
V of 1920.
Madras Act
XIV of 1920.

(i) to the service of any other panchayat by the Inspector ;

(ii) to the service of any district board constituted under the Madras District Boards Act, 1920, or of any municipality constituted under the Madras District Municipalities Act, 1920, by the Government :

Madras Act
XIV of 1920.
Madras Act
V of 1920.

Provided that no officer or servant (other than the executive officer) shall be so transferred except after consulting—

(a) the executive authorities of the panchayats concerned in cases falling under clause (i) of this sub-section ; and

(b) the district board or municipal council concerned and the executive authority of the panchayat in cases falling under clause (ii) of this sub-section.

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Any authority making a transfer under this sub-section may issue such general or special directions as may in its opinion be necessary for the purpose of giving due effect to such transfer.

(5) The Inspector may recover from a panchayat the whole or such proportion of the salary and allowances paid to any officer or servant of the panchayat other than the executive officer, and such contribution towards his leave allowances, pension and provident fund, as the Government may by general or special order determine, in the following cases, namely :—

(a) where such officer or servant was appointed to the service of the panchayat by the Government ; and

(b) where such officer or servant is a servant of the Government.

(6) All officers and servants of the panchayat shall be subordinate to the executive authority, and save as otherwise provided in this Act or in the rules made thereunder and subject to such restrictions and control and such rights of appeal as may be prescribed in such rules, the executive authority may—

(a) appoint all officers and servants of the panchayat ;

(b) grant leave to any such officer or servant ; and

(c) for any good and sufficient reason, censure, fine, withhold increments or promotion from, reduce to a lower rank in the seniority list or to a lower post or time-scale or to a lower stage in a time-scale, suspend, remove or dismiss any such officer or servant.

(7) The provisions of this section shall also apply to the public health establishments of panchayats, notwithstanding anything contained in the Madras Public Health Act, 1939.

Madras Act
III of 1939.

(8) (i) Notwithstanding anything contained in this Act, and subject to such rules as may be prescribed, the Inspector may—

(a) appoint such engineering and other staff as he considers necessary for the purposes of any panchayat and recover from it the salary and allowances paid to the members of such staff and such contribution towards their leave allowances, pension and provident fund as he may, by general or special order, determine ;

(b) appoint a common engineering or other staff for the purposes of two or more panchayats and recover from each of the panchayats concerned such proportion of the salary and allowances paid to the members of such staff and such contribution towards their leave allowances, pension and provident fund as he may, by general or special order, determine.

(ii) The pay and allowances and conditions of any member of the staff appointed under clause (i) shall be such as may be prescribed.

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*Procedure.*Presidency
at meetings.

36. (1) Every meeting of a panchayat shall be presided over by the president, in his absence, by the vice-president, and in the absence of both the president and the vice-president, by a member chosen by the meeting to preside for the occasion.

(2) The president shall preserve order and decide all points of order arising at or in connexion with meetings. There shall be no discussion on any point of order and the decision of the president on any point of order shall, save as otherwise expressly provided in this Act, be final.

(3) A vice-president or member presiding for the occasion shall, for that meeting and during the period that he presides over it, have all the powers of the president.

Minutes of
proceedings.

37. A copy of the minutes of the proceedings at every meeting of a panchayat as well as of all minutes of dissent in respect of such proceedings received from any member (other than the president) present at the meeting within 48 hours of the close thereof shall be submitted by the president within three days of the date of the meeting to the Inspector :

Provided that the Inspector may direct that such minutes shall be submitted either generally or in any specified classes of cases to any officer empowered by him in this behalf.

Power of
panchayat
to call for
records.

38. A panchayat may require the executive authority to produce any document which is in his custody and he shall subject to such rules as may be prescribed, comply with every such requisition.

Proceedings
of pancha-
yats and
committees.

39. (1) The proceedings of every panchayat and of all committees thereof shall be governed by such rules as may be prescribed and by regulations, not inconsistent with such rules or the provisions of this Act, made by the panchayat with the approval of the Inspector.

(2) The Inspector shall have power to add to, omit, or alter any regulations submitted for his approval under sub-section (1).

(3) The rules referred to in sub-section (1) may provide for preventing any member or president or any member or chairman of a committee from voting on, or taking part in the discussion of, any matter in which apart from its general application to the public, he has any direct or indirect pecuniary interest, whether by himself or through some other person, or from being present or presiding at any meeting of the panchayat or of the committee during the discussion of any such matter.

Appoint-
ment of
joint com-
mittee.

40. (1) A panchayat may, and if so required by the Inspector shall, join with one, or more than one, other local authority in constituting a joint committee for any purpose for which they are jointly responsible.

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(2) The constitution, powers and procedure of a joint committee and the method of settling differences of opinion arising in connexion with the committee between the local authorities concerned shall be in accordance with such rules as may be prescribed.

41. (1) Every panchayat shall submit to the Inspector a report on its administration for each year as soon as may be after the close of such year and not later than the prescribed date, in such form, with such details, and through such authority as may be prescribed.

Administra-
tion report.

(2) The report shall be prepared by the executive authority and the panchayat shall consider it and forward the same to the Inspector with its resolutions thereon, if any.

(3) The Inspector shall submit to the Government a general report on the administration of panchayats in the Province during the year.

Validation of proceedings.

42. No act of a panchayat or of a committee thereof or of any person acting as president, vice-president, chairman or member of such panchayat or committee shall be deemed to be invalid by reason only of a defect in the establishment of such panchayat or committee, or on the ground that the president, vice-president, chairman or any member of such panchayat or committee was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his election, . . . or by reason of such act having been done during the period of any vacancy in the office of president, vice-president, chairman or member of such panchayat or committee.

Acts of
panchayats,
etc., not to
be invali-
dated by
informality,
vacancy,
etc.*Control.*

43. (1) The Inspector shall supervise the administration of all panchayats in the Province and shall also exercise the powers and perform the duties vested in him by or under this Act. He shall be assisted by one or more Regional Inspectors appointed by the Government.

Inspecting
and
superint
ing officers
and their
and the
Govern-
ment's
powers.

(2) (a) The Government may appoint such other officers as they may consider necessary for the purpose of inspecting or superintending the operations of all or any of the panchayats constituted under this Act.

(b) In particular and without prejudice to the generality of the foregoing provision, the Government may appoint one or more District Panchayat Officers and one or more Deputy Panchayat Officers for each revenue district.

(c) The Government shall have power to regulate the classification, methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the officers

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referred to in clauses (a) and (b) and of the members of their establishment.

(3) The cost of the officers and the members of the establishment aforesaid shall be paid out of the revenues of the Province.

(4) The District and the Deputy Panchayat Officers shall exercise such powers and perform such duties as may be prescribed, or as may be delegated to them under this Act.

(5) The Inspector or the Collector or any officer appointed under sub-section (1) or any other officer or person whom the Government, or the Inspector or the Collector may empower in this behalf, may enter on and inspect, or cause to be entered on and inspected—

(a) any immovable property, or any work in progress, under the control of any panchayat or executive officer ;

(b) any school, hospital, dispensary, vaccination station, choultry or other institution maintained by, or under the control of, any panchayat and any records, registers or other documents kept in such institution ;

(c) the office of any panchayat and any records, registers or other documents kept therein.

Panchayats and their presidents, executive authorities, officers and servants shall be bound to afford to the officers and persons aforesaid, such access, at all reasonable times, to panchayat property or premises and to all documents as may, in the opinion of such officers or persons, subject to such rules as may be prescribed, be necessary to enable them to discharge their duties under this section.

(6) The Inspector or any officer or person whom the Government, or the Inspector may empower in this behalf may—

(a) direct the panchayat to make provision for and to execute or provide any public work or amenity, or service of the description referred to in section 51 ;

(b) call for any record, register or other document in the possession, or under the control, of any panchayat, or executive authority ;

(c) require any panchayat, or executive authority to furnish any return, plan, estimate, statement, account or statistics ;

(d) require any panchayat, or executive authority to furnish any information or report on any matter connected with such panchayat ;

(e) record in writing for the consideration of any panchayat, or executive authority any observations in regard to its or his proceedings or duties.

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44. (1) The Inspector may, by order in writing—

(i) suspend or cancel any resolution passed, order issued, or licence or permission granted, or

(ii) prohibit the doing of any act which is about to be done or is being done,

in pursuance or under colour of this Act if, in his opinion—

(a) such resolution, order, licence, permission or act has not been legally passed, issued, granted or authorized, or

(b) such resolution, order, licence, permission or act is in excess of the powers conferred by this Act or any other law or an abuse of such powers or is considered by the Inspector to be otherwise undesirable, or

(c) the execution of such resolution or order, or the continuance in force of such licence or permission or the doing of such act is likely to cause danger to human life, health or safety, or is likely to lead to a riot or an affray :

Provided that nothing in this sub-section shall enable the Inspector to set aside any election which has been held.

(2) The Inspector shall, before taking action on any of the grounds referred to in clauses (a) and (b) of sub-section (1), give the authority or person concerned an opportunity for explanation.

(3) The power conferred on the Inspector under clause (c) of sub-section (1), may be exercised by the Collector in accordance with the provisions of that clause.

45. Subject to such control as may be prescribed, the Inspector or the Collector may, in cases of emergency, direct or provide for the execution of any work, or the doing of any act which a panchayat or executive authority is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the safety of the public, and may direct that the expense of executing such work or doing such act shall be paid by the person having the custody of the panchayat fund in priority to any other charge against such fund except charges for the service of authorized loans.

46. The administration by a panchayat of any undertaking for the generation, transmission, supply or use of electrical energy shall be subject to such control as may be prescribed, not inconsistent with the Indian Electricity Act, 1910, or the Electricity (Supply) Act, 1948, as in force for the time being, the rules made under those Acts, and the terms of the licence granted under them to the panchayat.

Central
Acts XI of
1910 and
LIV of 1948.

Power to
suspend
or cancel
resolution,
etc., under
the Act.

Emergency
powers of
Collector
and
Inspector.

Control
over
electrical
undertakings
of
panchayats.

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Power to take action in default of a panchayat, president or executive authority.

47. (1) If at any time it appears to the Inspector that a panchayat, president or executive authority has made default in performing any duty imposed by or under this or any other act, he may, by order in writing, fix a period for the performance of such duty.

(2) If such duty is not performed within the period so fixed, the Inspector may appoint some person to perform it, and may direct that the expense of performing it shall be paid by the person having the custody of the panchayat fund in priority to any other charges against such fund except charges for the service of authorized loans.

Removal of president, vice-president or member.

48. (1) The Inspector may, by notification and with effect from a date to be specified therein, remove any president or vice-president who, in his opinion, wilfully omits or refuses to carry out or disobeys the provisions of this Act or any rules, by-laws, regulations or lawful orders issued thereunder, or abuses the powers vested in him.

(2) The Inspector may, by notification and with effect from a date to be specified therein, remove any member who, in his opinion, is guilty of any misconduct in the discharge of his duties

(3) The Inspector shall, when he proposes to take action under sub-section (1) or (2), give the president, vice-president or member concerned an opportunity for explanation, and the notification issued shall contain a statement of the reasons for the action taken.

(4) The Government shall have power to cancel any notification issued under sub-section (1) or (2) and may, pending a decision on the question of such cancellation, postpone the date specified in such notification.

(5) Any person in respect of whom a notification has been issued under sub-section (1) or (2) removing him from the office of president, vice-president or member shall, unless the notification is cancelled under sub-section (4), be ineligible for election as president or vice-president or for election . . . as member or from holding any of those offices until the date on which notice of the next ordinary elections to the panchayat is published in the prescribed manner, or the expiry of one year from the date specified in such notification as postponed by the order, if any, issued under sub-section (4), whichever is earlier.

Dissolution and supersession of panchayats.

49. (1) If, in the opinion of the Government, a panchayat is not competent to perform or persistently makes default in performing the duties imposed on it by law, or exceeds or abuses its powers, they may, by notification—

(a) direct that the panchayat be dissolved with effect from a specified date and reconstituted either immediately or with effect from another specified date, or

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(b) supersede the panchayat for a period not exceeding one year from a specified date :

(2) Nothing contained in sub-section (1) shall affect the continuance in office of the president during the period of dissolution or supersession of the panchayat.

(3) Before publishing a notification under sub-section (1), the Government shall communicate to the panchayat the grounds on which they propose to do so, fix a reasonable period for the panchayat to show cause against the proposal, and consider its explanations and objections, if any.

(4) On the date fixed for the dissolution or supersession of a panchayat under sub-section (1), all its members as well as its . . . vice-president shall forthwith be deemed to have vacated their offices as such.

(5) During the interval, if any, between the dissolution and the reconstitution of a panchayat or during the period of its supersession, as the case may be, the president shall exercise and discharge the powers and duties of the panchayat as far as may be and to such extent as the Government may determine in that behalf. In case the office of president is vacant on the date of dissolution or supersession of the panchayat or falls vacant before the reconstitution of the panchayat, the Inspector may appoint a person to exercise the powers and discharge the duties of the panchayat and of its president including where the president is also the executive authority, his powers and duties as such until the reconstitution of the panchayat. Any person other than the executive officer who is so appointed may, if the Inspector so directs, receive payment for his services from the panchayat.

(6) The members, other than the president, of a reconstituted panchayat shall enter upon their offices on the date fixed for its reconstitution and their term of office shall expire in such year and on such date as the Government may fix. The year so fixed shall be either the year in which the next ordinary elections or the year in which the ordinary elections immediately succeeding such elections are to be held for any panchayat in the same district. The date so fixed shall not be later than 31st day of December.

(7) When a panchayat is dissolved or superseded under this section, the Government until the date of the reconstitution thereof, and the reconstituted panchayat thereafter, shall be entitled to all the assets and be subject to all the liabilities of the panchayat as on the date of the dissolution or supersession and on the date of the reconstitution respectively.

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Powers of officers acting for, or in default of, panchayat and liability of panchayat fund.

50. The Government, the Inspector or any other person lawfully taking action on behalf, or in default, of a panchayat under this Act, shall have such powers as are necessary for the purpose and shall be entitled to the same protection under this Act as the panchayat or its officers or servants whose powers are exercised; and compensation shall be recoverable from the panchayat fund by any person suffering damage from the exercise of such powers to the same extent, as if the action had been taken by panchayat or its officers or servants.

CHAPTER III.—FUNCTIONS, POWERS AND PROPERTY OF PANCHAYATS.

Duty of panchayat to provide for certain matters.

51. Subject to the provisions of this Act and the rules made thereunder, it shall be the duty of a panchayat, within the limits of its funds, to make reasonable provision for carrying out the requirements of the village in respect of the following matters, namely :—

(a) the construction, repair and maintenance of all public roads in the village (other than district roads and roads which are classified by the Government as national and provincial highways) and of all bridges, culverts, road-dams and causeways on such roads;

(b) the lighting of public roads and public places;

(c) the construction of drains and the disposal of drainage water and sullage;

(d) the cleansing of streets, the removal of rubbish heaps, jungle growth and prickly-pear, the filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows, and other improvements of the sanitary condition of the village;

(e) the provision of public latrines and arrangements to cleanse latrines whether public or private;

(f) the opening and maintenance of burial and burning grounds;

(g) the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks and the construction and maintenance of water-works for the supply of water for washing and bathing purposes and of protected water for drinking purposes;

(h) preventive and remedial measures connected with any epidemic, or with malaria;

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52. Subject to the provisions of this Act and the rules made thereunder, a panchayat may also make such provision as it thinks fit for carrying out the requirements of the village in respect of the following matters, namely :—

Powers of panchayat to provide for certain other matters.

(a) the planting and preservation of trees on the sides of public roads in the village not being district roads or roads classified by the Government as national or provincial highways;

(b) the opening and maintenance of public markets other than markets which are classified as district markets;

(c) the control of fair and festivals other than those classified as district fairs and festivals;

(d) the opening and maintenance of public landing places, halting places and cart-stands and of public cattle sheds;

(e) the opening and maintenance of public slaughter-houses;

(f) the establishment and maintenance of choultries other than those classified as district choultries;

(g) the extension of village-sites and the regulation of building;

(h) the registration of births and deaths;

(i) improvements of agriculture and agricultural stock and the holding of agricultural shows;

(j) the promotion and encouragement of cottage industries;

(k) the opening and maintenance of elementary schools;

(l) the opening and maintenance of reading rooms and of libraries which are not classified as district libraries;

(m) the establishment and maintenance of wireless receiving sets, playgrounds, sports clubs and centres of physical culture;

(n) the establishment and maintenance of dispensaries and the payment of subsidies to rural medical practitioners;

(o) the establishment and maintenance of maternity and child-welfare centres;

(p) veterinary relief;

(q) other measures of public utility calculated to promote the safety, health, comfort or convenience of the inhabitants of the village.

53. Subject to the provisions of this Act and the rules made thereunder, two or more panchayats may establish and maintain common dispensaries, child-welfare centres and institutions of such other kind as may be prescribed.

Maintenance of common dispensaries, child-welfare centres, etc.

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Transfer to panchayats of unreserved forests and other institutions or works.

54. (1) (a) All unreserved forests in the village at the commencement of this Act shall vest in the panchayat and be administered by it for the benefit of the villagers.

(b) In respect of every forest so vested, the panchayat shall, if so required by the Collector, pay to the Government such rent as the Collector may, from time to time, subject to the control of the Board of Revenue, fix in this behalf.

(2) (a) If the Revenue Divisional Officer is of opinion that a panchayat is not administering properly a forest vesting in it under sub-section (1), he may, by order, withdraw such forest from the control of the panchayat for such period as may be specified in the order, not exceeding the period, if any, prescribed in this behalf.

(b) The Revenue Divisional Officer may, from time to time, by order, extend the period specified in any order issued under clause (a).

(c) Before issuing an order under clause (a) or (b), a reasonable opportunity shall be given to the panchayat to show cause against such issue.

(d) Where an order is issued under clause (a) or (b), the panchayat concerned may, within three months of the service of the order, appeal against it to the Collector; and the Collector may confirm, modify or reverse the order.

(3) The Board of Revenue may, in its discretion, at any time, either *suo motu* or on application, call for and examine the record of any order issued by the Revenue Divisional Officer or the Collector under sub-section (2) for the purpose of satisfying itself as to the legality or propriety of such order, and may pass such order in reference thereto as it thinks fit.

(4) Subject to such rules as may be prescribed, the Government, the Board of Revenue, the Collector or Revenue Divisional Officer, the district board or the executive authority, or any person or body of persons, may transfer to the panchayat, with its consent and subject to such conditions as may be agreed upon, the management of any institution, or the execution or maintenance of any work, or the exercise of any power or the discharge of any duty, whether within or without the village, and whether provided for in this Act or not.

Power of Board of Revenue to transfer or resume control of endowments and inams.

55. (1) (a) Subject to the control of the Government, the Board of Revenue may, by notification, make over to a panchayat, with its consent, the management and superintendence of any charitable endowment in respect of which powers and duties attach to the Board of Revenue under the provisions of the Madras Endowments and Escheats Regulation, 1817; and thereupon all powers and duties attaching to the Board of

Madras Regulation VII of 1817.

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Revenue in respect thereof shall attach to the panchayat as if it had been specially named in the said Regulation, and the panchayat shall manage and superintend such endowment.

(b) The Board of Revenue may of its own motion, and shall on a direction from the Government, by notification, resume the management and superintendence of any endowment made over to panchayat under clause (a) and upon such resumption, all the powers and duties attaching to the panchayat in respect of the endowment shall cease and determine.

(2) The Government may assign to a panchayat with its consent, a charitable inam resumed by the Government or any other authority, provided that the net income from such inam can be applied exclusively to any purpose to which the funds of such panchayat may be applied; and may revoke any assignment so made.

56. A panchayat may accept donations for, or trusts relating exclusively to the furtherance of any purpose to which its funds may be applied.

Limitation of power to accepting donations and trusts.

57. (1) All public roads in any village (other than district roads and roads which are classified by the Government as national or provincial highways), shall vest in the panchayat together with all pavements, stones and other materials thereof, all works, materials and other things provided therefor, all sewers, drains, drainage works, tunnels and culverts, whether made at the cost of the panchayat funds or otherwise, in, alongside or under such roads, and all works, materials and things appertaining thereto.

Vesting of public roads in panchayats.

(2) The Government may, by notification, exclude from the operation of this Act any such public road, sewer, drain, drainage work, tunnel or culvert, . . . and may also modify or cancel such notification.

58. All rubbish, sewage, filth and other matter collected by a panchayat under this Act shall belong to it.

Collected sewage, etc., to belong to panchayat.

59. Any property or income which by custom belongs to, or has been administered for the benefit of, the villagers in common, or the holders in common of village land generally or of lands of a particular description or of lands under a particular source of irrigation shall vest in the panchayat and be administered by it for the benefit of the villagers or holders aforesaid.

Vesting of communal property or income in Panchayat.

60. (1) Subject to such conditions and control as may be prescribed, the Government may transfer to any panchayat the protection and maintenance of any village irrigation work, the management of turns of irrigation, or the regulation of distribution of water from any irrigation work to the fields depending on it.

Power of Panchayats to execute kudimaramat and levy fees for the purpose.

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(2) The panchayat shall have power, subject to such restriction and control as may be prescribed to execute kudimaramat in respect of any irrigation source in the village and to levy such fee and on such basis for the purposes thereof as may be prescribed :

Provided that nothing contained in this section shall be deemed to relieve the village community or any of its members of its or his liability under the Madras Compulsory Labour Act, 1858, in respect of any irrigation source in the village, in case the panchayat makes default in executing the kudimaramat in respect of that irrigation source. Central Act I of 1858.

Panchayat to regulate the use of certain porambokes in ryotwari tracts.

61. (1) The provisions of this section shall apply only in ryotwari tracts.

(2) The panchayat shall have power, subject to such restrictions and control as may be prescribed, to regulate the use of the following porambokes, namely, grazing grounds, threshing floors, burning and burial grounds, cattle-stands, cart-stands and topes, provided the porambokes are at the disposal of the Government.

(3) The Collector after consulting the panchayat, may, by notification, exclude from the operation of this Act any poramboke referred to in sub-section (2), and may also modify or cancel such notification.

(4) The panchayat shall also have power, subject to such restrictions and control as may be prescribed, to regulate the use of any other poramboke which is at the disposal of the Government, if the panchayat is authorized in that behalf by an order of the Government.

(5) The panchayat may, subject to such restrictions and control as may be prescribed, plant trees on any poramboke the use of which is regulated by it under sub-section (2) or sub-section (4).

62. (1) In estates governed by the Madras Estates Land Act, 1908, notwithstanding anything contained in that Act, the panchayat shall have power subject to such restrictions and control as may be prescribed— Madras Act I of 1908.

(a) to regulate the use of lands which are set apart for any of the purposes referred to in sub-clause (b) of clause (16) of section 3 of the said Act, namely, threshing floors, cattle-stands, village-sites and other lands situated in the village which are set apart for the common use of the villagers ;

(b) to exercise the power vested in the District Collector by section 20-A of the said Act, namely, to direct that any land referred to in clause (a) which is no longer

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required for its original purpose shall be used for any other specified communal purpose, provided that the sanction of the District Collector is obtained therefor ; and

(c) to plant trees on any land the use of which is regulated by the panchayat under clause (a).

Nothing contained in clause (b) shall be deemed to affect in any way the operation of the provisos to sub-section (1) of the said section 20-A.

Madras Act I of 1908.

(2) After an estate ceases to be governed by the Madras Estates Land Act, 1908, the provisions of sub-section (1) shall apply to the lands referred to in that sub-section, to such extent and with such modifications, as may be prescribed.

Central Act I of 1894.

63. Any immovable property which any panchayat is authorized by this Act to acquire may be acquired under the provisions of the Land Acquisition Act, 1894, and on payment of the compensation awarded under the said Act in respect of such property and of any other charges incurred in acquiring it, the said property shall vest in the panchayat. Immovable property required by panchayats may be acquired under the Land Acquisition Act, 1894.

CHAPTER IV.—TAXATION AND FINANCE.

64. (1) Every panchayat shall levy in the village a house-tax, a profession-tax and a vehicle tax. Taxes which may be levied by panchayats.

(2) A duty shall also be levied in every village on certain transfers of property in accordance with the provisions of section 68.

(3) Subject to such rules as may be prescribed and with the sanction of the Inspector and subject to such restrictions and conditions, if any, as may be imposed by him either at the time of granting sanction or later, the panchayat may also levy in the village—

(a) a land-cess at the rate of three ples in the rupee on the annual rent value of all occupied lands which are not occupied by, or adjacent and appurtenant to, buildings ;

(b) a tax on agricultural land for a specific purpose.

65. (1) The house-tax referred to in section 64, sub-section (1) shall be levied on all houses (other than huts) in the village on any one of the following bases, namely, (a) annual value, (b) capital value, or (c) such other basis as may be prescribed. House-tax.

(2) The house-tax shall, subject to the prior payment of the land revenue, if any, due to the Government in respect of the site of the house, be a first charge upon the house and upon the movable property, if any, found within or upon the same and belonging to the person liable to such tax.

Panchayat to regulate the use of certain communal lands in estates governed by the Madras Estates Land Act, 1908.

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(3) The house-tax shall be levied every half-year at such rates as may be fixed by the panchayat, not being less than the minimum rates and not exceeding the maximum rates, prescribed in regard to the basis of levy adopted by the panchayat.

(4) The Government may make rules providing for—

(i) the exemption of specified classes of houses from the tax;

(ii) the manner of ascertaining the annual or capital value of houses or the categories into which they fall for the purposes of taxation;

(iii) the persons who shall be liable to pay the tax and the giving of notices of transfer of houses;

(iv) the grant of exemptions from the tax on the ground of poverty;

(v) the grant of vacancy and other remissions;

(vi) the circumstances in which, and the conditions subject to which, houses constructed, reconstructed or demolished, or situated in areas included in, or excluded from, the village, during any half-year, shall be liable or cease to be liable to the whole or any portion of the tax.

(5) If the occupier of a house pays the house-tax on behalf of the owner thereof, such occupier shall be entitled to recover the same from the owner and may deduct the same from the rent then or thereafter due by him to the owner.

Profession-
tax.

66. (1) The profession-tax referred to in section 64, sub-section (1), shall subject to such rules as may be prescribed, be levied every half-year in every village on—

(i) every company which transacts business in such village for not less than sixty days in the aggregate in that half-year; and

(ii) every person who, in that half-year—

(a) exercises a profession, art or calling or transacts business or holds any appointment, public or private—

(i) without such village, but who resides in it for in the aggregate, or

(ii) within such village for not less than sixty days in the aggregate, or—

(b) resides in such village for not less than sixty days in the aggregate and is in receipt of any pension or income from investments.

(2) The profession-tax shall be levied at such rates as may be fixed by the panchayat, not being less than such minimum rates and not exceeding such maximum rates as may be prescribed.

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(3) A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub-section (1) as being liable to the tax.

(4) If a company or person proves that it or he has paid the sum due on account of the profession-tax levied under this Act, or the companies or profession-tax levied under the Madras City Municipal Act, 1919, or the Madras District Municipalities Act, 1920, or any tax of the nature of a profession-tax imposed under the Cantonments Act, 1924, for the same half-year to any panchayat or municipal council or cantonment authority in the Province of Madras, such company or person shall not be liable by reason merely of change of place of business, exercise of profession, art or calling, appointment or residence to pay to any other panchayat, municipal council or cantonment authority more than the difference between such sum and the amount to which it or he is otherwise liable for the profession or companies tax for the half-year under this Act or any of the aforesaid Acts.

(5) Nothing contained in this section shall be deemed to render a person who resides within the local limits of one local authority and exercises his profession, art or calling or transacts business or holds any appointment within the limits of any other local authority or authorities liable to profession-tax for more than the higher of the amounts of the tax leviable by any of the local authorities. In such a case the Government shall apportion the tax between the local authorities in such manner as they may deem fit and the decision of the Government shall be final:

Provided that where one of the local authorities concerned is a cantonment authority or the port authority of a major port, the decision of the Government shall be subject to the concurrence of the Central Government.

(6) The profession-tax leviable from a firm, association or joint Hindu family may be levied from any adult member of the firm, association or family.

(7) (a) If a company or person employs a servant or agent to represent it or him for the purpose of transacting business in any local area, such company or person shall be deemed to transact business in the local area and such servant or agent shall be liable for the profession-tax in respect of the business of such company or person whether or not such servant or agent has power to make binding contracts on behalf of such company or person.

(b) Where one company or person is the agent of another company or person, the former company or person shall not be liable separately to the profession-tax on the same income as that of the principal.

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Vehicle tax.

67. The vehicle tax referred to in section 64, sub-section (1), shall, subject to such rules as may be prescribed including rules relating to exemptions and restrictions, be levied every half year on all vehicles kept or used within the village at such rates as may be fixed by the panchayat not being less than the minimum rates and not exceeding the maximum rates prescribed.

Explanation.—In this section, 'vehicle' means a conveyance suitable for use on roads and includes any kind of tram car, carriage, cart, wagon, bicycle, tricycle and rickshaw but does not include a motor vehicle as defined in the Motor Vehicles Act, 1939.

Central Act
IV of 1939.Duty on
transfers of
property.

68. (1) The duty on transfers of property shall be levied —

(a) in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, as in force for the time being in the Province of Madras, on every instrument of the description specified below, which relates to immovable property situated in the area under the jurisdiction of a panchayat ; and

Central Act
II of 1899.

(b) at such rate as may be fixed by the Government, not exceeding five per centum on the amount specified below against such instrument.

Description of instrument.	Amount on which duty should be levied.
(i) Sale of immovable property.	The amount or value of the consideration for the sale, as set forth in the instrument.
(ii) Exchange of immovable property.	The value of the property of the greatest value, as set forth in the instrument.
(iii) Gift of immovable property.	The value of the property, as set forth in the instrument.
(iv) Mortgage with possession of immovable property.	The amount secured by the mortgage as set forth in the instrument.
(v) Lease in perpetuity of immovable property.	An amount equal to one-sixth of the whole amount or value of the rents which would be paid or delivered in respect of the first fifty years of the lease, as set forth in the instrument.

(2) On the introduction of the duty aforesaid—

(a) section 27 of the said Indian Stamp Act shall be read as if it specifically required the particulars to be set forth separately in respect of property situated in the area under the jurisdiction of a panchayat and in respect of property situated outside such area ;

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(b) section 64 of the same Act shall be read as if it referred to the panchayat as well as the Government.

(3) The Government may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the panchayat and the deduction of any expenses incurred by the Government in the collection thereof.

69. Subject to such restrictions and control as may be prescribed, a panchayat may write off any tax, fee or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connexion therewith, if in its opinion such tax, fee, amount or sum is irrecoverable : Power to write off irrecoverable amounts.

Provided that where the Collector or any of his subordinates is responsible for the collection of any tax, fee or other amount due to a panchayat, the power to write off such tax, fee or amount or any sum payable in connexion therewith, on the ground of its being irrecoverable, shall be exercised by the Board of Revenue or subject to its control, by the Collector or any officer authorized by him.

70. Subject to such rules, as may be prescribed, the executive authority shall have power to require the village headman having jurisdiction over the village or any part thereof to collect any tax or fee due to the panchayat on payment of such remuneration not exceeding 6½ per cent of the gross sum collected by the headman as the Collector may, by general or special order, determine. Power to require village headmen to collect taxes and fees due to panchayat.

71. (1) All moneys received by the panchayat shall constitute a fund called the panchayat fund, and shall be applied and disposed of in accordance with the provisions of this Act and other laws : Panchayat fund.

Provided that the panchayat shall have power, subject to such rules as may be prescribed, to direct that the proceeds of any tax or additional tax levied under this Act shall be earmarked for the purpose of financing any specific public improvement. A separate account shall be kept of the receipts from every such tax or additional tax and the expenditure thereof.

(2) the receipts which shall be credited to the panchayat fund shall include—

(i) the house-tax, the profession-tax, the vehicle tax and any other tax or any cess, levied under section 64 of this Act ;

(ii) the proceeds of the duty on transfers of property levied under section 68 of this Act ;

(iii) one-fourth of the land-cess levied in the village under section 78 of the Madras District Boards Act, 1920 ;

Madras Act
XIV of 1920.

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(iv) the pilgrim tax levied in respect of the village *Madras Act* under section 110 of the *Madras District Boards Act, 1920, XIV of 1920* except where the occasion for pilgrimage is a festival classified as a district festival;

(v) the taxes and tolls levied in the village under *Madras Act* sections 117 and 118 of the *Madras Public Health Act, 1939; III of 1939*.

(vi) the contribution paid by the district board on the scale fixed by the Government in respect of markets in the village classified as district markets and in respect of ferries under the management of the district board;

(vii) fees for the temporary occupation of village-sites, roads and other similar public places or parts thereof in the village;

(viii) fees levied by the panchayat in pursuance of any provision in this Act or any rule or order made thereunder;

(ix) the contribution, if any, paid by the district board on the scale fixed by the Government for the opening and maintenance of elementary schools in the village;

(x) income from endowments and trusts under the management of the panchayat;

(xi) the net assessment on service inams which are resumed by the Government after the commencement of this Act;

(xii) income derived from village fisheries;

(xiii) income derived from ferries under the management of the panchayat;

(xiv) unclaimed deposits and other forfeitures;

(xv) a sum equivalent to the seigniorage fees collected by the Government every year from persons permitted to quarry for road materials in the village;

(xvi) all income derived from porambokes the user of which is vested in the panchayat;

(xvii) where the village is in a ryotwari tract, all income derived from trees standing on porambokes although the user of the porambokes is not vested in the panchayat;

(xviii) income from leases of Government property obtained by the panchayat;

(xix) a sum equivalent to nine-tenths of the gross income derived by the Government every year from fines imposed by Magistrates in respect of offences committed in the village under this Act or any rule or by-law made thereunder or any other provision of law which is prescribed in this behalf;

(xx) grants received from the Government; and

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(xxi) all sums other than those enumerated above which are out of, or are received in aid of or for expenditure on, any institutions or services maintained or financed from the panchayat fund or managed by the panchayat.

72. The Government shall set apart every year a sum not being less than twelve and a half per cent of the total land revenue (including water-cess) collected in the Province during that year and distribute such sum in the prescribed manner as grants to Class II panchayats on the basis of their population. *Grants by Government to Class II panchayats.*

73. (1) The purposes to which the panchayat fund may be applied include all object expressly declared obligatory or discretionary by this Act or any rules made thereunder or by any other laws or rules and the fund shall be applicable thereto within the village subject to such rules or special orders as the Government may prescribe or issue and shall, subject as aforesaid, be applicable to such purposes outside the village if the expenditure is authorized by this Act or specially sanctioned by the Inspector. *Expenditure from panchayat fund.*

(2) (a) It shall be the duty of every panchayat to provide for the payment of—

(i) any amounts falling due on any loans contracted by it;

(ii) the election expenses including the cost of the preparation and revision of the electoral roll, the conduct of elections to the panchayat, and the maintenance of the election establishment;

Explanation.—The cost of maintenance of the election establishment shall include the pay, pension and leave allowances, if any, of the officers and servants of the Government or of any other authority, employed in the preparation and revision of the electoral roll and in the conduct of the elections;

(iii) the salaries and allowances and the pensions, pensionary contributions and provident fund contributions of its officers and servants;

(iv) sums due under any decree or order of a Court; and

(v) any other expenses rendered obligatory by or under this Act or any other law.

(b) The Government shall determine every year the amount of the election expenses referred to in sub-clause (ii) of clause (a) and their determination shall be final and binding on the panchayat. Such amount shall have priority over all other charges except charges for the service of authorized loans including the loans and advances referred to in section 77 and the expenses specified in sections 45 and 47 (2).

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(3) A panchayat may, with the sanction of the Government, contribute to any fund for the defence of India.

(4) A panchayat may, with the sanction of the Inspector; also—

(i) contribute towards the expenses of any public exhibition, ceremony or entertainment in the village;

(ii) contribute to any charitable fund, or to the funds of any institution for the relief of the poor or the treatment of disease or infirmity or the reception of diseased or infirm persons or the investigation of the causes of disease; and

(iii) defray any other extraordinary charges.

Preparation
and sanction
of budgets.

74. (1) The executive authority shall in each year frame and place before the panchayat a budget showing the probable receipts and expenditure during the following year, and the panchayat shall sanction the budget with such modifications, if any, as it thinks fit.

(2) The budget of a panchayat shall, after being so sanctioned, be submitted on or before such date and to such officer as may be prescribed, and if he is satisfied that adequate provision has not been made therein for the performance of any necessary service or services, he shall have power to modify the budget in such manner as may be necessary to secure such provision.

(3) If, in the course of a year, a panchayat finds it necessary to alter the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services undertaken by it, a supplemental or revised budget may be framed, sanctioned, submitted and modified in the manner provided in sub-sections (1) and (2), provided that no such alteration shall be given effect to except with the consent of the prescribed officer.

Appointment
of auditors.

75. (1) The Government shall appoint auditors of the accounts of the receipts and expenditure of the panchayat fund. Such auditors shall be deemed to be "public servants" within the meaning of section 21 of the Indian Penal Code.

(2) No contribution shall be recovered by the Government from the panchayat towards the pay and allowances of such auditors or towards any other expenditure involved in the audit of the accounts of the panchayat.

Contribution
to expenditure
by other
local authorities.

76. If the expenditure incurred by the Government or by any other panchayat or the district board or by any other local authority in the Province for any purpose authorized by or under this Act, is such as to benefit the inhabitants of the village, the panchayat may with the sanction of the Inspector, and shall if so directed by him, make a contribution towards such expenditure.

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Central Act
IX of 1914.

77. (1) Notwithstanding anything contained in the Local Authorities Loans Act, 1914, the Government may—

(a) by order direct any person having custody of the panchayat fund to pay to them in priority to any other charges against such fund, except charges for the service of authorized loans, any loan or advance made by them to the panchayat for any purpose to which its funds may be applied under this Act;

(b) recover any such loan or advance by suit.

(2) The person to whom the order referred to in clause (a) of sub-section (1) is addressed shall be bound to comply with such order.

CHAPTER V.—PUBLIC SAFETY, CONVENIENCE AND HEALTH.

Public water-courses, springs, etc.

78. (1) All public water-courses, springs, reservoirs, tanks, cisterns, fountains, wells, stand-pipes and other water-works (including those used by the public to such an extent as to give a prescriptive right to their use) whether existing at the commencement of this Act or afterwards made, laid or erected, and whether made, laid or erected at the cost of the panchayat or otherwise, and also any adjacent land (not being private property) appertaining thereto, shall vest in the panchayat and be subject to its control:

Provided that nothing contained in this sub-section shall apply to any work which is, or is connected with, a work of irrigation or to any adjacent land appertaining to any such work.

(2) The Government may, by notification, define or limit such control or may assume the administration of any public source of water-supply and public land adjacent and appertaining thereto after consulting the panchayat and giving due regard to its objections, if any.

Contributions for sanitary arrangements.

79. Where a mosque, temple, mutt or any place of religious worship or instruction or any place which is used for holding fairs, or festivals or for other like purpose is situated within the limits of a village or in the neighbourhood thereof and attracts either throughout the year or on particular occasions a large number of persons, any special arrangements necessary for public health, safety or convenience, whether permanent or temporary, shall be made by the panchayat; but the Government may, after consulting the trustee or other person having control over such place require him to make such recurring or non-recurring contribution to the funds of the panchayat as they may determine.

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Roads.

Prohibition
against
obstructions
in or over
public roads,
etc.

80. No person shall, except as permitted by rules made under this Act and except in accordance with the conditions imposed by any licence made requisite, by such rules—

(a) build any wall or erect any fence or other obstruction or projection or make any encroachment whatsoever, whether permanent or temporary, in or over any public road ;

(b) make any hole or deposit any matter in or upon any public road ;

(c) work a quarry in or remove stone, earth or other material from any place within twenty yards of a public road or of other immovable property vesting in or belonging to a panchayat, provided that nothing in this clause shall be deemed to apply to any work which, in the opinion of the Inspector, is done in connexion with a *bona fide* agricultural operation ;

(d) erect any building over any sewer or drain or any part thereof ;

(e) plant any tree on any public road or other property vesting in or belonging to a panchayat ; or

(f) fell, remove, destroy, lop or strip bark, leaves or fruits from, or otherwise damage, any tree which is growing on any such public road or other property or on any poramboke or land, the use of which is regulated by a panchayat under section 61 or section 62 and the right to which has not been established by such person as vesting in or belonging to him.

Markets.

Public
markets.

81. (1) The panchayat may provide places for use as public markets and, with the sanction of the Inspector, close any such market or part thereof.

(2) Subject to such rules as may be prescribed, the panchayat may levy any one or more of the following fees in any public market at such rates, not exceeding the maximum rates, if any, prescribed in that behalf as the panchayat may think fit :—

(a) fees for the use of, or for the right to expose goods for sale in, such market ;

(b) fees for the use of shops, stalls, pens or stands in such market ;

(c) fees on vehicles (including motor vehicles as defined in the Motor Vehicles Act, 1939) or pack-animals bringing, or on persons carrying, any goods for sale in such market ;

(d) fees on animals brought for sale into or sold in such market ; and

Central Act
IV of 1939.

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(e) licence fees on brokers, commission agents, weighmen and measurers practising their calling in such market.

82. (1) No person shall open a new private market after the commencement of this Act, or continue to keep open a private market, after the commencement of such year as the Government may, by notification, appoint in this behalf :

Provided that nothing in this sub-section shall apply to any private market, existing on the date of publication of the notification aforesaid, if the income derived from such market after deducting therefrom the cost of collection and management and such other sums as may be prescribed, has been, and continues to be utilized solely for educational, charitable and religious purposes.

(2) If any question arises as to whether any market falls within the scope of the proviso to sub-section (1) or not, the panchayat shall make a reference thereon to the Government and their decision shall be final. . .

(3) In lieu of each of the private markets closed in pursuance of sub-section (1), the panchayat shall provide a public market.

83. (1) No person shall keep open a private market of the nature referred to in the proviso to sub-section (1) of section 82 unless he has obtained a licence from the panchayat to do so. Such licence shall be renewed every year.

(2) (a) The panchayat shall grant the licence applied for, subject to such conditions as it may think fit as to supervision and inspection, sanitation and water-supply, weights and measures to be used, rents and fees to be charged and such other matters as may be prescribed.

(b) The panchayat may modify the conditions of the licence to take effect from a specified date.

(c) The panchayat may at any time suspend or cancel any licence granted under clause (a) for breach of the conditions thereof.

(d) Any person aggrieved by an order of the panchayat under clause (a), (b) or (c) may appeal against such order to the Inspector who may, if he thinks fit, suspend the execution of the order pending the disposal of the appeal.

Madras Act
V of 1884.

(3) (a) Any person claiming to levy in a private market lawfully established prior to the coming into force of the Madras Local Boards Act, 1884, fees of the nature specified in section 82, sub-section (2), shall apply to the Inspector for a certificate recognizing his right in that behalf ; and the Inspector shall pass orders on such application after giving due notice to the panchayat and considering any representations made by it.

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(b) Any person aggrieved by an order of the Inspector refusing to grant a certificate under clause (q) may, within six months from the date of such order, institute a suit to establish the right claimed by him, and subject to the result of such suit, the Inspector's order shall be final.

(4) When a licence granted under sub-section (2) does not permit the levy of any fees, it shall be granted free of charge ; but when such permission is given, a fee not exceeding 15 per cent of the gross income of the owner from the market in the preceding year shall be charged by the panchayat for such licence.

(5) The panchayat or any officer duly authorized by it may close a private market which is unlicensed or the licence for which has been suspended or cancelled, or which is held or kept open contrary to the provisions of this Act.

Decision of
disputes as
to whether
places are
markets.

84. If any question arises as to whether any place is a market or not, the panchayat shall make a reference thereon to the Government and their decision shall be final.

Prohibition
of sale in
unlicensed
private
markets,
etc.

85. No person shall sell or expose for sale any animal or article—

(a) in any public or licensed private market without the permission of the executive authority or licensee, as the case may be, or of any person authorized by him, or

(b) in any unlicensed private market.

Prohibition
against sale
in public
roads.

86. The executive authority may, with the sanction of the panchayat, prohibit by public notice or licence or regulate the sale or exposure for sale of any animals or articles in or upon any public road or place or part thereof.

Classification
of markets.

87. The Government shall have power to classify public and private markets situated in a village as district markets and panchayat markets and provide for the control of any such market, and for the apportionment of the income derived therefrom between the district board and the panchayat or the payment of a contribution in respect thereof to the panchayat or the district board, as the case may be.

In the case of markets classified as district markets, the panchayat and its executive authority shall, not exercise any of the powers conferred on them by sections 81 to 86.

Public halting places.

88. Subject to such rules as may be prescribed, the panchayat may—

(a) provide public landing places, halting places and cart-stands (which last expression includes stands for animals and vehicles of any description including motor vehicles) and levy fees for their use ; and

Public land-
ing place,
cart-stands,
etc.

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(b) where any such place or stand has been provided, prohibit the use for the same purpose by any person, within such distance thereof of any public place or the sides of any public road as the panchayat may, subject to the control of the Inspector specify.

89. (1) No person shall open a new private cart-stand or continue to keep open a private cart-stand, unless he obtains from the panchayat a licence to do so. Such licence shall be renewed every year. Private cart-stands.

(2) The panchayat shall, as regards private cart-stands already lawfully established, and may at its discretion as regards new private cart-stands, grant the licence applied for subject to such conditions as the panchayat may think fit as to supervision and inspection, conservancy and such other matters as may be prescribed ; or the panchayat may refuse to grant such licence for any new cart-stand.

(3) The panchayat may modify the conditions of the licence to take effect from a specified date.

(4) The panchayat may at any time suspend or cancel any licence granted under sub-section (2) for breach of the conditions thereof.

(5) The panchayat may levy on every grant or renewal of a licence under this section a fee not exceeding two hundred rupees.

Slaughter-houses.

90. A panchayat may provide places for use as public slaughter houses and charge rents and fees for their use. Public slaughter-houses.

91. The Government shall have power to make rules for— Prohibition or regulation of the use of places for slaughtering animals and the licensing of slaughter-ers.

(a) prohibiting or regulating the slaughter, cutting up or skinning of animals specified in the rules on all occasions not excepted therein, at places other than public slaughter-houses ;

(b) licensing persons to slaughter animals specified in the rules for purposes of sale to the public ; and

(c) the inspection of slaughter-houses and of the meat therein and the payment of remuneration to the officers employed for such inspection.

Industries and factories.

92. The panchayat may with the previous approval of the prescribed authority notify that no place within the limits of the village shall be used for any of the purposes specified in the rules made in this behalf, being purposes which, in the opinion of the Government, are likely to be offensive or dangerous to human life or health or property, without a licence issued by the executive authority and except in accordance with the conditions specified in such licence : Purposes for which places may not be used without a licence.

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Provided that no such notification shall take effect until sixty days from the date of its publication.

Permission for the construction of factories and in such permission—
the installation of machinery.

93. No person shall, without the permission of the panchayat and except in accordance with the conditions specified in such permission—
(a) construct or establish any factory, workshop or work-place in which it is proposed to employ steam power, water power or other mechanical power or electrical power, or

(b) install in any premises any machinery or manufacturing plant driven by any power as aforesaid, not being machinery or manufacturing plant exempted by the rules.

Power of Government to make rules in respect of the grant and renewal of licences and permissions.

94. (1) The Government may make rules—

(a) prohibiting or regulating the grant or renewal of licences under section 92 and the period for which such licences shall be valid ;

(b) as to the time within which applications for such licences or renewals thereof shall be made ; and

(c) prohibiting or regulating the grant of permissions under section 93.

(2) Rules made under clause (c) of sub-section (1) may empower the panchayat to set apart specified areas in the village for industrial purposes and provide for the refusal of permissions under section 93 in respect of any factory, workshop, workplace or premises outside such areas and also, subject to the sanction of the prescribed authority, for the removal to such areas, of any factory, workshop or workplace which has been already established at any place, or any machinery which has already been installed in any premises, situated outside such areas ;

Provided that no such rule shall authorize the removal of any factory, workshop or workplace or machinery installed in any premises, in the occupation or under the control of the Central or the Provincial Government or of a market committee established under the Madras Commercial Crops

Madras Act
XX of 1933.

(3) The Government may either generally or in any particular case, make such order or give such directions as they may deem fit in respect of any action taken or omitted to be taken under section 92 or section 93.

Application of the Places of Public Resort Act, 1888.

Modification of the Places of Public Resort Act, 1888.

95. Notwithstanding anything contained in the Places of Public Resort Act, 1888, when the Government extend that Act to any village or part thereof—

Madras Act
II of 1888.

(a) the authority to whom application shall be made for a licence under that Act in respect of any place or building to

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be used exclusively for purposes other than the holding of cinematograph exhibitions, and who may grant or refuse such licence, shall be the executive authority ; and

(b) the appeal from the order of the executive authority granting, refusing, revoking or suspending a licence under that Act shall lie to the panchayat.

CHAPTER VI.—GENERAL AND MISCELLANEOUS.

Numbering of buildings.

96. (1) In any area to which this Act applies, such authority as may be prescribed in this behalf, may cause a number to be affixed to the side or outer door of any building or to some place at the entrance of the premises.

Numbering of buildings.

(2) No person shall, without lawful authority, destroy, pull down or deface any such number, or any number assigned to any building in any such area in connection with the preparation of electoral rolls on the basis of adult franchise during the year 1948 or 1949.

(3) When a number has been affixed under sub-section (1) above, the owner of the building shall be bound to maintain such number and to replace it if removed or defaced ; and if he fails to do so, the authority referred to in sub-section (1) may by notice require him to replace it.

Licences and permissions.

97. (1) Save as otherwise expressly provided in or may be prescribed under this Act, every application for any licence or permission under this Act or any rule, by-law or regulation made thereunder, or for the renewal thereof, shall be made not less than thirty and not more than ninety days before the earliest date with effect from which, or the commencement of the period (being a year or such less period as is mentioned in the application) for which the licence or permission is required.

General provisions regarding licences and permissions.

(2) Save as aforesaid, for every such licence or permission, fees may be charged on such units and at such rates as may be fixed by the panchayat, provided that the rates shall not exceed the maxima, if any, prescribed.

(3) Save as aforesaid, if orders on an application for any such licence or permission are not communicated to the applicant within thirty days or such longer period as may be prescribed in any class of cases after the receipt of the application by the executive authority, the application shall be deemed to have been allowed for the period, if any, for which it would have been ordinarily allowed and subject to the law, rules, by-laws and regulations and all conditions ordinarily imposed.

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(4) The acceptance of the pre-payment of the fee for any such licence or permission shall not entitle the person making such pre-payment to the licence or permission, but only to a refund of the fee in case of refusal of the licence or permission.

(5) If an act for which any such licence or permission is necessary is done without such licence or permission, or in a manner inconsistent with the terms of the licence or permission obtained, then—

(a) the executive authority may by notice require the person so doing such act to alter, remove, or as far as practicable, restore to its original state, the whole, or any part of any property, movable or immovable, public or private, affected thereby, within a time to be specified in the notice; and further

(b) if no penalty has been specially provided in this Act for so doing such act, the person so doing it shall be punishable with fine not exceeding fifty rupees for every such offence.

(6) Whenever any person is convicted of an offence in respect of the failure to obtain any such licence or permission, the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the panchayat the amount of the fee chargeable for the licence or permission, and may, in his discretion, also recover summarily and pay over to the panchayat such amount, if any, as he may fix as the costs of the prosecution.

Explanation.—The recovery of the fee for a licence or permission under this sub-section shall not entitle the person convicted to the licence or permission.

Government and market committees not to obtain licences and permissions.

98. Nothing in this Act or in any rule, by-law or regulation made thereunder shall be construed as requiring the taking out of any licence or the obtaining of any permission under this Act or any such rule, by-law or regulation in respect of any place in the occupation or under the control of the Central or the Provincial Government or of a market committee established under the Madras Commercial Crops Markets Act, 1933, or in respect of any property of the Central or the Provincial Government or of any property belonging to such market committee.

Madras Act XX of 1933.

Power to enforce notices, orders, etc.

Time for complying with notice, order, etc., and power to enforce in default.

99. (1) Whenever by any notice, requisition or order under this Act, or under any rule, by-law or regulation made thereunder, any person is required to execute any work, to take any measures or to do anything, a reasonable time shall be named in such notice, requisition or order within which the work shall be executed, the measures taken or the thing done.

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(2) If such notice, requisition or order is not complied with within the time so named—

(a) the executive authority may cause such work to be executed, or may take any measures or do anything which may, in his opinion, be necessary for giving due effect to the notice, requisition or order; and further,

(b) if no penalty has been specially provided in this Act for failure to comply with such notice, requisition or order, the said person shall be punishable with fine not exceeding fifty rupees for every such offence.

Powers of entry and inspection.

100. (1) Subject to such restrictions and conditions as may be prescribed, the executive authority or any person authorized by him may enter on or into any place, building or land, with or without notice and with or without assistants or workmen in order—

(a) to make any inquiry, inspection, test, examination, survey, measurement or valuation or to execute any other work, which is authorized by the provisions of this Act or of any rule, by-law, regulation or order made under it or which it is necessary to make or execute for any of the purposes of this Act or in pursuance of any of the said provisions, or

(b) to satisfy himself that nothing is being done in such place, building or land for which a licence or permission is required under any of the said provisions, without such licence or permission or otherwise than in conformity with the terms of the licence or permission obtained.

(2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under sub-section (1) or of any force necessary for effecting an entrance under that sub-section.

Central Act XLV of 1860.

101. The executive authority or any person authorized by him may examine and test the weights and measures used in the markets and shops in the village with a view to the prevention and punishment of offences relating to such weights and measures under Chapter XIII of the Indian Penal Code.

Testing of weights and measures.

102. (1) The Executive authority may, by an order in writing, require the headman or karnam or both of any revenue village comprised within the jurisdiction of the panchayat, to furnish him with information on any matter falling within such categories as may be prescribed in respect of such village or any part thereof or any person or property therein.

Power to call for information from village headman and karnams.

(2) The order shall specify the period within which it may be complied with but the executive authority may, from time to time, extend such period.

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*Limitation.*Limitation
for recovery
of dues.

103. No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any tax or other sum due to a panchayat under this Act or any rule, by-law, regulation or order made under it after the expiration of a period of three years from the date on which distraint might first have been made, a suit might first have been instituted, or prosecution might first have been commenced, as the case may be, in respect of such tax or sum.

*Prosecutions, suits, etc.*Persons
empowered
to prosecute.

104. Save as otherwise expressly provided in this Act, no person shall be tried for any offence against this Act or any rule or by-law made thereunder unless complaint is made within three months of the commission of the offence by the Police, the executive authority or a person expressly authorized in this behalf by the panchayat or executive authority; but nothing herein shall affect the provisions of the Code of Criminal Procedure, 1898, in regard to the power of certain Magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion :

Central Act
V of 1898.

Provided that failure to take out a licence or obtain permission under this Act shall, for the purposes of this section, be deemed to be a continuing offence until the expiration of the period, if any, for which the licence or permission is required and if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.

Composition
of offences.

105. The executive authority may, subject to such restrictions and control, as may be prescribed, compound any offence against this Act or any rule or by-law made thereunder, which may by rules be declared compoundable.

Prosecutions
and composi-
tions to be
reported to
panchayat.

106. Every prosecution instituted or offence compounded by the executive authority shall be reported by him to the panchayat at its next meeting.

Sanction for
prosecution
of president
or members
of a pancha-
yat.

107. When the president, executive authority or any member, is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction of the Government.

Notice of
action
against
panchayat,
etc.

108. (1) Subject to the provisions of section 109, no suit or other legal proceeding shall be brought against any panchayat or its president or executive authority or any member, officer or servant thereof or against any person acting under the direction of such panchayat, president, executive authority, member, officer or servant, in respect of any act done or purporting to be done under this Act or in respect of any alleged neglect or default in the execution of this Act or any rule, by-law, regulation or order made under it, until

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the expiration of two months next after notice in writing, stating the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of residence of the intended plaintiff has been left at the office of the panchayat, and if the proceeding is intended to be brought against any such president, executive authority, member, officer, servant or person, also delivered to him or left at his place of residence; and unless such notice be proved, the Court shall find for the defendant.

(2) Every such proceeding shall, unless it is a proceeding for the recovery of immovable property or for a declaration of title thereto, be commenced within six months after the date on which the cause of action arose or in case of a continuing injury or damage, during such continuance or within six months after the ceasing thereof.

(3) If any panchayat or person to whom notice is given under sub-section (1) tenders amends to the plaintiff before the proceeding is commenced and if the plaintiff does not in such proceeding recover more than the amounts so tendered, he shall not recover any costs incurred by him after such tender; and the plaintiff shall also pay all costs incurred by the defendant after such tender.

109. No suit or other legal proceeding shall be brought against the president, executive authority or any member, officer or servant of a panchayat, or any person acting under the direction of a panchayat or of such president, executive authority, member, officer or servant, in respect of any act done or purporting to be done under this Act or in respect of any alleged neglect or default on his part in the execution of this Act, or any rule, by-law, regulation or order made under it, if such act was done or such neglect or default occurred in good faith; but any such proceeding shall, so far as it is maintainable in a Court, be brought against the panchayat except in the case of suits brought under section 111.

Protection of
president
and officers
acting in
good faith.Central Act
V of 1908.

110. Notwithstanding anything contained in the Code of Civil Procedure, 1908, or in any other law for the time being in force, no Court shall grant any permanent or temporary injunction or make any *interim* order restraining any proceeding which is being or about to be taken under this Act for the preparation or publication of any electoral roll or for the conduct of any election.

Injunctions
not to be
granted in
election
proceedings.

111. (1) The president, executive authority and every member of a panchayat shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the panchayat if such loss, waste or misapplication is a direct consequence of his neglect or misconduct; and a suit for compensation may be instituted against him in any Court of competent jurisdiction by the panchayat with the previous sanction of the Inspector.

Liability of
the president,
executive
authority
and members
for loss,
waste or
misapplica-
tion of pro-
perty.

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(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

Assessments,
etc., not
to be
impeached.

112. (1) No assessment or demand made, and no charge imposed, under the authority of this Act shall be impeached or affected by reason of any clerical error or by reason of any mistake (a) in respect of the name, residence, place of business or occupation of any person, or (b) in the description of any property or thing, or (c) in respect of the amount assessed, demanded or charged, provided that the provisions of this Act have in substance and effect been complied with. And no proceedings under this Act shall, merely for defect in form be quashed or set aside by any Court of Justice.

(2) No suit shall be brought in any Court to recover any sum of money collected under the authority of this Act or to recover damages on account of any assessment or collection of money made under the said authority :

Provided that the provisions of this Act have in substance and effect been complied with.

(3) No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect, or want of form in the bill, notice, schedule, form, summons, notice of demand, warrant of distraint, inventory, or other proceeding relating thereto, if the provisions of this Act, and of the rules and by-laws made thereunder have in substance and effect been complied with :

Provided that every person aggrieved by any irregularity may recover satisfaction for any special damage sustained by him.

CHAPTER VII.—RULES, BY-LAWS AND PENALTIES.

Rules.

Power of
Government
to make
rules.

113. (1) The Government shall, in addition to the rule-making powers conferred on them by any other provisions contained in this Act, have power to make rules generally to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules—

(i) as to all matters relating to electoral rolls or elections, not expressly provided for in this Act, including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited, and the conduct of inquiries and the decision of disputes relating to electoral rolls or elections ;

(ii) as to the resignations of presidents, vice-presidents and members, and the dates on which such resignations shall take effect ;

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(iii) as to the interpellation of the president by the members and the moving of resolutions at meetings ;

(iv) as to the constitution of committees of panchayats, the inclusion of outsiders therein, and the delegation of functions to such committees ;

(v) as to the delegation of any function of a panchayat to the president, member, any officer of the panchayat or any servant of the **Central or Provincial Government** ;

(vi) for the lodging and investment of the moneys of the panchayat and for the manner in which such moneys may be drawn upon ;

(vii) as to the transfer of allotments entered in the sanctioned budget of a panchayat from one head to another ;

(viii) as to the estimates of receipts and expenditure, returns, statements and reports to be submitted by panchayats ;

(ix) as to the preparation of plans and estimates for works and the power of panchayats and of servants of the **Central or Provincial Government** to accord professional or administrative sanction to estimates ;

(x) as to the accounts to be kept by panchayats, the audit and publication of such accounts and the conditions under which rate-payers may appear before auditors, inspect books and accounts, and take exception to items entered or omitted ;

(xi) as to the powers of auditors to disallow and surcharge items, appeals against orders of disallowance or surcharge, and the recovery of sums disallowed or surcharged ;

(xii) as to the powers of auditors, inspecting and superintending officers and officers authorized to hold inquiries, to summon and examine witnesses and to compel the production of documents and all other matters connected with audit, inspection and superintendence ;

(xiii) as to the conditions on which property may be acquired by a panchayat, or on which property vested in or belonging to a panchayat may be transferred by sale, mortgage, lease, exchange or otherwise ;

(xiv) as to the conditions on which and the mode in which contracts may be made by or on behalf of panchayats ;

(xv) as to the assessment of taxes under this Act and the revision of, and appeals against, assessments ;

(xvi) as to the acceptance in lieu of any tax due under this Act of any service by way of labour, cartage or otherwise ;

(xvii) as to the realization of any tax or other sum due to a panchayat under this Act or any other law or any rules or by-laws, whether by distraint and sale of movable property, by prosecution before a Magistrate, by a suit, or otherwise ;

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(xviii) as to the realization of fees due in respect of the use of cart-stands and the like, whether by the seizure and sale of the vehicle or animal concerned or any part of its burden, or otherwise;

(xix) as to the form and contents of licences, permissions and notices granted or issued under this Act, the manner of their issue or the method of their service, and the modification, suspension or cancellation thereof;

(xx) as to the powers of executive authorities to call for information on any matter, to summon and examine witnesses, and to compel the production of documents;

(xxi) for the use of the facsimiles of the signatures of the executive authorities and officers of panchayats;

(xxii) as to the grant to the public of copies of any proceeding or record of the panchayat, not relating to any matter classified as confidential by the Government or any authority empowered by them, and the fees to be levied for the grant of such copies;

(xxiii) as to the opening, maintenance, management and supervision of elementary schools;

(xxiv) prohibiting or regulating the use for any specified purposes, of any public spring, tank, well or water-course or of any private spring, tank, well or water-course, with the consent of its owner, or without such consent;

(xxv) regulating contracts between the panchayat and the owners or occupiers of private premises for the removal therefrom of rubbish or filth, or any kind of rubbish or filth;

(xxvi) as to the provision of burial and burning grounds; the licensing of private burial and burning grounds; the regulation of the use of all grounds so provided or licensed; the closing of any such grounds; and the prohibition of the disposal of corpses except in such grounds or other permitted places;

(xxvii) as to the licensing of pigs and dogs and the destruction of unlicensed pigs and dogs;

(xxviii) as to the regulation or restriction of building and the use of sites for building;

(xxix) for the removal of encroachments of any description from public roads vesting in panchayats and the repair of any damage caused to such roads by the person causing the damage or at his expense;

(xxx) for the determination of any claim to trees growing on public roads or other property vesting in or belonging to panchayats or on porambores or, on lands, the use of which is regulated by them under section 61 or section 62; and for the presumptions to be drawn as regards the ownership of such trees;

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(xxx) as to the imposition and recovery of penalties for the unauthorized occupation of public roads or other land vesting in or belonging to panchayats and the assessment and recovery of compensation for any damage caused by such occupation;

(xxxii) as to the powers which may be exercised by the panchayat or the executive authority in respect of any public or private market or the user thereof, and the enforcement of any orders issued in pursuance of such powers; and as to the prohibition of the sale or purchase of any commercial crop in any such market within any area notified in respect of such crop under the Madras Commercial Crops Markets Act, 1933;

Madras Act
XX of 1933.

(xxxiii) for compelling owners of cattle to stall them in cattle-sheds provided by the panchayat and the fees leviable in respect thereof;

(xxxiv) as to the duties to be discharged by village officers in relation to panchayats and their executive authorities;

(xxxv) as to appeals against orders (including orders granting or refusing licences or permissions) passed under this Act, and the time within which appeals whether allowed by this Act or by rules or otherwise should be presented;

(xxxvi) as to the classification of public roads, fairs and festivals, choultries, dispensaries and libraries, as appertaining to the district board or the panchayat;

(xxxvii) for regulating the sharing between local authorities in the Province of the proceeds of any tax or income levied or obtained under this or any other Act;

(xxxviii) for the decision of disputes between two or more local authorities of which one is a panchayat;

(xxxix) as to the class of Magistrates by whom offences against this Act shall be tried;

(xl) as to the accounts to be kept by owners, occupiers and farmers of private markets and the audit and inspection of such accounts;

(xli) as to the manner of publication of any notifications or notices to the public under this Act.

114. (1) In making any rule under this Act, the Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees, or in case of a continuing breach, with fine not exceeding fifteen rupees for every day during which the breach continues after conviction for the first breach. Penalties for breach of rules.

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(2) The power to make rules under this Act shall, except on the first occasion of the exercise thereof, be subject to the condition of previous publication.

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

By-laws.

By-laws and penalties for their breach.

115. (1) Subject to the provisions of this Act and of any other law and to such rules as may be prescribed, a panchayat may, with the approval of the Inspector, make by-laws for carrying out any of the purposes for which it is constituted.

(2) In making a by-law, the panchayat may provide that any person who commits a breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the panchayat not exceeding fifteen rupees or, in case of a continuing breach, not exceeding five rupees for every day during which the breach continues after a penalty has been levied for the first breach.

(3) The Government shall have power to make rules regarding the procedure for the making of by-laws, the publication thereof, and the date on which they shall come into effect.

Penalties.

General provisions regarding penalties specified in the Schedules.

116. (1) Whoever—

(a) contravenes any of the provisions of this Act specified in the first and second columns of Schedule I, or

(b) contravenes any rule or order made under any of the provisions so specified, or

(c) fails to comply with any direction lawfully given to him, or any requisition lawfully made upon him under or in pursuance of any of the said provisions,

shall be **punishable** with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

(2) Whoever after having been convicted of—

(a) contravening any of the provisions of this Act specified in the first and second columns of Schedule II, or

(b) contravening any rule or order made under any of the provisions so specified, or

(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said provisions,

continues to contravene the said provision or the said rule or order, or continues to fail to comply with the said direction or requisition, shall be **punishable** for each day after the previous

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date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

Explanation.—The entries in the third column of Schedules I and II headed "Subject" are not intended as definitions of the offences described in the provisions specified in the first and second columns thereof, or even as abstracts of those provisions, but are inserted merely as references to the subject dealt with therein.

117. (1) Whoever acts as a member of a panchayat knowing that, under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, shall be **punishable** with fine not exceeding two hundred rupees for every such offence.

Penalty for acting as member, president or vice-president of a panchayat when disqualified.

(2) Whoever acts as the president, temporary president or vice-president of a panchayat, or exercises any of his functions including where he is also the executive authority any of his functions as such knowing that, under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, or to exercise such functions, shall be **punishable** with fine not exceeding one thousand rupees for every such offence.

(3) Any person who having been the president, temporary president or vice-president of a panchayat fails to hand over any documents of, or any moneys or other properties vested in or belonging to, the panchayat, which are in or have come into his possession or control, to his successor in office or other prescribed authority—

(a) in every case as soon as his term of office as such president, temporary president or vice-president expires; and

(b) in the case of a person who was the vice-president, also on demand by the president

shall be **punishable** with fine not exceeding one thousand rupees for every such offence.

118. If any officer or servant of a panchayat knowingly acquires, directly or indirectly, by himself or by a partner, employer or servant, any personal share or interest in any contract or employment with, by or on behalf of, the panchayat, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code:

Penalty for acquisition by an officer or servant of interest in contract work.

Central Act XLV of 1860.

Provided that no person shall, by reason of being a shareholder in, or member of, any company, be held to be interested in any contract entered into between such company and the panchayat unless he is a director of such company:

Provided further that nothing in this section shall apply to any person who, with the sanction of the Inspector, enters into a contract with the panchayat.

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Wrongful restraint of executive authority or his delegate.

119. Any person who prevents the executive authority or any person to whom the executive authority has lawfully delegated his powers of entering on or into any place, building or land, from exercising his lawful power of entering thereon or thereinto shall be deemed to have committed an offence under section 341 of the Indian Penal Code.

Prohibition against obstruction of panchayats, etc.

120. Any person obstructing or molesting a panchayat, or the president, the executive authority or a member of the panchayat, or any person employed by it or any person with whom a contract has been entered into by or on behalf of the panchayat, in the discharge of their duty or of anything which they are empowered or required to do by virtue, or in consequence, of this Act or of any rule, by-law, regulation or order made thereunder, shall be punished with fine which may extend to fifty rupees.

Prohibition against removal or obliteration of notice.

121. Any person who, without authority in that behalf, removes, destroys, defaces or otherwise obliterates any notice exhibited or any sign or mark erected by, or under the orders of, a panchayat or its executive authority, shall be punishable with fine which may extend to fifty rupees.

Penalty for not giving information or giving false information.

122. Any person required by this Act or by any notice or other proceedings issued thereunder to furnish any information, who omits to furnish such information, or knowingly furnishes false information, shall be punishable with fine not exceeding one hundred rupees.

CHAPTER VIII.—SUPPLEMENTAL PROVISIONS.

Special provisions in the case of new panchayats.

123. (1) The provisions of this section shall apply when a panchayat is constituted for the first time, notwithstanding anything contained in this Act.

(2) The election authority shall make arrangements for the election of the members and of the president of the panchayat . . . so that the newly elected members and the president may come into office on the date specified in the notification issued by the Inspector under section 3, sub-section (1), for the constitution of the panchayat :

Provided that the Inspector shall have power from time to time to postpone the date so specified if, for any reason, it is not found possible to complete the elections in time.

(3) The term of office of the members and of the president elected under sub-section (2) or of the members elected in their places in casual vacancies shall expire in such year and on such date as the Inspector may fix. The year so fixed shall be either the year in which the next ordinary elections or the year in which the ordinary elections immediately succeeding such elections are to be held for any panchayat in the same district. The date so fixed shall not be later than the 31st day of December.

Central Act
XLV of
1860.

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124. All roads, markets, wells, tanks, reservoirs and water-ways vested in or maintained by a panchayat shall be open to the use and enjoyment of all persons, irrespective of their caste or creed.

Public roads, markets, wells, tanks, etc., to be open to all.

125. A panchayat shall have power to farm out the collection of any fees due to it under this Act or any rule, by law or regulation made thereunder for any period not exceeding three years at a time, on such conditions as it thinks fit.

Power to farm out fees.

Madras Act
V of 1920.

126. The Inspector may, whether at the request of the panchayat or otherwise, by notification, extend to the village or to any specified area therein, any of the provisions of the Madras District Municipalities Act, 1920, or of any rules made thereunder and may declare such extension to be subject to such restrictions and modifications as he thinks fit.

Extension of provisions of Madras District Municipalities Act, 1920, or of rules thereunder.

Madras Act
XIV of 1920.

127. Notwithstanding anything contained in this Act, or in the Madras District Boards Act, 1920, the Government may, by notification and subject to such restrictions and conditions and to such control and revision as may be specified therein, direct that in the case of any panchayat or class of panchayats, any functions vested in such panchayats or class of panchayats by or under that Act shall be transferred to and performed by the district board.

Transfer of functions of panchayats to district boards.

128. (1) The Government may, by notification, authorize any authority, officer or person to exercise in any local area in regard to any panchayat or any class of panchayats or all panchayats in that area, any of the powers vested in them by this Act except the power to make rules; and may in like manner withdraw such authority.

Delegation of powers, etc.

(2) The Inspector or the Collector may, by notification, authorize any officer or person to exercise in any local area in the Province or the revenue district, as the case may be in regard to any panchayat, or any class of panchayats or all panchayats in that area, any of the powers vested by this Act in the Inspector or the Collector, as the case may be; and may in like manner withdraw such authority.

(3) The exercise of any power delegated under sub-section (1) or (2) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification, and also to control and revision by the delegating authority, or where such authority is the Government, by such persons as may be empowered by the Government in this behalf. The Government shall also have power to control and revise the acts or proceedings of any persons so empowered.

(4) The exercise of any power conferred on the Inspector or the Collector by any of the provisions of this Act, including

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sub-sections (2) and (3) of this section, shall, whether such power is exercised by the Inspector or the Collector himself or by any person to whom it has been delegated under sub-section (2), be subject to such restrictions and conditions as may be prescribed and also to control by the Government or by such person as may be empowered by them in this behalf. The Government shall also have power to control the acts or proceedings of any persons so empowered.

Revision.

129. (1) The Government may, in their discretion, at any time, either *suo motu* or on application, call for and examine the record of any order passed or proceeding recorded under the provisions of this Act by—

(a) the Inspector or the Collector or any officer or person authorized by the Inspector or the Collector under sub-section (2) of section 128, or

(b) any authority, officer or person authorized by the Government under sub-section (1) of that section or any person empowered by them under sub-section (3) of that section, or

(c) any other authority, officer or person for the purpose of satisfying themselves as to the legality or propriety of such order, or as to the regularity of such proceeding and pass such order in reference thereto as they think fit.

(2) The powers of the nature referred to in sub-section (1) may also be exercised by such authority, officer or person as may be empowered in this behalf by the Government.

Construction of references to panchayat.

130. Any reference to a panchayat contained in any law, rule, by-law, regulation, notification, scheme, form or order in force, in the Province at the commencement of this Act shall be deemed to be a reference to a panchayat as reconstituted or constituted under this Act.

Adjudication of disputes between local authorities.

131. (1) When a dispute exists between a panchayat and one or more other local authorities in regard to any matter arising under the provisions of this or any other Act and the Government are of opinion that the panchayat and the other local authorities concerned are unable to settle it amicably among themselves, the Government may take cognizance of the dispute, and—

(a) decide it themselves, or

(b) refer it for inquiry and report to an arbitrator or a board of arbitrators or to a joint committee constituted under section 40 for the purpose.

(2) The report referred to in clause (b) of sub-section (1) shall be submitted to the Government who shall decide the dispute in such manner as they deem fit.

(3) Any decision given under clause (a) of sub-section (1) or under sub-section (2) may be modified from time to time by the Government in such manner as they deem fit and

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any such decision with the modifications, if any, made therein under this sub-section may be cancelled at any time by the Government.

Any such decision or any modification therein or cancellation thereof shall be binding on the panchayat and each of the other local authorities concerned and shall not be liable to be questioned in any Court of law.

(4) Where one of the local authorities concerned is a cantonment authority or the port authority of a major port, the powers of the Government under this section shall be exercisable only with the concurrence of the Central Government.

132. (1) In regard to the first reconstitution in accordance with the provisions of this Act of panchayats in existence at the commencement thereof, and otherwise in first giving effect to the said provisions, they shall be read subject to the rules in Schedule III. Act to be read subject to Schedule III in regard to first reconstitution of panchayats, etc.

(2) The Government shall have power, by notification, to amend, add to or repeal the rules in the said Schedule.

Madras Act I of 1889.

133. Notwithstanding anything contained in the Madras Village Courts Act, 1888 (hereinafter in this section referred to as the said Act)— Modification of the Madras Village Courts Act, 1888.

(1) every panchayat constituted or deemed to be constituted under this Act for any area shall be deemed to be a panchayat court for that area under section 9 (1) of the said Act; and the members (including the president and vice-president) of such panchayat shall be deemed to be ex-officio members of such panchayat court, the president and vice-president aforesaid being also deemed *ex-officio* to be the president and vice-president respectively of the panchayat court;

(2) where a panchayat is dissolved or superseded under section 49 (1) of this Act, the panchayat court aforesaid shall, until the panchayat is reconstituted, consist of—

(a) the president of the panchayat or the person appointed under section 49 (5) of this Act, as the case may be, who shall be the president and a member of the panchayat court; and

(b) three other members appointed by the Inspector from among persons qualified to be elected as members of the panchayat;

(3) in any area within the jurisdiction of a panchayat constituted or deemed to be constituted under this Act, the jurisdiction of any village or panchayat court or courts, if any, established under the said Act before the commencement of this Act shall cease, and the panchayat shall be deemed to be a panchayat court established in lieu of such court or courts within the meaning and for the purposes of sections 9 A and 9 B of the said Act;

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(4) in the area within the jurisdiction of any such panchayat—

(a) the provisions of sections 6 to 8, 9 (2), (3), (4), (5) (a) and (7) of the said Act shall not apply ;

(b) the Inspector may remove from office the president, vice-president or member of any panchayat court, whether holding office under clause (1) or clause (2), for incapacity, neglect of duty, misconduct or other just and sufficient cause ;

(c) the provisions of section 9 (5) (b), (c), (d) and (e) shall not apply in the case referred to in clause (2) ; and in that case the president of the panchayat court shall preside over its sittings and if he is absent from any sitting, the members present shall elect from among themselves a president for the purposes of that sitting ;

(d) the provisions of section 13 of the said Act shall be construed as if for the words "sum of rupees fifty", the words "sum of rupees one hundred" were substituted ;

(5) the Government may, by notification, confer on any panchayat court established under this section any civil or criminal jurisdiction not provided for in the said Act.

Application
of the
Indian Regis-
tration
Act, 1908.

134. Notwithstanding anything contained in the Indian Registration Act, 1908, the Inspector-General of Registration may, subject to the control of the Government, by order, authorize the executive authority of any panchayat within whose jurisdiction the office of a Sub-Registrar functioning under that Act is not situated, to exercise the powers and discharge the duties of the Sub-Registrar under that Act in respect of—

Central Act
XVI of
1908.

(a) all or any documents which are exempt from stamp duty and registration fees ;

(b) all or any documents which are classified by rules made under this Act, as documents of an ephemeral nature.

Conse-
quential
amendments
of the Madras
Public
Health
Act, 1939.

135. In the Madras Public Health Act, 1939, the following consequential amendments shall be made, namely :—

Madras Act
III of 1939

(i) in clause (8) of section 3, after the word "President", the words "Executive Officer" shall be inserted, the word "or" occurring after the words and figures "District Municipalities Act, 1920" shall be omitted, and before the words "as the case may be", the words and figures "or the Madras Village Panchayats Act, 1949" shall be inserted ;

(ii) in clause (9) of the same section, for the words and figures "or the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, as the case may be", the words and figures "the Madras District Municipalities Act, 1920, the Madras District Boards Act, 1920 or the Madras Village Panchayats Act, 1949, as the case may be" shall be substituted ;

(iii) in clause (20) of the same section, after the words "a panchayat" in sub-clause (c), the words and figures

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"constituted under the Madras Village Panchayats Act, 1949" shall be inserted ; and for the words "a panchayat" in sub-clause (d), the words "such panchayat" shall be substituted ;

(iv) in section 16, before the words and figures "the Madras Prevention of Adulteration Act, 1918" the words and figures "the Madras Village Panchayats Act, 1949" shall be inserted ;

(v) in section 133, of the word "and" occurring at the end of clause (b) shall be omitted ; and after clause (c) the following clause shall be added, namely :—

(d) "in case the local authority is a panchayat constituted under the Madras Village Panchayats Act, 1949, section 115 of that Act." ;

(vi) in clause (b) of sub-section (2) of section 140, after sub-clause (iii), the following sub-clause shall be inserted, namely :—

"(iii-a) sections 80, 82, 83, 85, 86, 88, 89, 91 to 93 and 124 of the Madras Village Panchayats Act, 1949, read with section 116 of that Act and Schedules I and II thereto.

Madras Act
XIV of 1920.

136. The Madras Local Boards Act, 1920, shall be amended in the manner set forth in Schedule IV.

Conse-
quential amend-
ments of the
Madras
Local Boards
Act, 1920.

Madras Act
XIV of 1920.

137. In the absence of an intention to the contrary appearing in this Act or in the Madras District Boards Act, 1920, and unless the Provincial Government otherwise direct, any reference to local boards in any law or rule in force in the Province at the commencement of this Act shall be deemed to be a reference to district boards and panchayats, and any reference to the Madras Local Boards Act, 1920, in any such law or rule shall be deemed to be a reference to the Madras District Boards Act, 1920, and the Madras Village Panchayats Act, 1949.

Construction
of references
to 'local
board' and
'Madras
Local Boards
Act, 1920.'

Madras Act
XIV of 1920.

138. If any difficulty arises in first giving effect to the provisions of this Act or as to the first reconstitution or constitution of any panchayat after the commencement of this Act, the Government as occasion may require, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

Power to
remove
difficulties.

SCHEDULE I:

Ordinary Penalties.

[See section 116 (1).]

Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
80	(a)	Unlawful building of wall or erecting of fence, etc., in or over public road.	One hundred rupees.

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Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
80	(b)	Unlawful making of hole or depositing of matter in or over public road.	Fifty rupees.
80	(c)	Unlawful quarrying in any place near public road, etc.	Fifty rupees.
80	(d)	Unlawful construction of building over drain.	Two hundred rupees.
80	(e)	Planting of trees without permission on any public road or other property vested in a panchayat.	Two hundred rupees.
80	(f)	Felling, etc., without permission of trees growing on public road or other property vested in a panchayat, or on a poramboke or land, the use of which is regulated by it under section 61 or section 62.	Two hundred rupees.
82	(1)	Opening or keeping open a private market in contravention of section 82.	Five hundred rupees.
83	(3)	Levy of fees in private market without a certificate.	One hundred rupees.
85	..	Sale or exposure for sale in public or private market of any animal or article without permission.	Twenty rupees.
86	..	Sale, etc., of articles in public roads or places after prohibition or without licence or contrary to regulations.	Ten rupees.
88	(b)	Using any public place or road-side as a landing or halting place or as a cart-stand within prohibited distance.	Fifty rupees.
89	(1)	Opening a new private cart-stand or continuing to keep open a private cart-stand without licence or contrary to licence.	Two hundred rupees.
91	(a)	Slaughtering, cutting up or skinning, etc., of animals outside public slaughter-houses in contravention of rules.	Two hundred rupees.
91	(b)	Slaughtering animals for purposes of sale without licence or contrary to licence.	Twenty rupees.
92	..	Using a place for any prescribed purpose without licence or contrary to licence.	One hundred rupees.

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Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
93	..	Unlawful erection of factory, workshop, etc.	One thousand rupees.
96	(2)	Unlawful destruction, etc., of number of buildings.	Five rupees.
96	(3)	Failure to replace number when required to do so.	Twenty rupees.
124	..	Obstructing a person in the use or enjoyment of a public road, market, well, tank, etc.	One hundred rupees.

SCHEDULE II.

Penalties for continuing breaches.

[See section 116 (2).]

Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
80	(a)	Unlawful building of wall or erecting of fence, etc., in or over public road.	Twenty rupees.
80	(b)	Unlawful making of hole or depositing of matter in or over public road.	Ten rupees.
80	(c)	Unlawful quarrying in any place near public road, etc.	Ten rupees.
80	(d)	Unlawful construction of building over drain.	Fifty rupees.
82	(1)	Opening or keeping open a private market in contravention of section 82.	One hundred rupees.
83	(3)	Levy of fees in private market without a certificate.	Fifty rupees.
85	..	Sale or exposure for sale in public or private market of animal or article without permission.	Ten rupees.
89	(1)	Keeping open a private cart-stand without licence or contrary to licence.	Twenty rupees.
92	..	Using a place for any prescribed purpose without a licence or contrary to licence.	Twenty rupees.
93	..	Unlawful erection of factory, workshop, etc.	One hundred rupees.

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SCHEDULE III.

Transitional provisions.

(See section 132.)

Definitions of "old Act" and "panchayat."

1. In these rules, "the old Act" means the Madras Local Boards Act, 1920, and "panchayat" means a panchayat constituted under the old Act and in existence at the commencement of this Act.

Existing villages and panchayats to be deemed to be duly constituted.

2. Every local area which, at the commencement of this Act, is a village under the old Act shall be deemed to have been declared to be a village under this Act, and every panchayat shall be deemed to have been constituted under this Act:

Provided that where a village under the old Act comprises any revenue village which has a population of five hundred or more and the population of the village after excluding such revenue village is not less than five hundred, the Inspector shall, as soon as may be after the commencement of this Act, exclude such revenue village from the village and declare it to be a village for the purposes of this Act, in accordance with the provisions of section 3 thereof unless he considers it inexpedient to do so on account of the contiguity of the revenue villages comprised in the village.

Total number of members of panchayats.

3. The total number of members of a panchayat fixed under the old Act and in force at the commencement of this Act shall be deemed to be the total number of its elected members under this Act:

Provided that where the total number of members of a panchayat fixed under the old Act is more than fifteen, the total number of its elected members under this Act shall be deemed to be fifteen.

Members elected under the old Act to be deemed to be elected or ex-officio members under this Act.

4. (1) The members of a panchayat holding office at the commencement of this Act (other than its president and any village headman) shall be deemed to be the elected members of the panchayat under this Act and such members shall continue to hold office up to such date as the Government may, by notification, fix in this behalf, or in case no such date is fixed, up to the date on which their term of office would have expired if this Act had not come into force.

(2) A member of a panchayat who is its president at the commencement of this Act shall be deemed to be an *ex-officio* member of the panchayat under this Act.

(3) A village headman whether he is a member of the panchayat or not at the commencement of this Act shall be deemed to be an *ex-officio* member of the panchayat under this Act.

Reservation of seats to continue only in the case of Scheduled Castes.

5. (1) The reservation of seats for the members of the Scheduled Castes made under the old Act and in force at the commencement of this Act shall be deemed to have been made under this Act.

(2) The reservation of seats for the members of any other community made under the old Act shall cease to be in force with effect from the commencement of this Act, but nothing herein shall affect the tenure of office of a member elected to a seat so reserved and holding office at the commencement of this Act.

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6. (1) Any division of a village into wards made under the old Act and in force at the commencement of this Act shall be deemed to have been made under this Act:

Existing wards to continue except in certain cases.

Provided that where such division is not in accordance with the provisions of section 10 of this Act, the Inspector shall, as soon as may be after the commencement of this Act, re-divide the village in accordance with those provisions.

(2) Where a village has to be divided into wards under the provisions of section 10 of this Act but has not been so divided before the commencement of this Act, the Inspector shall, as soon as may be after such commencement, divide the village into wards in accordance with those provisions.

(3) The Inspector shall, as soon as may be after the commencement of the Act, determine the ward which each of the members who is deemed to be an elected member under sub-rule (1) of rule 4, shall be deemed to represent.

7. The president and vice-president of a panchayat holding office at the commencement of this Act shall, subject to the provisions thereof, continue to hold office as such president or vice-president up to the date referred to in sub-rule (1) of rule 4.

Term of office of existing presidents and vice-presidents.

8. (1) Any vacancy in the office of the president or vice-president of a panchayat which is in existence at the commencement of this Act or which occurs before the date referred to in sub-rule (1) of rule 4 shall be filled by election under the provisions of this Act.

Filling up of casual vacancies.

(2) Any such vacancy in the office of an elected member of a panchayat shall be filled by election under the provisions of this Act.

(3) Any person elected as president, vice-president or member of a panchayat under sub-rule (1) or (2) shall hold office only up to the date referred to in sub-rule (1) of rule 4.

Explanation.—For the purposes of this rule—

(1) if a person holding office as an elected member of a panchayat at the commencement of this Act becomes an *ex-officio* member thereof under sub-rule (2) of rule 4, his seat as an elected member shall, except in cases where he is holding office as president of the panchayat at the commencement of this Act and the total number of members of the panchayat fixed under the old Act is more than fifteen, be deemed to have become vacant at the commencement of this Act;

(2) the office of president, vice-president or member of a panchayat to which no person had, at any time prior to the commencement of this Act, been elected shall be deemed to be vacant at the commencement of this Act.

9. Any panchayat dissolved or superseded under the old Act and awaiting reconstitution at the commencement of this Act shall be reconstituted . . . in accordance with the provisions of this Act.

Reconstitution of panchayats dissolved or superseded under old Act.

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Constitution of panchayats for which special officer has been appointed under old Act.

10. Where a panchayat has been constituted for the first time under the old Act and a special officer appointed for the panchayat under section 240 of that Act is in office as such at the commencement of this Act, it shall be constituted in accordance with section 123 of this Act."

Devolution of property, rights and liabilities.

11. (1) All property, all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in, or held in trust, by or for any panchayat as well as all liabilities legally subsisting against it shall, on and from the date of the commencement of this Act and subject to such directions as the Government may, by general or special order, give in this behalf, pass to such panchayat as deemed to be constituted under this Act.

(2) All arrears of taxes or other payments by way of composition for a tax or due for expenses or compensation or otherwise due to a panchayat at the commencement of this Act may be recovered as if they had accrued under this Act.

(3) All proceedings taken by or against any panchayat or other authority under the old Act may, in so far as they are not inconsistent with this Act, be continued by or against such panchayat or authority under this Act.

Continuance of existing taxes.

12. Any tax which was being lawfully levied by any panchayat at the commencement of this Act shall continue to be levied by the panchayat for the year in which this Act is brought into force and unless and until the Government by general or special order otherwise direct, for subsequent years also.

Action taken under old Act to continue.

13. Any action taken by any authority before the commencement of this Act shall, unless inconsistent with this Act, be deemed to have been taken by the authority competent to take such action under this Act, unless and until superseded by action taken by such authority, whether it be the same as the authority competent to take such action under the old Act or not.

SCHEDULE IV.

Amendments of the Madras Local Boards Act, 1920.

(See section 136.)

1. In the Act (the Madras Local Boards Act, 1920) including, the Long Title, the preamble and the Schedules thereto, other than Schedule I, for the words in the first column of the table below, the words in the corresponding entry in the second column thereof shall be substituted except as otherwise expressly provided in this Schedule :—

(1)	(2)
local board.	district board.
local boards	district boards
panchayat.	district board.
panchayats.	district boards
local fund.	district fund.
village fund	district fund

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2. In section 3—

(i) for clause (7-C), the following clause shall be substituted, namely :—

"(7-C) 'executive authority' means the president ;" **Executive authority.**

(ii) clauses (7-D) and (8) shall be omitted and for clauses (11) and (12), the following clause shall be substituted, namely :—

"(11) 'non-panchayat area' means any area which is not comprised within the jurisdiction of a panchayat constituted under the Madras Village Panchayats Act, 1949 ;" **Non-panchayat area.**

(iii) for clauses (15-A) and (15-B), the following clauses shall be substituted, namely :—

"(15-A) 'panchayat' means a panchayat constituted under the Madras Village Panchayats Act, 1949 ;" **Panchayat.**

(15-B) 'panchayat area' means the area comprised within the jurisdiction of a panchayat constituted under the Madras Village Panchayats Act, 1949 ;" **Panchayat area.**

(iv) clauses (19-B), (19-C) and (23) shall be omitted

3. For the heading of Chapter II the heading "Districts" shall be substituted.

4. Section 5 shall be omitted.

5. In section 6—

(i) in sub-section (1), the words "and for each village, a panchayat" shall be omitted ;

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

"(2) Subject to the provisions of this Act, the local administration of a district shall vest in the district board constituted therefor, but the board shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its president or to other authorities ;"

(iii) in sub-section (3), the words "or village" and the words and figure "or 5, as the case may be," shall be omitted.

6. For section 7, the following section shall be substituted, namely :—

"7. Subject to the provisions of sub-section (3-A) of section 9, the total number of members of a district board shall not exceed 52 or be less than 24." **Strength of District boards.**

7. In section 9—

(i) sub-section (2) shall be omitted ;

(ii) in sub-section (3), the word, brackets and figure "or (2)" shall be omitted

8. In clause (b) of sub-sections (1) and (2) of section 15, for the words "any other local board," the words "any panchayat" shall be substituted.

9. In section 19, the words "or appointment" and "temporary president" shall be omitted.

10. (1) Sections 21 and 21-C shall be omitted.

(2) In section 21-D, the brackets and figure "(1)" and clauses (2) and (3) shall be omitted.

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11. In section 22-A—

(i) clause (b) of sub-section (2) shall be omitted and clause (a) thereof shall be renumbered as sub-section (2);

(ii) in sub-section (3), the words “in the case of district boards and of not less than five clear days in the case of panchayats” shall be omitted;

(iii) sub-section (4) shall be omitted and the Explanation shall be retained unaltered.

12. In section 23—

(i) in sub-sections (1) and (3), the words “where he is also the executive authority” shall be omitted;

(ii) in sub-section (2), for the words “including where he is also the executive authority his functions as such”, the words “including his functions as executive authority” shall be substituted;

(iii) in the proviso to the same sub-section, after the words “president’s functions”, the words “including his functions as executive authority” shall be inserted;

(iv) for clause (iii) of the proviso to sub-section (3), the following clause shall be substituted, namely:—

“(iii) every order made under this sub-section shall be communicated to the board at its next meeting”;

(v) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) Subject to any restrictions that the district board may impose, the president may by an order in writing delegate any of his executive functions to any member, officer or servant of the board or to any servant of the Provincial Government”.

13. Section 24 shall be omitted.

14. In sub-section (1) of section 26, for the words “within the local board area”, the words “within the district” shall be substituted.

15. In sub-section (2) of section 27, for the portion beginning with the words “refer the question” and ending with the words “be final”, the following words shall be substituted, namely:—

“refer the question to the Provincial Government whose decision shall be final.”

16. In section 27-A of the said Act—

(i) in sub-section (1), clause (ii) shall be omitted and clauses (iii) and (iv) shall be renumbered as clauses (ii) and (iii) respectively;

(ii) in sub-section (2), for the words “four standing committees referred to”, the words “three standing committees referred to” shall be substituted;

(iii) in sub-section (3)—

(a) the second proviso to clause (a) shall be omitted;

(b) the words “except in the case of the standing committee for rural development” in clause (b) shall be omitted.

17. Section 33 of the said Act shall be omitted.

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18. For section 36, the following section shall be substituted, namely:—

“36. (1) As soon as may be after the first day of April every year and not later than such date as may be fixed by the Provincial Government, every district board shall submit to the Provincial Government, a report on its administration during the preceding year in such form and with such details as the Provincial Government may direct.

Submission of annual reports.

(2) The executive authority shall prepare the report; the district board shall consider the report and submit it to the Provincial Government with its resolutions thereon, if any.

(3) The report and the resolutions thereon, if any, shall be published in such manner as the Provincial Government may direct.”

19. In section 37, the figure and brackets “(1)” at the commencement shall be omitted.

20. In section 37-B, the words “executive authorities” shall be omitted.

21. Sections 37-D and 42 shall be omitted.

22. In sub-section (1) of section 41, the words “or executive authority” shall be omitted and after the words “any other Act”, the words “including in the case of its president any of his duties as executive authority” shall be inserted.

23. In sub-section (1) of section 43, the words “where he is also the executive authority” shall be omitted.

24. In section 45—

(i) in sub-section (1-A), the words “and to the district board in the case of a panchayat” and the words “or boards” in both the places where they occur shall be omitted;

(ii) in sub-section (3), for the words “including where the president is also the executive authority his powers and duties as such”, the words “including his powers and duties as executive authority” shall be substituted.

25. Section 45-A shall be omitted.

26. In section 45-B, the words, figures and letter “or a panchayat is superseded under section 45-A” and the words “or panchayat” in the two places where they occur shall be omitted.

27. Sub-section (2) of section 46 shall be omitted and sub-section (1) thereof renumbered as section 46.

28. Section 49 shall be omitted.

29. In section 51—

(i) in sub-section (1), for the words and brackets “the area of the local board (hereinafter in this section referred to as ‘local area’)”, the words “a district” shall be substituted;

(ii) in Explanation (1) to the same sub-section, for the words “local area” wherever they occur, the word “district” shall be substituted;

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(iii) in sub-section (2) the words "The District Panchayat Officer or" shall be omitted;

(iv) in sub-section (3), the words "and when a village has been divided into wards the electoral roll for the panchayat shall be divided into separate parts for each ward" shall be omitted;

(v) clause (b) of sub-section (4) shall be omitted and clause (a) thereof shall be renumbered as sub-section (4).

30. In sub-section (1) of section 56, for clause (g), the following clause shall be substituted, namely:—

"(g) ceases to reside in the district or in a municipality (including the City of Madras) or a cantonment, situated within three miles of the district;"

31. In section 60 of the said Act—

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

"(1) All public roads in any district which are classed as district roads and all public roads in non-panchayat areas in the district shall vest in the district board";

(ii) in sub-section (2) after the words "a public road", the words, figure and brackets "which vests in a district board under sub-section (1)" shall be inserted; for the words "any public road", the words "any such road" shall be substituted; and the words "in which the public road vests" shall be omitted.

32. In section 62, for the words "vested in a local board", the words "vested in itself" and for the words "other local board", the word "panchayat" shall be substituted.

33. In section 65, the words "or a collector or any private person or body of persons" shall be omitted, and the word "panchayat" wherever it occurs shall be retained unaltered.

34. Sections 65-A and 65-B of the said Act shall be omitted.

35. In section 68—

(i) in sub-section (1), for the words "a post of district health officer and one or more posts of district panchayat officer", the words "and one or more posts of district health officer" shall be substituted;

(ii) in the proviso to sub-section (3), for the words "district health officer or district panchayat officer", the words "or district health officer" shall be substituted.

36. In sub-section (1) of section 69, for the words "district health officer or district panchayat officer", the words "or district health officer" shall be substituted.

37. Section 69-B shall be omitted.

38. In sub-section (1) of section 69-C, the words "or panchayat" shall be omitted.

39. In section 70, for the words "the district health officer and the district panchayat officer", the words "and the district health officer" shall be substituted.

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40. In sub-section (1) of section 70-A—

(i) for the words and figures "or in the Madras District Municipalities Act, 1920", the words and figures "the Madras District Municipalities Act, 1920, or the Madras Village Panchayats Act, 1949" shall be substituted;

(ii) after the words and figures "under the Madras District Municipalities Act, 1920", the words and figures "or of any panchayat constituted under the Madras Village Panchayats Act, 1949" shall be inserted;

(iii) for the proviso, the following proviso shall be substituted, namely:—

"Provided that no such transfer shall be made except after consulting the district board, and the other district board, the municipal council or the executive authority of the panchayat, as the case may be."

41. Sub-section (2) of section 71 shall be omitted and sub-section (1) thereof shall be renumbered as section 71; and in the opening paragraph of the section as so renumbered, the words "and on the staff of all panchayats in the district" shall be omitted.

42. In section 72, for the words "the district health officer or the district panchayat officer", the words "or the district health officer" shall be substituted.

43. Sub-section (2) of section 73 of the said Act shall be omitted and sub-section (1) thereof shall be renumbered as section 73, and in the section as so renumbered, for the words "the district health officer and the district panchayat officer", the words "and the district health officer" shall be substituted.

44. In section 73-B, the words, figures and letter "and of any person appointed under section 69-B" shall be omitted.

45. In section 74-A—

(i) in sub-section (1), for the words "local fund service", the words "separate service" shall be substituted.

(ii) in sub-section (2), the words "local fund" shall be omitted.

46. In section 74-C, after the words "a duty shall be levied", the words "in all non-payment areas" shall be inserted.

47. In section 75—

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

"(1) A district board may by a resolution determine that a profession tax shall be levied in all non-panchayat areas in the district or in any non-panchayat area specified in the resolution;"

(ii) sub-section (2) shall be omitted;

(iii) in sub-section (3), for the word "taxes" in clause (a), the words "the profession tax" shall be substituted;

(iv) in the same sub-section, in clause (b), for the words "existing tax" and "a tax", the words "existing profession tax" and "a profession tax" shall respectively be substituted, and for

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the words "in the case of local boards which have an outstanding loan", the words "if the district board has an outstanding loan" shall be substituted;

(v) In sub-section (4), the words, figure and brackets "or a notification under sub-section (2)" and the words "or notification" and "or panchayat, as the case may be" shall be omitted.

48. In section 77, sub-section (2) shall be omitted; clauses (a) and (b) of sub-section (1) shall be renumbered as sub-sections (1) and (2) respectively; and in sub-section (2) as so renumbered, for the expression "clause (a)", the expression "sub-section (1)" shall be substituted.

49. After section 91, the following section shall be inserted, namely:—

Apportionment of land cess. "92. The proceeds of the land-cess shall be credited to the district fund:

Provided that the cess collected in any panchayat area shall be distributed as follows:—

(a) three-fourths of the cess shall be credited to the district fund, and

(b) one-fourth of the cess shall be credited to the panchayat fund."

50. In sub-section (1) of sections 93 and 94-A, for the words "local area", wherever they occur, the words "non-panchayat area" shall be substituted.

51. Section 95 shall be omitted.

52. Sections 98 to 103 and the heading thereto shall be omitted.

53. In section 110—

(i) in sub-section (3), for the expression "clause (b) of sub-section (1) of section 77", the expression "sub-section (2) of section 77" shall be substituted;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

"(4-A) The proceeds of the pilgrim tax shall be credited to the district fund:

Provided that where the tax is levied in respect of a panchayat area and the occasion for pilgrimage is not a festival classified as a district festival, the proceeds shall be credited to the panchayat fund";

(iii) in sub-section (5), for the words "local board" in clause (ii), the words "district board or panchayat" shall be substituted;

(iv) in the same sub-section, in clause (iv), for the words "local boards", wherever they occur, the words "district boards or panchayats" shall be substituted.

54. In sections 110-A and 110-B, . . . for the words "in the area" the words "in any non-panchayat area" shall be substituted.

55. In section 111, for the words and figures "Subject to the provisions of section 109, the district board", the words "The district board" shall be substituted.

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56. In section 112—

(i) to sub-section (1), the following proviso shall be added, namely:—

"Provided that nothing contained in this sub-section shall be deemed to enable a district board to expend its moneys within any panchayat area for any purpose exclusively within the jurisdiction of the panchayat, except with the general or special sanction of the Provincial Government."

(ii) in sub-section (2), for the words "area of the local board" and "local board area," the word "district" shall be substituted.

57. In section 114, the words "and for each village a village fund" shall be omitted.

58. In section 115, for the words "village and district funds respectively," the words "district funds" shall be substituted.

59. In section 116—

(i) in sub-section (2), for the words "Every local board," the words "The district board" shall be substituted;

(ii) sub-section (3) shall be omitted.

60. In section 117—

(i) in sub-section (1), for the words "a consolidated budget," the words "its budget" shall be substituted and the words "of itself and of all panchayats in the district" shall be omitted;

(ii) in sub-section (2), the word "consolidated" shall be omitted, and for the words "any local board," the words "the district board" shall be substituted.

61. Section 118 of the said Act shall be omitted.

62. In sub-section (1) of section 121, for the words "of a local board area," the words "of the district or any part thereof" shall be substituted.

63. Before section 122 and the heading thereto, the following heading and section shall be inserted, namely:—

"Application of chapter to panchayat areas.

121-B. The provisions of this chapter, except sections 137, 138 and 139, shall not apply to any panchayat area unless the Provincial Government by general or special order, otherwise direct."

Provisions of chapter except sections 137, 138 and 139 not to apply to panchayat areas.

64. In sub-section (2) of section 124, the words "in the village" shall be omitted.

65. In section 126—

(i) in clause (1), the words "in the village" shall be omitted;

(ii) in clause (ii), the words "in the village" and "or of the district board" shall be omitted, and for the words "for the maintenance, repair and improvement thereof," the words "for their maintenance, repair and improvement with a view to their use by the public but shall not be entitled to levy any fees in respect thereof" shall be substituted.

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66. In section 128, the words "or village," "or the panchayat as the case may be" and "or panchayat" shall be omitted.

67. In section 129, after the words "a public road" where they occur for the first time, the words "vested in a district board" shall be inserted, and for those words where they occur for the second time, the words "such public road" shall be substituted.

68. In section 135, for the word "village," the word "district" shall be substituted.

69. In sub-section (2) of section 140, the words "with the sanction of the district board" shall be omitted.

70. In section 146—

(i) in sub-section (1), the words "with the previous sanction of the district board" shall be omitted;

(ii) in sub-section (2), for the word "village," the words "local area" shall be substituted.

71. In sub-section (1) of sections 147 and 148, for the words "public road appears to the executive authority of the local board in which such road is vested," the words "public road vested in a district board appears to the executive authority thereof" shall be substituted.

72. In sub-section (1) of section 150, after the words "other place," the words "in a non-panchayat area" shall be inserted.

73. In clause (a) of sub-section (1) of section 151, after the words "public road," the words "vested in" shall be inserted.

74. In sub-sections (1) and (2) of section 153, after the words "any building or land," the words "in a non-panchayat area" shall be inserted.

75. To sub-section (1) of section 154, the following paragraph shall be added at the end, namely:—

"Where such notice is given, no person shall keep any pig or dog, as the case may be, within such limits without obtaining a licence from the executive authority of the district board or otherwise than in accordance with the conditions specified in such licence."

76. In section 157, after the words "public road," the words "vested in a district board" shall be inserted.

77. For sub-section (1) of section 158, the following sub-section shall be substituted, namely:—

"(1) No door, gate, bar or ground-floor window shall be hung or placed so as to open outwards upon any public road vested in a district board, without a licence from the executive authority of such board."

78. In sub-section (5) of section 160, the words "or any class of local boards" shall be omitted.

79. In sub-section (1) of section 161, after the word "erected," the words "in a non-panchayat area" shall be inserted.

80. In sub-section (1) of section 163, after the words "public road," the words "vested in a district board" shall be inserted, and for the words "executive authority of the local board in which such road is vested," the words "executive authority of the district board" shall be substituted.

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81. In Chapter XI, after the heading "Markets, slaughter-houses, etc." and the sub-heading "Public markets," the following section shall be inserted, namely:—

"166-A. The Provincial Government shall have power to classify public and private markets situated in a panchayat area as district markets and panchayat markets respectively and provide for the control of any such market and for the apportionment of the income derived therefrom between the district board and the panchayat or the payment of a contribution in respect thereof to the panchayat or the district board, as the case may be."

82. In section 168—

(i) to sub-section (1), the words "in any non-panchayat area and if specially authorized by the Provincial Government in that behalf, in any panchayat area" shall be added at the end;

(ii) in sub-section (2), for the words "any public market," the words "any of its public markets" shall be substituted;

(iii) in sub-section (3), the words "with the sanction of the district board" shall be omitted and for the words "any public market," the words "any of its public markets" shall be substituted.

83. In sub-sections (1) and (2) of section 169, for the words "any public market," the words "any district board public market" shall be substituted.

84. In section 171, in sub-section (1), after the words "no person shall," the words "in any non-panchayat area" shall be inserted.

85. In section 172—

(i) in sub-section (1), the reference to the Madras Local Boards Act, 1884, shall be retained unaltered;

(ii) for sub-sections (2) and (3), the following sub-section shall be substituted, namely:—

"(2) The district board shall, after making or causing to be made such inquiries, if any, as it thinks fit, grant or refuse the certificate."

86. In sections 176 and 178, after the words "any private market," the words "in a non-panchayat area or of any private market in a panchayat area which is classified as a district market" shall be inserted.

87. For clauses (a) and (b) of section 179, the following clauses shall be substituted, namely:—

"(a) in respect of which no licence has been applied for, if the market is in a non-panchayat area or if being in a panchayat area it is classified as a district market; or

(b) the licence for which has been refused, withheld or suspended by the district board; or."

88. In sub-section (1) of section 180, after the words "to hold a private market in any place," the words "in a non-panchayat area or to hold a private market classified as a district market in any place in a panchayat area" shall be inserted.

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89. In section 181, for the words "appeal against such order to the district board," the words "appeal against such order to the Provincial Government" and for the words "the executive authority of the district board may, if he thinks fit," the words "the Provincial Government may, if they think fit" shall be substituted.

90. In section 182, after the word "market," the words "in a non-panchayat area or of a market in a panchayat area which is classified as a district market" shall be inserted.

91. Section 183-A shall be omitted.

92. In section 183-B, the words "panchayat or" shall be omitted.

93. (1) In sub-section (1) of section 184, after the word "cart-stands," the words "in non-panchayat areas" shall be inserted.

(2) In sub-section (1-B) of the same section, the reference to the Madras District Municipalities and Local Boards (Amendment) Act, 1941, shall be retained unaltered.

94. To section 185, the words "being a place or road vesting in the district board" shall be added.

95. In section 187, in sub-section (1), after the words "No person shall," the words "in any non-panchayat area" shall be inserted.

96. In section 189 of the said Act, to sub-section (1), the words "in non-panchayat areas" shall be added.

97. In section 190—

(i) the words "with the sanction of the district board" shall be omitted ;

(ii) in clause (a), for the words "in the village or in any specified area therein," the words "in any specified non-panchayat area" shall be substituted ;

(iii) in clause (b), after the words "slaughter or permit to be slaughtered," the words "in any specified non-panchayat area" shall be inserted.

98. In section 191, for the words "within the village," the words "in non-panchayat areas" shall be substituted.

99. In section 193, in sub-section (1), for the words "within the limits of the village," the words "situated in any non-panchayat area or in such non-panchayat area as may be specified in the notification" shall be substituted.

100. In section 194—

(i) in clause (a) of sub-section (1), after the word "establish," the words "in any non-panchayat area" shall be inserted ;

(ii) in clause (b) of the same sub-section, after the word "premises," the words "in a non-panchayat area" shall be inserted.

(iii) in clause (ii) of the same sub-section, the words "by the district board" shall be omitted ;

101. In sub-section (1) of section 195, after the word "work-place," the words "in a non-panchayat area" shall be inserted.

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102. In sub-section (1) of section 197, after the word "work-place," the words "in a non-panchayat area" shall be added.

103. In section 198 of the said Act, for the words "local board area" in the opening paragraph, the words "non-panchayat area" shall be substituted.

104. To section 202 the following proviso shall be added, namely—

"Provided that nothing contained in this section shall be deemed to authorize the district board, without the approval of the Provincial Government, to make by-laws for any panchayat area in respect of any matter for which the panchayat may make by-laws under the Madras Village Panchayats Act, 1949."

105. Section 203-A of the said Act shall be omitted.

106. In sections 204 and 205, the words "or panchayat" shall be omitted.

107. In section 205-A—

(i) sub-section (2) shall be omitted and sub-section (3) renumbered as sub-section (2) ;

(ii) in sub-section (2) as so renumbered the words "or panchayat" and the words, figure and brackets "or (2) as the case may be" shall be omitted.

108. In section 206, the words "of the panchayat and" shall be omitted, and for the words "to the village or to any specified area therein," the words "to any specified non-panchayat area in the district" shall be substituted.

109. In section 208—

(i) in sub-section (2), for the words "acts as the president, temporary president or vice-president of a local board or exercise any of his functions including where he is also the executive authority any of his functions as such," the words "acts as the president or vice-president of a district board or exercises any of his functions including his functions as executive authority" shall be substituted ;

(ii) in sub-section (3), the words "temporary president" wherever they occur shall be omitted.

110. In section 218, for the words "in the area of the local board concerned," the words "in the district" shall be substituted.

111. In section 233, the words "in regard to any local board or any class of local boards or all local boards in that area" shall be omitted.

112. In sections 235 (1) and 236 the reference to the Madras Local Boards Act, 1884, shall be retained unaltered.

113. In sub-section (2) of section 237, the words "for different classes of local boards" shall be omitted.

114. In section 240—

(i) in sub-section (1), for the words "and its executive authority," the words "including his powers, duties and functions as executive authority" shall be substituted ;

(ii) in sub-section (2), the words and figure "or 5 as the case may be" shall be omitted ;

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(iii) for sub-section (3), the following sub-section shall be substituted, namely :—

“(3) The Special Officer shall exercise the powers, discharge the duties and perform the functions—

(a) of the district board until a board has been constituted; and

(b) of the president of the board including his powers, duties and functions as executive authority until a president has been elected by the board.”;

(iv) in sub-section (5), for the words “in the same district,” the words and figures “in that one of the three groups of districts as divided by the Madras Local Boards (Amendment) Act, 1935, to which the district belongs” shall be substituted;

(v) in sub-section (8), after the words “exercise jurisdiction” the following words shall be inserted, namely :—

“or for which a panchayat has been newly constituted.”

115. After section 240, the following section shall be inserted, namely :—

Transfer of
functions
between
district
boards
and
panchayats.

“240-A. Notwithstanding anything contained in this Act, or in the Madras Village Panchayats Act, 1949, the Government may, by notification and subject to such restrictions and conditions and to such control and revision as may be specified therein, direct that any function vested in a district board by or under the Madras District Boards Act, 1920, shall be transferred to and performed by any panchayat or class of panchayats.”

116. In sub-section (1) of section 241, the words “district board or panchayat” in the two places where they occur and the words “as the case may be” at the end shall be omitted.

117. In Schedule II—

(i) in rule 2, the words “and every panchayat at least once in every month” shall be omitted;

(ii) in sub-rule (1) of rule 3, after the words “No meeting,” the words “of the district board” shall be inserted, and the words “at least three clear days before the day of the meeting in the case of panchayats and” and “in the case of district boards” shall be omitted;

(iii) in sub-rule (1) of rule 4, the words “executive officer,” the words “at least ten clear days before the day of the meeting in the case of panchayats and” and the words “in the case of district boards” shall be omitted;

(iv) sub-rules (2), (3) and (4) of rule 11 shall be omitted, and sub-rule (1) of that rule shall be renumbered as rule 11.

118. In Schedule IV—

(i) for rule 3, the following rule shall be substituted, namely :—

“3. The District Collector shall cause the net proceeds of the land-cess collected under the authority conferred on him by this Act to be credited to the district fund and the panchayat fund in accordance with the provisions of section 92.”;

(ii) in rule 4, for the words “local board concerned,” the words “district board or panchayat concerned” shall be substituted;

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(iii) for the heading before rule 5 “Part II—Other Taxes.—Provisions common to other taxes in general”, the heading “Part II—Profession Tax—General” shall be substituted;

(iv) in sub-rule (1) of rule 5, the words “separate” and “and the house tax” shall be omitted;

(v) in sub-rule (2) of the same rule, for the words “any tax” the words “the tax” shall be substituted;

(vi) in sub-rule (4) (a) of the same rule the words “or any property” and the words “relating to any tax” shall be omitted;

(vii) in rule 6, for the words “person or property,” the words “or person” shall be substituted;

(viii) in rule 10, for the words “local area” in the two places where they occur, the words “non-panchayat area” shall be substituted;

(ix) in sub-rule (1) of rule 11, for the words “the area of a single local board” in the opening paragraph, the words the non-panchayat area of a single district board” and for the words “the area of the local board” in clause (b), the words “the non-panchayat area of the district board” shall be substituted;

(x) in sub-rule (2) of the same rule, for the words “partly in the area of a local board,” the words “partly in the non-panchayat area of a district board” and for the words “in the area of the local board” occurring later, the words “in the non-panchayat area of the district board” shall be substituted;

(xi) in sub-rule (3) of the same rule, for the words “local area” in the two places where they occur, the words “non-panchayat area” shall be substituted;

(xii) rules 12 to 25 and the heading thereto shall be omitted;

(xiii) for rule 27, the following rule shall be substituted, namely :—

“27. An appeal shall lie to the district board in respect of the proceedings of the executive authority under rule 11-A.”;

(xiv) in rules 30 and 31, for the words “any tax,” the words “the tax” shall be substituted;

(xv) in rule 32—

(a) sub-rule (1) shall be omitted and sub-rules (2) to (4) renumbered as sub-rules (1) to (3) respectively;

(b) in sub-rule (1) as so renumbered, the words, figures and brackets “and a bill under sub-rule (1) of rule 32” shall be omitted;

(c) in clause (a) of the same sub-rule, the words “property or thing” shall be omitted;

(d) in sub-rule (2) as so renumbered, the words “or bill” and “or bill as the case may be” shall be omitted;

(xvi) in sub-rule (1) of rule 33, for the words “any tax,” the words “the tax” shall be substituted, and the words “or bill” shall be omitted;

(xvii) rule 38 shall be omitted;

(xviii) in Appendix A, the words “and premises, if any, in respect of which the tax or taxes are due” and the words and brackets “(or as the case may be any goods and chattels found on the premises referred to)” shall be omitted;

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113. In Schedule V—

- (i) sub-rule (aa) of rule 1 shall be omitted.
- (ii) rule 1-A shall be omitted.
- (iii) in rule 1-B—

(I) in sub-rule (2)—

(1) for clause (c), the following clause shall be substituted, namely :—

“(c) the establishment and maintenance of choultries in non-panchayat areas and of choultries classified as district choultries in panchayat areas” ;

(2) in clause (cc), for the portion beginning with the word “except” and ending with the words “district board”, the following shall be substituted, namely :—

“except in any panchayat area where a contribution is paid by the district board to the panchayat on the scale fixed by the Provincial Government for the opening and maintenance of elementary schools” ;

(3) for clause (dd), the following clause shall be substituted, namely :—

“(dd) the opening and maintenance of libraries and reading rooms in non-panchayat areas and of libraries and reading rooms classified as district libraries and district reading rooms in panchayat areas” ;

(4) for clause (h), the following clause shall be substituted, namely :—

“(h) the establishment and maintenance of hospitals ; the establishment and maintenance of dispensaries in non-panchayat areas and of dispensaries other than those classified as panchayat dispensaries in panchayat areas ; and every other kind of medical relief in non-panchayat areas, and every other kind of medical relief not given by the panchayat in panchayat areas” ;

(5) in clause (i), for the portion beginning with the word “except” and ending with “rule 1-A,” the following shall be substituted, namely :—

“except, in panchayat areas, such measures as may have been carried out by the panchayat under the Madras Village Panchayats Act, 1949” ;

(6) to clause (l), the following words shall be added, namely :—

“in panchayat areas and of all public markets in non-panchayat areas” ;

(7) to clause (m), the following words shall be added, namely :—

“in panchayat areas and of all fairs and festivals in non-panchayat areas” ;

(8) for clause (n), the following clauses shall be substituted, namely :—

“(n) the construction of drains and disposal of drainage water and sullage in any non-panchayat area ;

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(o) in any non-panchayat area, the cleansing of streets, the removal of rubbish heaps, jungle growth and prickly-pear, the filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows ; and other improvements of the sanitary condition ;

(p) the provision of public latrines and arrangements to cleanse latrines, whether public or private, in any non-panchayat area ;

(q) the opening and maintenance of burial and burning grounds in non-panchayat areas ;

(r) in non-panchayat areas, the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks for supply of water for drinking, washing and bathing purposes, and the construction of bathing ghats ;

(s) the opening and maintenance of public slaughter-houses in non-panchayat areas ;

(t) the establishment and maintenance in non-panchayat areas of wireless receiving sets, of playgrounds, or parks, of sports clubs and of centres of physical culture.” ;

(II) in sub-rule (3), for clause (d), the following clause shall be substituted, namely :—

(d) all other measures of public utility calculated to promote the safety, health, comfort or convenience of the inhabitants of the district ; and.” ;

(iv) rules 2 and 3 shall be omitted ;

(v) in rule 4, for the words “any other local board,” the words “any panchayat” shall be substituted ;

(vi) (1) in rule 5, the words “village and” and “respectively” in the opening paragraph and the heading “A—Village Funds” and all the items thereunder shall be omitted ; and for the heading “B—District Funds,” the heading “District Funds,” shall be substituted ; and for items (1) and (1-A) under that heading the following items shall be substituted, namely :—

“(1) The land-cess levied in the district, subject to the provisions of section 92.

(2) The profession tax levied in non-panchayat areas in the district under section 93.

(2-A) The pilgrim tax levied (i) in respect of any panchayat area in the district where the occasion for pilgrimage is a festival classified as a district festival, and (ii) in respect of any non-panchayat area in the district.” ;

(2) for item (3-A) under the same heading, the following items shall be substituted, namely :—

“(3-A) Fees levied (i) in public markets in panchayat areas which are classified as district markets, after deducting the contribution, if any, paid by the district board to the panchayat on the scale fixed by the Government, and (ii) in public markets in non-panchayat areas.

(3-B) The contribution paid to the district board by panchayats in respect of markets situated in panchayat areas which are not classified as district markets, on the scale fixed by the Government.

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(3-C) Fees for the use of public landing places, halting places, cart-stands and slaughter-houses in non-panchayat areas ; and fees for the temporary occupation of village-sites, roads, burial and burning grounds and other similar public places or parts thereof in non-panchayat areas.” ;

(3) in item (5) under the same heading, for the words “ in the district,” the words “ in panchayat areas ” shall be substituted, and after the words, “ district ghoultries,” the words “ and of all choultries in non-panchayat areas ” shall be added ;

(4) in item (7) under the same heading, for the words “ and dispensaries classified as district hospitals and dispensaries,” the words “ of dispensaries in non-panchayat areas and of dispensaries in panchayat areas classified as district dispensaries ” shall be substituted ;

(5) in item (12) under the same heading, after the words “ all district roads,” the words “ and to all public roads in non-panchayat areas ” shall be added ;

(6) in item (13) under the same heading, after the word “ ferries,” the words “ and fisheries ” shall be inserted ;

(7) after item (18) under the same heading, the following item shall be inserted, namely :—

“(19) All sums other than those enumerated above which arise out of, or are received in aid of, or for expenditure on, any institutions or services maintained or financed from the district fund or managed by the district board.”

(vii) rule 6 shall be omitted ;

(viii) in rule 8—

(1) in sub-rule (1), the words “ and all moneys received by a panchayat shall be lodged either in the nearest Government Treasury or in the nearest Post Office Savings Bank ” shall be omitted ;

(2) clause (b) of sub-rule (2) shall be omitted and clause (a) thereof shall be renumbered as sub-rule (2), and in the sub-rule as so renumbered, the words “ and a panchayat may with the sanction of the Inspector of Local Boards ” shall be omitted ;

(ix) in sub-rule (1) of rule 9, sub-clause (ii) of clause (b) shall be omitted and sub-clause (i) thereof shall be relettered as clause (b), and in the clause as so relettered, the words “ in the case of district boards ; or ” shall be omitted.

120. In Schedule VIII—

(i) the item relating to section 102 (1) shall be omitted ;

(ii) after the item relating to section 153, sub-section (2), the following item shall be inserted, namely :—

“ 154 (1) .. Keeping a dog or pig without licence or contrary to licence. Ten rupees.”

121. In Schedule IX, after the item relating to section 153, sub-section (2), the following item shall be inserted, namely :—

“ 154 (1) .. Keeping a dog or pig without licence or contrary to licence. Two rupees.”

THE MADRAS LEGISLATIVE ASSEMBLY.

Monday, the 19th December 1949.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Recruitment of Sub-Inspectors of Police.

* 231 Q.—JANAB ABDUL HAMEED KHAN: Will the Hon. the Premier be pleased to state the number of Sub-Inspectors of Police that have been recruited in the years 1948 and 1949 respectively from among Non-Brahmans, Backward Non-Brahmans, Brahmins, Muslims, Christians and Harijans?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—“ The numbers of probationary Sub-Inspectors actually recruited direct in 1948 and in 1949 are as follows :—

Number recruited in 1948—

Non-Brahman (Hindus)	...	...	...	...	18
Backward Hindus	...	...	...	...	9
Brahmins	...	...	...	...	12
Anglo-Indians and Indian Christians	...	...	...	...	3
Harijans	...	...	...	...	1
				Total	43

Number recruited in 1949 (up to date)—

Non-Brahman (Hindus)	...	...	...	...	91
Backward Hindus	...	...	...	...	27
Brahmins	...	...	...	...	28
Anglo-Indians and Indian Christians	...	...	...	...	15
Harijans	...	...	...	...	27
				Total	188

“ Muslims have been excluded for the present as they are already over-represented in the category of Sub-Inspectors.”

JANAB MAHIN SCHAMNAD:—“ May I know, Sir, whether if there is over-representation of Muslims in the category of constables, that will affect the appointment of Muslims as Sub-Inspectors, even if there is no over-representation in this category?”

THE HON. SRI B. GOPALA REDDI:—“ There is over-representation among the constables too.”

JANAB MAHIN SCHAMNAD:—“ Sir, what I want to know is whether over-representation in the category of constables will affect the recruitment to the post of Sub-Inspectors, even if there is no over-representation in this cadre?”

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THE HON. SRI B. GOPALA REDDI:—"As it is, there is over-representation of Muslims in the category of Sub-Inspectors. But it will not affect the promotees. Evidently the hon. Member wants only this information, whether it will affect promotees."

JANAB M. S. ABDUL MAJID:—"Sir, the Hon. the Leader of the House promised the other day that with regard to the question of recruitment of Muslims in the Police and other departments, he would raise the question before the Cabinet. May I know whether he has done so?"

THE HON. SRI B. GOPALA REDDI:—"Sir, it is not a question for any single individual Minister to consider. It is a general question for consideration by the Cabinet and the Cabinet had an occasion to consider and review the position."

JANAB MOHAMED ABDUL SALAM:—"Is it not a fact, Sir, that the Brahmans also are over-represented and yet they are recruited in a larger number than that stipulated in the Government Order?"

THE HON. SRI B. GOPALA REDDI:—"I do not think that there is over-representation of Brahmans in this category in the Police Department."

JANAB MUHAMMAD RAZA KHAN:—"Is the Hon. the Leader of the House aware that the Government of Madras by their policy of discrimination against Muslims in stopping their recruitment to the services completely, want the Muslims to feel and realise that they are something different from the rest of the people of this Province?"

THE HON. SRI B. GOPALA REDDI:—"It is perhaps their own mistake that they should have been feeling that they are a different nation and should not accept the majority rule. There is nothing wrong if they are to remain as such for the time being."

SRI B. S. MURTHI:—"On a previous occasion, Sir, the Hon. the Leader of the House stated that sufficient number of Harijans was not forthcoming and therefore none was selected from this community at that time. May I know whether care has been taken that adequate representation is given to the Harijans?"

THE HON. SRI B. GOPALA REDDI:—"The number recruited in 1949 (up to date) from the Harijan community is 27, which is quite a large number."

JANAB ABDUL HAMEED KHAN:—"Sir, in view of the answer given by the Hon. the Leader of the House, may I ask if there is any intention on the part of the Government to change their heart towards the Muslims and whether, if there is any sincere desire or anxiety to do so, they will demonstrate it?"

THE HON. SRI B. GOPALA REDDI:—"Certainly, we are anxious to take the Muslims along with us in all matters and certainly hearts react to hearts."

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SRI A. VEDARATNAM PILLAI:—"Will the Government please consider the desirability of reducing the number in respect of those communities which are over-represented?"

THE HON. SRI B. GOPALA REDDI:—"It is not desirable to do so in the interests of the services."

JANAB K. M. SEETHI:—"May I know, Sir, whether in determining the ratio of representation for a community in the Police Department, their representation in the ordinary constabulary is also taken into account? As far as Muslims are concerned it is maintained by the Government that they are over-represented in the Police Department."

THE HON. SRI B. GOPALA REDDI:—"Each category is taken separately and it is determined whether there is under or over-representation."

JANAB MUHAMMAD RAZA KHAN:—"May I know, Sir, how this policy of discrimination reconciles with the appeal made in an address by the Hon. the Premier recently at Madura that the Muslims should forget the past and join the Congress?"

THE HON. SRI B. GOPALA REDDI:—"I do not accept the charge that there is discrimination against Muslims in recruitment to the services. We are taking them wherever possible, and cannot, therefore, accept this insinuation. The Hon. Premier's appeal to the Muslims to join the Congress stands on a different footing because it will serve their own interests."

The Annamalai University.

* 232 Q.—SRI T. VISWANATHAM (on behalf of Sri V. Raghavaya): Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the Annamalai University has been closed temporarily;

(b) whether any students were dismissed or prosecuted or arrested in the course of last month or this month; and

(c) if so, for what reasons?

THE HON. SRI K. MADHAVA MENON:—" (a) The Annamalai University was not closed at any time. Only the re-opening of the Engineering and Technology sections of the University was postponed until a calmer atmosphere was created. This section will be re-opened on the 7th December 1949.

" (b) & (c) Yes, disciplinary action has been taken by the University authorities on those students who have taken an active part in the disturbances on the 24th and 25th September 1949. A few have been arrested by the police for violation of the Magistrate's order under section 144 of the Criminal Procedure Code."

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SRI B. S. MURTHI:—" May I know, Sir, whether the Hon. the Minister is aware that recently there was a hunger-strike by the students in the Women's hostel in the Annamalai University and if so, what action has been taken by him in the matter? "

THE HON. SRI K. MADHAVA MENON:—" That is a different matter. I have also read in the papers that there was a hunger-strike, but on enquiry I find that the information was exaggerated."

SRI A. VEDARATNAM PILLAI:—" May I know the reasons, Sir, for the repeated troubles in the Annamalai University? "

THE HON. SRI K. MADHAVA MENON:—" I am not aware of any repeated trouble. I have read or heard of some troubles in the Annamalai University and these are common with most other universities also. If there is unrest among the students, it has to be met and stopped."

MR. SPEAKER:—" I think the Hon. Minister has told the House once that the Universities are autonomous bodies and the Ministers are not expected to interfere with their inner working."

SRI T. S. PATTABHIRAMAN:—" Is it not a fact, Sir, that more than 150 students have not yet been re-admitted to the College? "

THE HON. SRI K. MADHAVA MENON:—" Of those against whom disciplinary action was taken, almost all have been re-admitted and perhaps a few remain outside."

SRI T. VISWANATHAM:—" May I know, Sir, whether the Government will intercede on behalf of the rest also and get them re-admitted? "

THE HON. SRI K. MADHAVA MENON:—" The Universities Act does not give the Government powers to intercede in matters like this, where disciplinary action has been taken. It is entirely a matter for the Vice-Chancellor to decide."

SRI K. T. KOSALRAM:—" Is it not a fact, Sir, that the Vice-Chancellor has refused to take the advice of the Hon. the Minister for Education to take back all the students that were sent out? "

THE HON. SRI K. MADHAVA MENON:—" I have no business to advise the Vice-Chancellor either to admit or to reject. I have had discussions with many people including the Vice-Chancellor on this subject, and it is not an advice that I can give legally."

SRI T. S. PATTABHIRAMAN:—" Sir, in view of the fact that the Annamalai University has been a bleeding sore in the field of education in the Province, will the Government, under the powers conferred by section 28 of the Universities Act, appoint an enquiry committee immediately and suggest suitable remedies? "

THE HON. SRI K. MADHAVA MENON:—" I do not concede that the Annamalai University has been a bleeding sore. It is a very good institution and has been doing good service."

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Of course there have taken place certain incidents which are common in almost all other universities in the country to-day. The conditions obtaining now affect all universities alike. As regards the appointment of an enquiry committee, I do not think any matters have come to the notice of the Government justifying action under the Universities Act."

SRI T. VISWANATHAM:—" Is the Hon. the Minister aware that after these events had taken place, the Vice-Chancellor is very stiff as regards the lady students and is putting unnecessary restrictions upon them even in regard to their ordinary activities? "

MR. SPEAKER:—" Will the Hon. the Minister say whether the Government have powers to tell the Vice-Chancellor what he should do and what he should not? "

SRI T. VISWANATHAM:—" I am not suggesting that the Government have any or no powers to tell the Vice-Chancellor what he should do. I am simply asking whether the Hon. the Minister is aware of the fact? "

THE HON. SRI K. MADHAVA MENON:—" I do not exactly understand what is meant by 'stiff'. The Vice-Chancellor has a right to take action to maintain discipline."

SRI R. V. SWAMINATHAN:—" May I know whether the Hon. the Minister for Education, who is most interested in the welfare of the Province, will write to the Vice-Chancellor to take back all the students sent out? "

THE HON. SRI K. MADHAVA MENON:—" This is the very thing which I cannot do under the Act. I cannot ask the Vice-Chancellor to have a particular student or reject a particular student."

SRI B. S. MURTHI:—" Now that the Vice-Chancellor has been pleased to take back some 123 students, will the Hon. the Minister see that seven boys who have been left out are also shown grace and re-admitted? "

THE HON. SRI K. MADHAVA MENON:—" The best thing would be for the students to satisfy the Vice-Chancellor that their re-admission will not affect discipline in the institution."

SRI L. N. GOPALASWAMI:—" Is it a fact, Sir, that the recent report called for by the Government regarding the disturbances in Annamalai University disclosed the fact that the disturbances were due to the incompetency of the Vice-Chancellor to manage the students? "

THE HON. SRI K. MADHAVA MENON:—" The suggestion is absolutely false, Sir."

SRI R. V. SWAMINATHAN:—" May I know, Sir, whether the University is above the Government and the Government should shut their eyes to everything that was happening in the University? "

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a.m.

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THE HON. SRI K. MADHAVA MENON:—"It is not a question of above or below the Government. This legislature passed an Act for the University which gave certain powers to certain authorities regarding admission or rejection or taking action against the students. This is not a thing that the Government can take up."

SRI V. S. SANKARASUBRAMANYA MUDALIYAR:—"May I know, Sir, whether the Vice-Chancellor acted within his powers as given by the Annamalai University Act?"

THE HON. SRI K. MADHAVA MENON:—"If the Vice-Chancellor has not acted within his powers, the aggrieved party can take it to the court and see to it."

SRI T. S. PATTABHIRAMAN:—"Sir, in fact a number of students have been re-admitted to the college but they have not been re-admitted into the hostel. Will the Government, in the interest of education in this Province advise the Chancellor, H.E. the Governor of this Province, to do justice to the students?"

THE HON. SRI K. MADHAVA MENON:—"It is for the aggrieved party to move in the matter, as the Act provides for an appeal to the Chancellor."

SRI K. T. KOSALRAM:—"If the Government have no powers, will the Government prepare a legislation to take over some powers from the University?"

THE HON. SRI K. MADHAVA MENON:—"It is not advisable, Sir, in these educational institutions like the University to make frequent changes in the Act and take powers and reduce the autonomy that this legislature has already given to them."

SRI K. SUBBA RAO:—"Is the Hon. Minister aware, Sir, that the communal-mindedness of the Vice-Chancellor is more responsible for the disturbances than political reasons?"

THE HON. SRI K. MADHAVA MENON:—"Sir, I think it may as well be said the communal-minded students are responsible. I have not gone into the communal-mindedness of the Vice-Chancellor or the students."

Applications for bus route permits from Motor Bus Workers' Associations.

[* 233 Q.—

MR. SPEAKER:—"The hon. Member is not in his seat. The question and answer will be printed in the proceedings."]

SRI V. RAGHAVAYYA: Will the Hon. the Minister for Finance be pleased to state—

(a) whether Chittoor District Motor Bus Workers' Labour Union, Tirupati, has applied for any route in the Chittoor district;

(b) if so, whether the same has been granted;

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(c) whether there are cases of similar Workers' Associations applying for bus route permits in the Province and if so, how many; and

(d) whether the Government have shown any preference to such associations?

THE HON. SRI B. GOPALA REDDI:—" (a) & (b) The Chittoor District Motor Bus Workers' Labour Union applied for two permits on the route Puttur-Nagalapuram in the Chittoor district which had fallen vacant on account of the failure of Messrs. Srinivasa Bus Service, Puttur, to apply renewal of their pucca permits in time. Messrs. Srinivasa Bus Service and the Chittoor District Motor Bus Workers' Labour Union applied for permits on the route when the vacancy was notified. The Regional Transport Authority, Chittoor, granted the two permits to the Chittoor District Motor Bus Workers' Labour Union. The Central Road Traffic Board to whom Messrs. Srinivasa Bus Service appealed, revised the orders of the Regional Transport Authority and directed that one of the two permits should be granted to Messrs. Srinivasa Bus Service.

" (c) Yes. There are twelve cases of similar Workers' Associations which applied for bus route permits in this Province.

" (d) No; the Government have no authority under the Motor Vehicles Act to direct the Regional Transport Authorities to show preference to particular applicants for permits."

Major and minor estates taken over by the Government.

* 234 Q.—SRI GONA SEETHARAMASWAMY: Will the Hon. The Minister for Land Revenue be pleased to state—

(a) the number of major and minor estates that have been taken over by the Government in the first batch;

(b) the number that will be taken in the second batch and when;

(c) what arrangements have been made for the reorganization of the staff in the estates taken over by the Government; and

(d) what the rules and regulations passed for the retrenchment of the staff in the estates taken over by the Government, are?

THE HON. SRI H. SITARAMA REDDI:—" (a) Of the estates taken over in the first batch, six are major estates with a rent roll of over Rs. 5 lakhs each and the remaining 36 are minor estates having a rent roll of less than Rs. 5 lakhs each.

" (b) The Government have not taken any decision on this question as yet.

" (c) & (d) The attention of the hon. Member is invited to the rules under section 60 (2) of the Madras Estates

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(Abolition and Conversion into Ryotwari) Act, 1948, published at pages 326-327 of the Rules Supplement to Part I of the *Fort St. George Gazette*, dated the 8th November 1949."

SRI R. V. SWAMINATHAN:—"May I know, Sir; whether the Government have decided to prepare a second list and which are the districts that are going to be included in that list?"

THE HON. SRI H. SITARAMA REDDI:—"I have no more information to give than what I have stated in reply to clause (b)."

Hon. Ministers' tour.

* 235 Q.—JANAB MUHAMMAD RAZA KHAN: Will the Hon. the Premier be pleased to state—

(a) the number of days each Hon. Minister was out of headquarters on tour in the month of October 1949; and

(b) the travelling allowance each Hon. Minister has drawn in the same month?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—" (a) & (b) A statement^a is laid on the table of the House."

JANAB M. S. ABDUL MAJID:—"I have worked out the average of allowances drawn by the Hon. Ministers during the tours. The daily average works out to Rs. 26 for the Hon. The Premier, Rs. 58 for the Hon. Minister for Public Health, Rs. 55 for the Hon. Minister for Public Works, Rs. 45 for the Hon. Minister for Finance, Rs. 54 for the Hon. Minister for Education and Law, Rs. 73 for the Hon. Minister for Land Revenue, Rs. 50 for the Hon. Minister for Agriculture, Rs. 56 for the Hon. Minister for Local Administration . . ."

MR. SPEAKER:—"The hon. Member has taken so much trouble to work out the average."

JANAB M. S. ABDUL MAJID:—"Rs. 78 for the Hon. The Minister for Prohibition, Rs. 75 for the Hon. the Minister for Industries and Rs. 69 for the Hon. the Minister for Food and Fisheries. I want to know from the Hon. the Finance Minister why there should be so much disparity between the daily allowance drawn by the Hon. Ministers?" (Laughter.)

THE HON. SRI B. GOPALA REDDI:—"It depends on the distance covered by the Ministers. Suppose I go to the northernmost part of the Province, say Ichapur, the distance travelled will be more. Suppose somebody went to Chingleput, the distance will be less. It all depends on the distance covered. Delhi has been covered many times."

JANAB MUHAMMAD RAZA KHAN:—"Within the 365 working days the Hon. Ministers have toured for 231½ days and

^a Printed as Appendix I on page 292 infra.

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drawn Rs. 9,253-4-0 as allowances. May I ask Sir, whether the energy and money spent is commensurate with the advantage gained by the people of this Province and the Government?"

THE HON. SRI B. GOPALA REDDI:—"The hon. Member naturally expects the answer that it is 'Yes'."

Appointment of retired officers as Estate Managers.

* 236 Q.—SRI GONA SEETHARAMASWAMY: Will the Hon. the Minister for Land Revenue be pleased to state the reasons that prompted the Government to appoint retired officers as Estate Managers for the estates taken over by the Government?

THE HON. SRI H. SITARAMA REDDI:—"Retired officers have been appointed as managers of some estates taken over by the Government in view of the great dearth of suitable experienced officers. The retired men appointed to the posts are men with considerable experience in revenue administration."

SRI R. V. SWAMINATHAN:—"May I know, Sir, whether these managers will continue for a period or continue till the entire abolition is completed or they will be there for a short term?"

THE HON. SRI H. SITARAMA REDDI:—"They will be continued as long as they are found necessary."

SRI G. SANYASI RAO:—"May I know, Sir, whether there is any age-limit for these officers to be appointed as managers?"

THE HON. SRI H. SITARAMA REDDI:—"Retired officers are above 55."

SRI B. S. MURTHI:—"May I know, Sir, whether any of these managers were previously engaged in any of the estates and retired as estate servants?"

THE HON. SRI H. SITARAMA REDDI:—"Some of them have been Collectors of the districts and have had considerable administrative experience on estates because as Collectors they had occasion to live in these estates."

Scheme for effecting compulsory savings for Government servants.

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

(a) whether the Government have any scheme for effecting compulsory savings for Government servants in pursuance of the policy of the Government of India in this direction; and

(b) if the answer to (a) is in the affirmative, what the details of the scheme are and when it will come into force?

THE HON. SRI B. GOPALA REDDI:—" (a) & (b) The Government of India have announced a scheme of compulsory savings by Government servants through subscription to Provident Funds and emergency cut in pay for certain

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classes of Government servants. The details of the scheme will be found in the annexure ^a. This Government have decided to extend the scheme in toto to the Government servants under the rule-making control of the Provincial Government with effect from the same date, viz., 1st December 1949 and have accordingly issued the necessary orders."

SRI V. M. RAMASWAMI MUDALIYAR:—" May I know, Sir, whether the Government expect to effect considerable savings as a result of the introduction of the scheme, especially the cut in salaries and the compulsory contribution to the saving scheme adumbrated in the paper laid on the table of the House? "

THE HON. SRI B. GOPALA REDDI:—" The subscriptions would not give any revenue. All these cut in salaries may not give us more than 25,000 rupees in a year."

Consumption of substitutes for alcohol by ex-addicts.

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

(a) whether the Government have received any complaints that Tincture Zingiberis, Eau-de-cologne, French Polish and methy-
lated or denatured spirit are being consumed freely by ex-addicts;

(b) what action the Government have taken to prevent this; and

(c) whether the Government have got any proposal to restrict the issue of the commodities and if so, how?

THE HON. SRI N. SANJEEVA REDDI:—" (a) Complaints have been received that Tincture Zingiberis and Eau-de-cologne were being misused for illicit consumption. No case of misuse of methylated spirit has so far been reported to the Government but attempts to misuse denatured spirit and French polish, which contains shellac and denatured spirit, have been reported.

" (b) & (c) The Board of Revenue has, under the instructions of the Government recently imposed certain restrictions on the possession and sale of Tincture Zingiberis and certain other medicinal preparations which were being misused as substitutes for alcohol in this Province. Restrictions are already in force in the case of the possession and sale of denatured spirit and the question whether it may be made more poisonous by adding naphthaline as in Bombay is being examined. The question what effective steps can be taken to prevent the misuse of Eau-de-cologne and French polish is also being examined."

SRI A. VEDARATNAM:—" May I know, Sir, whether it is a fact that the Surgeon-General has given his opinion that no alcohol is necessary to cure any disease and if so whether it is not possible to stop once for all, all the medicines which contain alcohol and its production, Sir? "

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THE HON. SRI N. SANJEEVA REDDI:—" The opinion of the Surgeon-General is that alcohol is not necessary. He never stated that all medicines containing alcohol should be prohibited."

SRI P. NATESAN:—" The Hon. Minister said that steps that are necessary to prevent misuse of Eau-de-cologne and French Polish are under examination. Is the whole thing under examination and what exactly is the examination? "

THE HON. SRI N. SANJEEVA REDDI:—" As I have already said in the earlier answer, by adding poison like naphthaline we can certainly prevent the misuse."

SRI V. M. RAMASWAMI MUDALIAR:—" Sir, may I know whether there is any data or basis for the matter that appeared in the local newspapers that the Government are considering the levy of a licensing fee of Rs. 500 and if so is it going to be issued to every person who pays the sum or restricted? "

THE HON. SRI N. SANJEEVA REDDI:—" When the question is finalised it will certainly be known to the House, Sir. Nothing is finalised up till now."

SRI D. V. RAMASWAMI:—" May I know, Sir, whether it has come to the notice of the Government that methylated spirit and denatured spirit are being substituted for drink? "

THE HON. SRI N. SANJEEVA REDDI:—" I had already given an answer to this in my reply under clause (a)."

SRI M. S. PATTABIRAMIAH:—" Is it a fact, Sir, that owing to the drastic restrictions imposed by the Board of Revenue genuine Druggists and Pharmaceutists in the mufassal are unable to get both Tincture Zingiberis and Tincture cardoman to dispense medicines prescribed by qualified doctors according to British Pharmacopea for the last one month? "

THE HON. SRI N. SANJEEVA REDDI:—" It is very difficult to distinguish the proper person and the person who is mis-using. There may be instances, Sir, when the proper persons also suffer but we cannot help that. For the present we are a little strict and enforce it vigorously."

SRI A. VEDARATNAM PILLAI:—" May I know, Sir, the Government will consider the desirability of controlling medicines which contain alcohol? "

THE HON. SRI N. SANJEEVA REDDI:—" At least medicine which contained a big percentage of alcohol would be controlled."

SRI B. S. MURTHI:—" Is the Government aware, Sir, that these medicines are used as substitutes for toddy? "

THE HON. SRI N. SANJEEVA REDDI:—" Quite possible. So many substitutes which are ruinous to health are being used and even at the risk of their life they are taking it. The Government cannot take notice of all these things. We shall try as much as possible."

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JANAB ABDUL HAMEED KHAN:—“Do the Government realise that every misuse results in the death of these unfortunate persons?”

THE HON. SRI N. SANJEEVA REDDI:—“I do not know, Sir, what the hon. Member means persons may die after drinking these dangerous liquids.”

Division of assets and liabilities of this Government between the Tamilnad and the Andhradesa.

* 239 Q.—JANAB MOHAMED ABDUL SALAM: Will the Hon. the Premier be pleased to state whether it is a fact that the Government have decided the basis on which the assets and liabilities of the Government is to be divided between the Tamilnad and the Andhradesa?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—“The answer is in the negative.”

JANAB MOHAMED ABDUL SALAM:—“May I know Sir, whether the Council appointed on the instructions of the Central Government has been given any instructions in the matter of division of assets and liabilities?”

THE HON. SRI B. GOPALA REDDI:—“It is on the recommendation of the Government of India that the partition council was appointed and Government are awaiting the recommendations of the committee.”

SRI R. V. SWAMINATHAN:—“Will the Leader of the House who is a member of the council say whether the new province would come into being on the 26th January 1950?”

MR. SPEAKER:—“That does not arise.”

JANAB MUHAMMAD RAZA KHAN:—“Why is it, Sir, that the Government of Madras feels that the monopoly of wisdom rests only with congressmen? In the partition council constituted not a single Muhammadan, Hindu or Christian from other parties, has been taken.”

SRI T. VISWANATHAM:—“May I know, Sir, the terms of reference of the Partition Council?”

THE HON. SRI B. GOPALA REDDI:—“The question is entirely different, Sir. I was replying to a question whether the Government have decided the basis on which the assets and liabilities of the Government are to be divided between the Tamilnad and Andhradesa. The hon. Member is asking for the terms of reference. A separate question may be put.”

JANAB MOHAMED ABDUL SALAM:—“Will the Government consider the desirability of taking into consideration only the market value of the property and not the book value after deducting for depreciation?”

THE HON. SRI B. GOPALA REDDI:—“The Government are awaiting the recommendations of the Partition Council. The Partition Council evidently have not decided the basis.”

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JANAB ABDUL HAMEED KHAN:—“Sir, is it correct to say that all the Members of the Partition Council are Congressmen? Is there any non-Congressman? If so, who is the gentleman?”

THE HON. SRI B. GOPALA REDDI:—“A separate question may be put.”

Preservation of fruits industry.

* 240 Q.—JANAB S. MUHAMMAD ISMAIL: Will the Hon. the Minister for Industries be pleased to state—

(a) whether any protection is being given by the Government to industries engaged in the preservation of fruits; and

(b) if so, in what way?

THE HON. SRI H. SITARAMA REDDI (on behalf of Hon. the Minister for Industries):—“(a) No, Sir.

“(b) Does not arise.”

JANAB S. MUHAMMAD ISMAIL:—“In view of the fact that large quantities of fruits are perishing for want of preservation and in view of the scarcity of food in these days, will the Government see that some kind of protection is given to this industry?”

THE HON. SRI H. SITARAMA REDDI:—“There is protection given by the Government of India since May 1947; the preserved fruit industry is a protected one from that date. When I said ‘no,’ it referred to the Madras Government’s protection. Recently this question has been gone into by the Tariff Board and the Government of India have passed certain orders after examination of the recommendations of the Tariff Board.”

SRI B. S. MURTHI:—“May I know whether any companies have come forward asking for subsidy from the Government for fruit preservation, and if so, what are the companies, and what action has been taken by the Government so far?”

THE HON. SRI H. SITARAMA REDDI:—“Notice, Sir.”

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

II.—MESSAGE FROM THE GOVERNOR.

MR. SPEAKER:—“I have to announce to the House the following messages received from His Excellency the Governor of Madras, dated the 17th December 1949:—

‘In pursuance of section 82, sub-sections (1) and (3) of the Government of India Act, 1935, I, Krishna Kumarsinhji Bhavsinhji, Governor of Madras hereby recommend to the Madras Legislative Assembly the consideration of the Madras Merged States (Laws) Bill, 1949.’

‘In pursuance of section 299 sub-section (3) of the Government of India Act, 1935, I, Krishna Kumarsinhji Bhavsinhji, Governor of Madras hereby accord my previous sanction for the introduction of the Madras Merged States (Laws) Bill, 1949, in the Madras Legislative Assembly.’

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III.—RE-SIGNATION OF MEMBERSHIP OF JOINT SELECT
COMMITTEE.

MR. SPEAKER:—"I have to inform the House that Sri D. Manjappa Hedge, M.L.C., has resigned his membership of the Joint Select Committee on the Madras Hindu Religious and Charitable Endowments Bill, 1949, and the resignation has been accepted."

IV.—AMENDMENTS TO THE MADRAS GENERAL SALES TAX
(TURNOVER AND ASSESSMENT) RULES, 1939.

* THE HON. SRI B. GOPALA REDDI:—"Sir, I move—
'that the following draft amendments to the Madras General Sales Tax (Turnover and Assessment) Rules, 1939, which it is proposed to make in exercise of the powers conferred by section 3, sub-sections (4) and (5), of the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939), be approved'."

Sir, they all relate to administrative matters; they are consequential and relate to administrative details, and may be approved by the House."

MR. SPEAKER:—"Motion moved—

'that the draft amendments to the Madras General Sales Tax (Turnover and Assessment) Rules, 1939, which it is proposed to make in exercise of the powers conferred by section 3, sub-sections (4) and (5), of the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939), be approved'."

MR. B. W. BATCHELOR:—"May I ask the Hon. Minister whether these refer to the sales tax on cotton?"

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

SRI P. NATESAN:—"Sir, copy of the draft amendments is not found on the Table."

MR. SPEAKER:—"They have been circulated already."

* THE HON. SRI B. GOPALA REDDI:—"They all relate to mere administrative details; there is nothing very important in them. If it is necessary, I will read out the amendments. But the Members may not be able to make head or tail out of them."

JANAB M. A. MUHAMMAD IBRAHIM:—"The amendments alone have been circulated; but what will be the effect if the amendments are carried, on the original rules; the rules themselves have not been supplied to us."

THE HON. SRI B. GOPALA REDDI:—"On the recommendation of the Board of Revenue, these rules have been published."

SRI P. NATESAN:—"Sir, these amendments must be included in the rules and the rules must then be read out completely, so that the Members can follow what the amendments are. Even if the

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amendments have been circulated, they might not be understood by the Members unless the rules are also distributed along with the amendments."

MR. SPEAKER:—"The rules are already there and the amendments proposed have now been circulated."

JANAB M. S. ABDUL MAJID:—"Is it not necessary for the Minister to explain the amendments to the rules which affect the general administration of the Sales Tax? Is it not rather insulting that the Minister should say that 'even if I read them out, the hon. Members won't be able to make head or tail out of it'? Let the Minister say what will be the effect of these amendments, so that we may put our views before the House."

* THE HON. SRI B. GOPALA REDDI:—"I said they were all small matters relating to the general administration of the tax; for instance, one amendment says:

'Where a certification of registration granted under these rules is lost or accidentally destroyed, a duplicate of the certificate may be issued by the assessing authority on payment of a fee of eight annas.'

There are other amendments like that. There is no controversial point involved in them; they all relate to administrative matters."

SRI T. VISWANATHAM:—"If the Hon. Minister can explain to us the reason for these amendments and then show the head and also the tail, it would be better." (Laughter.)

SRI P. NATESAN:—"Hon. Members did not know that this subject would be coming up to-day."

MR. SPEAKER:—"Was not this agenda circulated the day before yesterday? It was circulated, I know."

"The question is—

'that the draft amendments to the Madras General Sales Tax (Turnover and Assessment) Rules, 1939, which it is proposed to make in exercise of the powers conferred by section 3, sub-sections (4) and (5), of the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939) be approved'."

The motion was carried.

V.—GOVERNMENT BILLS.

(1) THE MADRAS MERGED STATES (LAWS) BILL, 1949.

* THE HON. SRI K. MADHAVA MENON:—"With your permission, Sir, I beg to introduce the Madras Merged States (Laws) Bill, 1949. And instead of moving that the Bill be taken into consideration at once, with your permission I move—

'that the Bill be referred to a Select Committee with instruction to report to this House by the 21st, i.e., the day after tomorrow.'

* Published in the Fort St. George Gazette, dated 14th December 1949.

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I have consulted the Leaders of the Opposition, Janab Muhammad Ismail and Janab Abdul Hameed Khan, and they have no objection. It is not at all a controversial measure. The States of Pudukottah, Banganapalle and Sandur have merged with the Madras Province and we have been applying the laws of this province to those States, under the Extra-Provincial Jurisdiction Act of 1947, and these have to be formally applied by legislation before the coming of the new year. The Dominion Parliament has already passed a similar legislation—the Merged States Law Bill. Before that legislation was passed, this Bill was drafted and published and placed before this House. But subsequently we saw a copy of the legislation passed by the Central Legislature where they have made all the Central Acts as also Acts under concurrent jurisdiction applicable to the States. We have also in our draft included both concurrent and provincial legislation; and unless we remove all the Acts which have been passed by the Central Legislature, there will be overlapping. That is why I am making the amended motion now. The Select Committee will make the necessary correction and report before the 21st, so that the Bill may be passed before the 1st January 1950. This legislation is only intended to make the laws of this province applicable to the merged States. I therefore move that the Bill may be referred to a Select Committee; the names of members will be given later.”

MR. SPEAKER:—“ Motion moved—

‘ that the Madras Merged States (Laws) Bill, 1949, be referred to a Select Committee ’.”

* SRI R. V. SWAMINATHAN:—“ Sir, I am not opposed to this Bill; it is not controversial as stated by the Hon. Minister. I agree. But I want to point out certain discrepancies which have crept in the schedule prepared; certain Acts passed by the Madras Legislature have been omitted to be included in the schedule.”

THE HON. SRI K. MADHAVA MENON:—“ The hon. Member Mr. Swaminathan will be one of the Members of the Select Committee, Sir, and he can make his suggestions there.”

* SRI R. V. SWAMINATHAN:—“ Whether I have a place in the Select Committee or not; I want to point out that certain of our Acts have been, either by oversight or deliberately, omitted to be included in the schedule. For instance, under the Madras Acts, they have not included the Estates Land Act already existing, which concerns zamindari and major estates villages. They have not also included the recently passed Zamindari Abolition and Conversion into Ryotwari Act; they have not also included the Rent Reduction Act. Again, the Preservation of Private Forests Act has been left out. I am not a lawyer and I do not know what other important Acts have been omitted but the Hon. Minister may know. But the more important point is this: the Hon. Minister for Law seems to argue that there are no big

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zamins in these States and therefore the Zamindari Abolition Act is not included. If that is so, then why was the Madras Nambudiri Act included? The Hon. Minister for Law should know much more than me about the Nambudiri system which prevails only in Malabar. The Government have been careful to bring in this Nambudiri Act into the schedule here although the system does not prevail in any of these States. They have also included the Aliyasantana Law which was passed only in 1949. Even when that Act was before the Select Committee, the Hon. Minister said that the measure related only to South Kanara and Malabar and had no concern with the other districts, and that was why many Members of the Committee were from South Kanara and Malabar. And yet, the Government have omitted this Zamindari Abolition Act. Sir, in the Pudukottah State there are a number of inams and 50 per cent of the villages are inam villages. There are whole inam villages and minor inam villages. The Inams Act also has been left out, as also the amendment to it which was passed in 1936. Even to-day the ryots in Pudukotta are denied occupancy rights. And why the Minister has left out all these Acts, I am unable to understand. I find he has included the Madras Local Boards Act; but what about Panchayats? If there is any vacancy in the panchayat boards, the elections will be according to the existing electoral rolls.

“ There are a number of panchayat boards in the Pudukottah State and I do not know why the Government have not provided for them in the second schedule. They have provided in the second schedule that if any vacancy occurs in the panchayat boards in Sandur, it will be filled according to the existing electoral rolls. The same can also be applied to the Pudukottah State and I do not know why they have not made any such provision. There is the feeling on the part of the people of the State that though it has merged, the Government have not taken much interest in the people. The Government immediately on the merger introduced all the taxation Acts; immediately the Sales Tax was introduced and the Centre also introduced the Income-tax Act. I do not object to it; let them collect the taxation due from the people of the State but alongside they must also apply beneficent acts and rules that are existing in the territories of the Union. For purposes of administration, Sir, the State was merged with the Tiruchirappalli district. When the elections to the district board were going on, it was being told that there will be a system of nominated membership for the territory comprising the State or there would be some kind of representation for it in the district board. But that has not been done. There was also a proposal that some members should be nominated for the district board from Pudukottah. In my opinion it is desirable and better to have an election. It was pointed out that there was a difficulty in that there were no proper facilities to have it. Let me in this connection, point out to the Government that there are already two electoral rolls existing. Till

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recently, there was the Legislative Council for the State which is a small thing, equivalent to a district board in a Union area. The electoral roll is there and according to it, the Government can fix the number of seats for the district board for the State, it may be eight or ten. I was told, Sir, that even before the merger of the State, the State had prepared an electoral roll of voters based on the system of adult franchise. I do not know if it is a fact and the list is ready. If it is complete, they can have that list and have the elections. When the Central Government thought of electing a member for the Constituent Assembly from Pudukottah, they did it by asking the members of the *defunct* Legislative Council of Pudukottah before the merger to elect one. Therefore, if they find any difficulty in having an election with the previous electoral rolls, they can as well ask the thirty or forty members of the old Legislative Council to elect some eight or ten members for the district board so that the State will be given its representation on the Tiruchirappalli District Board and the people might have the confidence that the facilities and conveniences for the rural areas in the State will be looked into. There is only one municipality in the State and if the Government feel like it, I would even suggest that divisional boards might be constituted, though it is not favoured considering the present circumstances. They can have a small divisional board and give it all the powers of the District Board for the State area alone. That would appeal to the imagination of the people of Pudukottah, who are thinking that the Government of Madras do not seem to have any interest or consideration for them. I hope, Sir, the Law Minister will take note of my observations. Let me assure him, Sir, that I am not aspiring for any membership on the Select Committee and it is better he leaves out my name because it is likely to be misunderstood that I am taking part in the debate to find a seat in the Select Committee. That is not my idea and I have raised these points with a view to enable the Government to consider and examine the points and rectify them if found suitable and necessary."

* SRI N. VENKATASUBBAYYA:—"Mr. Speaker, Sir, I rise to extend my support to the Bill before the House. This Bill is the culmination of the historic process which has taken place in our country after the 15th of August 1947. On that day we hailed the dawn of freedom. But unfortunately a third of our population who inhabit the Indian States in this sub-continent did not simultaneously feel the joy and throb of freedom. They still continued to be administered in six hundred States under conditions which did not distinguish them from those obtaining in days of feudalism. But immediately the millions in the States began to move and assert themselves, as the dawn of freedom for British India also brought light to the States people and vast changes came over those States. Thanks to the wise statemanship, iron will and farsightedness of our Deputy Prime Minister, Vallabhai Patel: he dealt with the situation in such a way that we are now to-day

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able to integrate the States and to bring into our fold people that inhabit the States within our borders. The Bill before us gives the same rights, the same privileges and the same system of administration to the people of the merged States as we are having in the Indian Union. But, Sir, certain considerations have to be thought of before we administer those laws to them in the way we do here. My hon. Friend Sri R. V. Swaminathan pointed out that certain taxation laws were extended to the States and that the beneficial laws we did not extend quite so readily. This Bill seeks to extend now all laws to the States. But I want to bring to the notice of the Government that there are certain conditions which exist in the merged States which distinguish them from conditions here and unless we proceed about the business in a judicious and discreet manner, these laws may bring them more harm than good. Therefore, each enactment that we are going to put into force there must be considered in the light of conditions existing in the merged States. I want to submit to you, Sir, that there is no use merely extending all the laws but they must be administered with reference to conditions there. We find that a number of acts have been mentioned in the Schedule. I claim some little experience of the affairs of Banganapalle State and speaking from personal knowledge of the conditions there, I feel that some of the laws proposed to be extended to that area may do more harm than good and that should be avoided. The rates of land revenue assessment existing in that State are very high compared with the rates obtaining in the neighbouring Indian Union territory and there are certain anomalies concerning inams also. The Madras Enfranchised Inams Act, 1862, has been mentioned on page 7 of the Bill and also the Madras Inams Act of 1869. These Acts I fear will do much mischief if applied to Banganapalle without enquiring into conditions of that State. A re-settlement was carried out in 1903 and 1904 but it was confined only to the ryotwari areas and the inams were not touched. A sort of compromise or confidential agreement was effected between the holders of the inams and the State Government on the one hand and the Government of Madras on the other and a sort of inam settlement was effected later, by which chota jagirdars got pattas for lands for which they were the agents. Many people were given large extents of lands, two and three thousands of acres. If these things that took place then were to be confirmed by application of these Acts to Banganapalle, I am afraid, more harm will be done than anything good to the people. What I mean to say is that the entire position must be reviewed and retrospective effect must be given to the Acts. You must know what the system of tenure was and how that has been altered by way of the re-settlement operations and it must be examined whether that system of tenure can be brought on a par with the system of inams that is existing in our own Union territory. In a similar manner, I can quote a number of Acts which have to be considered in the light of conditions prevailing at present in the merged State and I only mentioned the Inams Act as an example—it is only illustrative and not exhaustive. Let us take the land revenue system. The revenue assessment rates in the

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12 noon.

State of Banganapalle are very high, something like 200 to 300 per cent higher than the rates in the neighbouring Indian Union territory and we have done nothing so far to reduce them to the level of rates in the Union. This is a question that should be investigated and re-settlement parties should be sent out and the basis of arriving at the nature of soil, the classification of soil, and the method of assessment taken up in the past settlement by the Nawab's Government have to be gone into before we bring in an omnibus Bill extending all the Acts *suo motu* to the State. Without enquiring and going into the details and conditions existing in the merged States it is not proper and just that we should extend these laws. There is another thing that I wish to refer to. Recently the Government have served an order on the village officers—karnams, village magistrates, vettis and taliaries—stating that three or four villages will be grouped together and each unit will be put in charge of a village magistrate and a karnam and that in each group the surplus staff will be sent out. I am afraid that the consequences and the repercussions of such orders have not been fully realised by the Government. In the past, those village officers were considered essential for proper village administration and I do not know why they should be sent out now. Conditions existing in the Union must apply to them also but sending people out who have been sticking to those villages for decades and centuries maintaining law and order and peaceful conditions will create a bad impression in the minds of the people and the administration may be put out of gear. In fact even in the villages of the Indian Union, we have a village munsif and karnam and the menials for each village and I do not know how the retrenchment proposed there can be justified. It is already having some evil effect on the imagination of the people and on the people who will be thrown out of jobs held by them and I take this opportunity of bringing it to the notice of the Hon. Minister for Land Revenue so that he may be pleased to review the entire matter. I say that such hasty orders should not be made without considering their repercussions in the villages to which they are applied. Sir, there are many other things, and many other anomalies which naturally crop up if these laws are applied *in toto* without examining in detail all these laws. As the Hon. Minister has moved only for referring the Bill to a Select Committee I confine myself to these observations reserving my remarks on the details of the Bill to a later date, when the Bill comes back to this House from the Select Committee."

* SRI P. VENKATASUBBIAH:—"Mr. Speaker, Sir, I rise to extend my wholehearted gratitude to the Madras and the Central Governments for having brought about this historic change. For centuries, under the autocratic and tyrannical rule of the Nawabs, the inhabitants of those areas were subject to abject misery; and their blood was squeezed by the tyrannical rulers. When the Banganapalle State was merged in the Madras Province on the 20th February 1948 the people of those areas felt that they were saved from the tyrannical rule of the Nawabs, and they felt jubilant over

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the fact that they have now become part and parcel of the Madras Province. Sir, it is all due to the statesmanship and magic wand wielded by that iron man, the Deputy Premier, Sri Vallabhai Patel. On the occasion when the State of Banganapalle was merged with this Province, the then Revenue Minister, Sri Kala Venkata Rao sent to the people of the State a message in which he said that their interests would be safeguarded and their economic condition will be developed so that it may be on a par with that of the people of the adjoining areas in the Madras Province. I hope the Madras Government would bear this in mind and do the needful. The burning question of the people there at the present day is the heavy rate of assessment prevailing in Banganapalle and Sandur. Formerly, that is, fifty or sixty years ago, there was no patta given to the agriculturists; all land belonged to the Nawab. He increased the land revenue without rhyme or reason. I belong to the village of Sanjamala and I own lands there. The first assessment was six thousand rupees; but in the course of two years it was raised to sixteen thousand rupees; So, the people, oppressed as they were, raised the standard of revolt. A no-rent campaign was started and it was successfully managed for two years. A grama swaraj under one Muhammad Ismail was started and it worked for some time. Sir, all this happened in Sanjamala, Banganapalle State. In Sandur, the land revenue rate is eight rupees per acre, the highest rate; whereas in the adjoining district of Bellary, for similar land, the assessment is only three rupees per acre. So, I request the Hon. Revenue Minister to look into this matter and see that the rate is reduced at least to the level prevailing in the adjacent areas of Bellary district.

"Again, Sir, there are several Acts which have not been enforced in the State of Sandur. Till now, the Prohibition Act has not been extended. This is a matter to be seriously considered by the Madras Government. Also, Sir, the salaries of the Government servants have to be considered by Government. On the ground that they are not qualified people, most of the Government servants are denied the scale of salary of Union Government servants. It is not their fault, Sir, that they are not qualified. They were working under the State regime, where there was no such condition laid about qualification. So, it is not their fault. When they entered service, there was no such qualification laid down, and so it is hard now to insist on it. So, I request the Hon. Minister that no such order is passed, but absorb them all in Government service and give them the scale of salary of Union Government services.

"Then, Sir, other acts like the grouping of villages have caused much dissatisfaction and resentment among the people. In such grouping, several powerful village headmen have been sent out of office, and those villages have been tacked on with adjoining villages, much smaller and paying very much less revenue to Government. I request Government to set right such inequities. Regarding some of the beneficial laws proposed to be introduced,

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I request the Government to go slow with the rules, and apply them only as per local conditions. I hope they will take into consideration the famine conditions prevailing there and do the needful in the matter, when they are generous enough to give a huge sum of fifty or sixty thousand rupees to the Nawab towards building a palace when there are palaces already available. I hope Government will look into the sufferings of the people and do the needful. I wholeheartedly support the Bill."

* SRI M. P. GOVINDA MENON:—"Mr. Speaker, Sir, I rise to support the motion to refer the Bill to a Select Committee. . . . (Several hon. Members: 'What is your interest in this Bill?') Sir, many hon. Members are asking 'what is my interest in the question of merged States?' Sir, I do not come from Pudukottah or Banganapalle or Sandur or any other Native State. But, Sir, when I went through the Bill I saw a long list of enactments included in the First Schedule of the Bill to be made applicable to the merged States. That shows some of the Native States are not enjoying at present the benefits of many pieces of legislation which the rest of the Presidency is now enjoying."

JANAB ABDUL HAMEED KHAN:—"They are saved so much from the botheration of those Acts."

* SRI M. P. GOVINDA MENON:—"That is a matter of difference of opinion. I hold the view that they were deprived of the benefits of legislation which the rest of the Province was enjoying. Sir, Mr. R. V. Swaminathan said that in addition to the long list of Acts mentioned in the First Schedule, some more Acts must be added to the list. That shows that the condition of the Native States at the time of merger is not satisfactory."

"Sir, I am informed there are some enclaves in these Native States belonging to the Union Government and there are some enclaves in the Union Government territory belonging to the Native States. It is proposed that there is to be an exchange of these areas between the two Governments. I am afraid by so doing a certain portion which at present enjoys the benefits of legislation included in the First Schedule will be lost to them. So, I request before any portion of the Indian Union is exchanged, this Legislature might be consulted, or the representatives of the locality might be consulted or the people of the locality might be consulted. In this connection I am reminded of the Port Cochin, which I recently visited. I understand it is to be handed over to the United States of Cochin and Travancore in exchange for an enclave of the United State territory in that area. The people are against it. The Municipal Council of Port Cochin has passed a resolution against such transfer. I hope Government will seriously consider the request of the municipal council, and will not take any hasty action in similar cases and thereby deprive the people of that area of the benefits of the measures included in the First Schedule of the Bill."

* THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir, I am obliged to the hon. Member, Sri Swaminathan, for having

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set the ball rolling for discussion on this Bill. He has pointed out that while very many Acts of legislation have not been included, certain measures like the Aliyasanthanam Act and the Nambudri Act have been made applicable to the merged States. Sir, I shall certainly get the help of Sri Swaminathan in including necessary measures in the First Schedule. I have suggested his name as one of the members of the Select Committee even before he spoke on this Bill. (An hon. Member: 'As an expert Member.') Sri Swaminathan is certainly an expert on Pudukottah State, if not on any other State. When we meet in the Select Committee, we shall consider why certain measures have not been omitted and why some others have been omitted. He asked why the Nambudri Bill and the Aliyasanthanam Bill have been included in the First Schedule. Sir, I may tell him, he will find in those Acts that they are applicable to the whole Province. Though a Nambudri may live in Malabar, suppose he settles in Pudukottah State to avoid the law of monogamy, then the law must be made applicable to him. That is why every law is made applicable to the whole Province."

SRI R. V. SWAMINATHAN:—"Sir, on a point of personal explanation. I did not object to the Nambudri and Aliyasanthanam Acts being included. I only said while such Acts, as are not necessary, are included, some important Acts are not included."

* THE HON. SRI K. MADHAVA MENON:—"I am sorry I did not understand him correctly. Then, Sir, it was asked, why the Estates Land Act was not included. Because, Sir, that Act has been abolished, we thought it was not necessary to be included. Sir, I shall look into the regulations and see whether any of them still remains to be included. We shall consider in the Select Committee whether there has been any omission of Acts, and if so, what the reason for that is."

"Regarding the high rate of assessment in the merger States, which was referred to by Sri P. Venkatasubbiah, the hon. Member from Banganapalle in his maiden speech, as also by Sri N. Venkatasubbiah, I may say, that the question of revision of assessment can be done even by executive orders under the extra-territorial powers vested in Government. On the point raised by Sri Govinda Menon, namely, about the enclaves in the United States of Travancore and Cochin, I may say, it is because the Government of India asked both the Governments to consider that question, that has been taken up. The enclaves in Mysore and Hyderabad have already been settled, and only the enclaves in the United States of Travancore and Cochin remain to be settled. In such cases it is better that the matter be settled by exchange of areas. Regarding Port Cochin I entirely agree with Mr. Govinda Menon that there is a strong feeling in that area that the people there do not want to get disconnected from the Province, with which they had been associated for such a long time. We shall certainly take into consideration the feeling of the people on the point before we make any recommendation to the Government of India, who are the final authorities in the matter." Sir, that is all I have

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to say. The other suggestions made by both Venkatasubbiah, if I may say so, will be considered in the Select Committee; and I have suggested to include their names also in the Select Committee.

“ Sir, I beg to move—

‘ that the Bill be referred to a Select Committee consisting of the following Members with instructions to report to this House by the 21st December 1949:—

- (1) *The Hon. Sri K. Madhava Menon.*
- (2) *Sri R. Natesan.*
- (3) *„ M. S. Pattabirāmiah.*
- (4) *„ R. V. Swaminathan.*
- (5) *„ G. Thyagaraja Sholagar.*
- (6) *„ B. Ananthachar.*
- (7) *„ N. Venkatasubbiah.*
- (8) *„ P. Venkatasubbiah.*
- (9) *Janab Abdul Hameed Khan.*
- (10) *„ Sinna Kaziari Haji Moulvi.*
- (11) *„ M. A. Muhammad Ibrahim.’ ”*

MR. SPEAKER:—“ The question is—

‘ that the Madras Merged States (Laws) Bill, 1949, be referred to a Select Committee consisting of the following Members with instructions to report to this House by the 21st December 1949:—

- (1) *The Hon. Sri K. Madhava Menon.*
- (2) *Sri R. Natesan.*
- (3) *„ M. S. Pattabirāmiah.*
- (4) *„ R. V. Swaminathan.*
- (5) *„ G. Thyagaraja Sholagar.*
- (6) *„ B. Ananthachar.*
- (7) *„ N. Venkatasubbiah.*
- (8) *„ P. Venkatasubbiah.*
- (9) *Janab Abdul Hameed Khan.*
- (10) *„ Sinna Kaziari Haji Moulvi.*
- (11) *„ M. A. Muhammad Ibrahim.’ ”*

The motion was carried.

MR. SPEAKER:—“ Under rule 78 of the Assembly Rules, I appoint the Hon. Sri K. Madhava Menon to be the Chairman of the Select Committee.”

(2) THE MADRAS CITY POLICE (AMENDMENT) BILL, 1949.

* THE HON. SRI K. MADHAVA MENON:—“ Sir, I beg to introduce the Madras City Police (Amendment) Bill, 1949, and move—

‘ that the Bill be taken into consideration at once.’

“ This is an amending Bill on which I am sure there will be no difference of opinion. Section 71-M of the Madras City Police

^a Published in the *Fort St. George Gazette*, dated 15th November 1949.

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Act, 1888, penalizes the overloading of hand-carts, etc., and section 24 (1) of that Act empowers any Police officer, which expression includes even a police constable, to arrest a person committing an offence under that section. We are amending section 24 (1) so as to provide that no police officer below the rank of Sub-Inspector shall have the power of arrest. That is the first amendment.

“ The second amendment proceeds on humanitarian grounds. Under sections 71-H and 71-I, a beggar can be committed to a beggar home for a period not exceeding three years. If a beggar so detained desires to continue in the home after the expiry of the period of his detention, the law as it stands does not permit the continuance of his detention. We are taking power to continue the detention of a beggar in a beggar home for a further period not exceeding two years on each occasion if the Magistrate who commits him is satisfied that such continuance is desired by the applicant and would be in his interest.”

MR. SPEAKER:—“ Motion moved—

‘ that the Madras City Police (Amendment) Bill, 1949, be taken into consideration at once.’ ”

JANAB ABDUL HAMEED KHAN:—“ Mr. Speaker, Sir, I welcome this amending Bill as the amendment is very necessary. To the extent to which this amendment goes, it really serves some humanitarian purpose. But I would like to ask whether the Government think it proper to continue the practice of human beings pulling hand-carts, etc., whatever be the laden weight and whether they have any idea of sponsoring legislation to put an end to that inhuman practice. Very often the load in the hand cart is heavy and human beings in poor health and physique are forced to pull the cart for eking out their livelihood. When we are legislating on various subjects under the sun, it is time that we think of these poor people who are made to work like animals. This is a matter which should be considered by the Government. It is good that a responsible police officer is given the power of arrest.

“ With regard to the amendment relating to the detention of beggars in beggar homes, it is all right so far as it goes, though it is only a tinkering legislation. We would like to know whether able-bodied beggars do any service in the beggar homes or only get their boarding and lodging free.” It will be too heavy a burden on the provincial exchequer to keep able-bodied beggars idle for a long time simply because they do not have a home to go back to. There is no point in merely keeping and feeding them for years without any purpose being served. The Government must provide them with some work either in the beggar home itself or outside from which they can eke out their livelihood. This is all that I wish to say on this Bill.”

* SRI R. V. SWAMINATHAN:—“ Mr. Speaker, Sir, this is a non-controversial Bill and everybody will welcome it. I wish to make one or two suggestions in connection with this Bill.

“ The first amendment relates to arrest for the offence of overloading of hand carts, etc. I want to suggest to the Government

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that this practice of pulling carts by men should be entirely abolished in this Province. This practice is prevailing in North India only on a small scale whereas in our parts it is prevailing on a large scale. It is a horrible and very pathetic sight to see people pulling hand carts. Therefore everybody will congratulate the Hon. Minister for Law if he brings in legislation to completely abolish this practice.

"Another point I want to suggest is this. Though there is an Act which says that children below sixteen years of age who go about begging should be arrested and sent to a destitute home, in practice that Act is not properly implemented. Not only in Madras City but everywhere else including even small villages, children below sixteen years of age go about begging. A number of children go about begging in trains. One need not go far to prove this fact. Within two furlongs of the South Sea Gate of this Fort, there is a Railway level-crossing. When the level-crossing gate is closed and we wait for its opening, we find a number of children begging there. I request the Hon. Minister for Law to issue instructions to the Police to implement that Act rigorously and thereby prevent children going about begging. With these words, I support the Bill."

* JANAB M. S. ABDUL MAJID:—"Mr. Speaker, Sir, I welcome the Bill and congratulate the Hon. Minister for Law for introducing it. It is really good that the power of arrest is given to officers not below the rank of Sub-Inspectors. We know how much these hand-cart pullers are being harassed by even ordinary constables. When the poor hand-cart pullers are arrested or threatened by constables, naturally the poor people have to bribe the constables concerned just to escape the penalty of the law and the sufferings that they have to undergo in a Police Court. Therefore it is good that this amendment is made. I wish that a similar amendment is made with regard to the pulling of rickshaws also. In this job only people belonging to the depressed class or the Harijans are employed and we know what amount of suffering they also undergo.

"Coming to the second amendment, I have got to make one or two remarks. By passing this amendment we are not going to solve the beggar problem. Beggar problem in this Province is almost a running sore, particularly in the City. As has been pointed out by my hon. Friend Mr. Swaminathan, wherever we go we find beggars standing and asking for alms. Speaking at the Corporation the other day, Sir C. P. Ramaswami Ayyar referred to this beggar problem. From his experience of the tours in the various countries of the world, he said that foreigners thought that this was a land of beggars. Whenever foreigners visit the Marina or other interesting places in the City, we see that they are at once surrounded by a number of beggars. Naturally they think that this is a City of beggars and conclude therefrom that this Province or country is a land of beggars. Therefore, I wish that the Government try to solve this problem in a different manner.

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"I should like to say that the more beggar homes you have, the more will be the beggars getting into them. Therefore, the problem should be solved at the very source itself. A number of beggars simply stream into the City day in and day out from the mufassal parts. Even if we to-day send all the beggars in the City of Madras to these homes, the problem will not be solved. I wish that the Government arrange a census of beggars in the City and prevent other beggars coming into the City. Only then could the Government really solve the problem. The amendment proposes to give power to continue the detention of beggars. I would like to know whether a beggar will be allowed to get out of the home if he so desires. I know of a particular case. A beggar approached me saying that he wanted to get out of the home but that he was not permitted and asked whether I could do something for him. I wish that beggars who say that they will desist from begging and lead an honest life and want to get out of the beggar homes are permitted to leave the homes. With these remarks, I support the Bill."

* JANAB MUHAMMAD RAZA KHAN:—"Mr. Speaker, Sir, I have pleasure in congratulating the Hon. Mr. Madhava Menon on introducing this Bill. I believe he has got some grounds to say that it is not desirable to confer the power of arrest on Police Officers below the rank of Sub-Inspectors. The higher rank of the Police Officers in the City of Madras is one of the best, if not the only best, and they really deserve congratulations on the way in which they are discharging their duties. But the trouble starts at the lower rung—I mean the constables or Head Constables. There seems to be a feeling among the constables that they should put in a minimum number of cases every month. They spread out at the fag end of the month to various parts of the City and arrest rickshaw-pullers, cyclists and so on. I am one with the authorities in the need for enforcing the rules of the road. At the end of the month, there seems to be a tendency for the Sub-Inspector to ask why only a few cases had been put up. The constables go and simply arrest the rickshaw-pullers and so on. Some months back there was a strike of rickshaw-pullers. They came to the Secretariat in large numbers and made some representation to the Government. God knows what has happened to that representation. Perhaps it has shared the fate that befalls several other representations.

"I hope the Hon. Mr. Madhava Menon will not rest content with passing this amending Bill but that he will issue necessary instructions to the police authorities in the City of Madras to see that the Police constables are very careful in making arrests.

"Again, Sir, these poor people getting hardly 10 annas or 12-30 p.m. 12 annas a day, when they are arrested and asked to pay a fine of Rs. 10 and Rs. 15, are not able to pay that sum and are put in the lock-up and they are thus deprived of their livelihood. I would therefore request the Hon. Minister to issue instructions to the police authorities that in arresting these people, very very

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great care should be exercised by the constables and the sub-inspectors, and that they should not book cases against these people, simply to make up the number. After all, we are not interested in the number of cases booked. If the police officers see to it that the rules of traffic are not contravened, that is all we want. What does it matter whether the number of cases booked is too small or too large? Our only object is to see that these poor rickshaw-pullers are not unnecessarily harassed by the constables so long as they act in accordance with the traffic rules and regulations. I hope, Sir, that the Hon. Minister will take note of this.

"Then, Sir, with regard to the other amendment, I do not like to say much on it, because my hon. Friend Mr. Majid has said much about beggars and the beggar-homes. And whatever we may say about the need for the provision of more beggar-homes, the Government will come out and say that they have no money. Therefore, there is no use making our suggestions in the matter.

"The hon. Gentleman Mr. Swaminathan felt so much for the hand-cart pullers. It is because they have no other means of livelihood, the only way by which they could eke out a living is to pay, say 10 annas to the owner of a hand-cart and simply pull it, carrying loads on it. And because there is competition between bullock-cart and hand-cart, and because people want to load these carts as much as possible, there is overloading, and these poor hand-cart pullers are punished for overloading. I therefore suggest, Sir, that it is not the hand-cart pullers alone who should be punished for such overloading, but also people who dump their things on these hand-carts. With these words, Sir, I very very heartily support this measure brought forward by the Hon. Mr. Madhava Menon."

* DR. D. S. RAMACHANDRA RAO:—"Mr. Speaker, Sir, I support the Bill with considerable enthusiasm. At the same time, I feel that in our country, the problem of poverty is so menacing that often what we call freedom, is a freedom, from the economic point of view, only to starve. While I sympathise with those who think that carrying weights by human beings is to be tabooed, the economic question involved therein ought not to be forgotten, because a great many people, however hard their lot may be, have to choose between hard work, merciless, cruelty and starvation. Therefore, they take up to the carrying of load, though they find it so heavy to carry, because it is the only way of escape from starvation. So, we ought to be careful in legislating, and see that we do not drive people to starvation and despair. Bearing that in mind, every attempt should be made to lighten the burden on those who have got to carry the burden.

"Sir, with regard to begging, in this country, it is not only due to sheer necessity, but also it is becoming a habit, and particularly juvenile begging is increasing rapidly, sometimes at the instance of the parents and frequently against their wishes. If you go to a railway station—let it be even a suburban station—you will find a number of little boys and girls being deposited on the

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steps, while going up and down, sometimes they are in the way, sometimes they stand the danger of being trampled down by the crowd at the time when the train comes up—all begging from the passers-by. Sometimes feeble children, diseased children, blind children, children crippled in their limbs are made to stand for long and long hours, often in the sun and rain and the heat, and made to beg on the road. It is a most pitiable sight and one does not seem to have any chance of getting such children away from that situation. We have also to remember, Sir, that there is a false sentiment in this country. People are moved at the sight of people suffering from disease and utter poverty, and they give alms to young children who come begging. But they do not realize that they are encouraging begging, and thereby the children who have been used to begging and making money have their character spoiled by this easy money-making, and are made unfit to bear the responsibilities of citizenship. Therefore, Sir, public sentiment must also change and people must be educated to realize that giving alms to young children who start in the world by begging, will be ruining them, and that it would ultimately seriously affect the morale of the country. Therefore, these children should be lifted up bodily, if I may say so, and sent to a reformatory, so that the parents should note the consequences of their encouraging their children to beg and that they should be on guard in future. Unless that is prohibited and made illegal by law and the police encouraged to deal with them, the problem of beggary cannot be solved.

"Sir, there is also another thing in this connexion. Now it is a crime in the railways, to travel without a ticket. But so long as people go begging in the trains, they can travel miles and miles together, and no railway official touches them. I have several times pointed this out to the railway officials in the trains, and they simply say, "What is the use of getting them out of the train; if they are got out of one train, they will get into another train". Sometimes, decently clad people, men, women and even young boys, who are capable of work, simply jump into the train, travel any distance they like, just on the pretext that these people are beggars. It is simply humiliating to our Indian sentiment of nationality to continue to tolerate this thing year in and year out. Almost from every community, the more respectably dressed, they are, the more decently looking they are, and the more healthy they are, the more rights do they seem to have in regard to begging, and to beg with impunity. Sir, my hon. Friend Mr. Madhava Menon has taken up this matter in hand, and I wish him every success. It needs some courage; because public opinion must be educated in regard to this. The parents must be warned that they should take care not to send adrift their children on the streets and they must be made responsible for the conduct of their children.

"With these words, Sir, I have great pleasure in supporting this measure and I would also ask the House to support it."

* SRI D. V. RAMASWAMI:—"Mr. Speaker, Sir, I wholeheartedly support this measure, which has been brought forward

[Sri D. V. Ramaswami] [19th December 1949]

by my Hon. Friend Mr. Madhava Menon. In doing so, I should like to mention that these poor people who draw heavy-laden carts do so out of sheer necessity, because they have no other means of eking out their livelihood and so any offences committed by them by way of over-loading should be sympathetically considered by the Government, who are out to keep up the dignity of an independent India. Foreigners and tourists in this country who go round the City will be simply appalled by the sight of thousands of persons who are compelled to have recourse to this kind of forced labour, which is not of their own choosing. Similarly with regard to begging, it is because there is no satisfactory organization to find out some sort of occupation for those people, that they are forced to beg on the roads. Sir, the problem is socio-economic. Not only the Government, but also the Government-aided and non-official institutions must take up this matter in a very religious spirit and see that the dignity of the Indian manhood is maintained and that such people are rescued from the low state to which they have fallen.

“ Sir, the Government's duty does not lie in simply trying to punish the people who are forced to beg for the sake of their stomachs, but in finding out suitable employment for them, which, according to Mahatma Gandhi, could be done only by setting up a number of cottage industries, and providing them with suitable employment. That is the fundamental duty of the Government and also of the various non-official institutions which are doing humanitarian work. While, I whole-heartedly welcome this measure, I would only impress upon the Government and upon the Hon. Minister in particular to devise means whereby they could invest some sort of powers on the social workers and social institutions to co-ordinate their activities with the Governmental activities wherever possible, in successfully tackling this problem of beggary and of enforced labour. With these words, Sir, I support this Bill.”

SRI A. KAMESWARA RAO:—“ Mr. Speaker, Sir, I whole-heartedly support this Bill, but I am afraid that this will only prove to be an Utopia. I submit, Sir, that the abolition of beggary in this Province would be only an Utopia. (Interruption.) Unless the economic condition of the country is improved, there is no use trying to enact such laws, the aim of which is to abolish beggary. (Interruption.) I do not want to say anything more, as the Hon. Minister tells me that its object is quite different.”

* THE HON. SRI K. MADHAVA MENON:—“ Mr. Speaker, Sir, before replying to the debate, with your permission, let me convey the felicitations of this House to His Excellency Dr. P. Subbarayan, who is now in the House, on his appointment as Ambassador of India for the United States of Indonesia, which has recently been announced. I hope, Sir, he will have the good wishes of the entire Members of this House in the discharge of his duties in his new office, and also our prayers for his success in his new career.”

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MR. SPEAKER:—“ The Hon. Minister should have informed me about this. This is not generally done in parliaments. But since, he has spoken on this matter, I will have to allow Dr. Subbarayan to reply. Generally when members of the Treasury Bench do so, they must take my previous permission.”

THE HON. SRI K. MADHAVA MENON:—“ Sir, it was by Godsend accident that when I got up to reply to the debate, I saw Dr. Subbarayan entering the House, and so I did not want to miss the opportunity of expressing our felicitations and the felicitations of the House on his new appointment. But in future, Sir, I shall see that I take your permission.”

* DR. P. SUBBARAYAN:—“ Mr. Speaker, Sir, I am really thankful to my Hon. Friend the Minister for Law for the felicitations he has conveyed to me on behalf of this House. It is going to be a wrench, because I have been a member of the local Legislature for well over a quarter of a century and naturally therefore, I feel rather sad to get away from the surroundings in which I have worked for such a long time and which I have appreciated. I had hoped I would be allowed to continue such work as long as I was fit for it but I found that in the present atmosphere my services are not required here in the immediate future. I decided therefore to accept the offer of the Prime Minister as I felt that I could render better service for my country outside.

“ I am very glad I am carrying with me the good wishes of the Members of this House. I hope their confidence is not misplaced, because diplomacy is a new thing to me, and very few politicians make diplomats. We are inclined to talk too much, and it is one of the well understood policies of diplomats to give their ears to many and their voice to few. I hope I shall prove that that policy is the correct one. I am to be the representative of our country in a new republic which has not even come into existence yet, and which will be inaugurated on the 27th of this month. But we can feel proud as Indians that no mean part has been played by our Prime Minister in the coming into being of the United States of Indonesia. It was the conference in Delhi invited by him which led to the Security Council taking this matter up in all seriousness. I know well that the leaders of Indonesia feel a kind of brotherhood for us in this country. Because, if I may be allowed to refer to the past, it was the Chola kings who went to Bali in the old days. There are still temples at Bali which remind us of our own great temple at Mathurai. I feel rather glad that I am going to a country which has had its association with my own Tamil people, if I may venture to claim that. We have a very ancient tradition in Tamil. We were a sea faring nation, once upon a time, and it is that which brought Indonesia nearer to us. If India knows anything about Indonesia to-day, it is due to the venturesome Tamils who went out in the early centuries of this era. I am sure that what I would see in Indonesia will give me an opportunity to learn that part of the history of my own people and my own country. Do not for a moment run

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away with the idea that I am claiming a separate Tamil country, because I am one of those who are immensely interested in the problem of a United India. I was a party to what has happened in the Constitution for strengthening the powers of the Centre because knowing very well the fissiparous tendencies that are in existence in this country I felt that a strong Centre would be the solution of a United India. India, I am sure, is going to take her place in the comity of nations as one of the leaders of the world, but not in the sense of aggression, because our Prime Minister made it clear in his speech at the Columbia University that what we are looking forward to is what the Master left behind for us, namely, peace and goodwill among men all over the world. It is in that sense I hope to represent my country in Indonesia. I thank you, Sir, for having allowed this opportunity to me of saying a few words on this occasion. I thank also the Members of this Assembly for all the kindness that was extended to me over the long years that I have represented either the rural or the landholders' constituency. No doubt landholders now are a thing of past, much to my regret. But I hope things will be done in a manner as to make the coming in of the new era among the tenants a smooth one for all. I am saying this to my Hon. Friend the Revenue Minister who seems to put on a serious face at what I have said. (Laughter.) This is a matter in which he has got to be serious, because it is not a plaything. It is a thing which requires great care and consideration, and I hope the new era will be ushered in with all the necessary firmness and sympathy, because, goodwill always is there, and only in that spirit can any big problem like that of landlord and tenant be solved. I thank you very much, Sir."

* THE HON. SRI K. MADHAVA MENON:—"Sir, we are sorry for parting from Dr. Subbarayan. After this pleasant interlude of felicitating Dr. Subbarayan, I have to come back to the Bill under discussion. I had many an occasion of hearing discussions in this House, but never have I had an occasion to hear discussions which were not to the point or relevant to the legislation before the House. Irrelevant arguments have been advanced and they were a bigger nuisance to you than even begging, because, the Government never thought of stopping begging. There is no relation to the problem of begging at all. Section 71 (I) says—

'If the magistrate finds that the person in respect of whom an enquiry is made under section 71-F is guilty of an offence under section 71-A and has attained the age of 16 years, but is not physically capable of ordinary manual labour, the magistrate may, if there is a special home, instead of sentencing him under section 71-A, order his committal to such home for a specified period not exceeding three years.'

After the end of three years, if they say 'we have no house to go and we do not want to beg in the streets and get convicted again; we will continue to be in the workhouse if you permit us', then the Government cannot permit them to remain in the workhouse or special home now under the existing law. What the Government are now seeking to do is that those persons whose term of sentence

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has expired and who want to continue in the workhouse or special home, are ordered to continue in the workhouse beyond that period if it would be in their interest. The problem of beggary is not at all here. We never thought that by this Bill the problem of beggars would be solved. Hon. Members have been expatiating on the economic problems. It is only a matter of humanitarian consideration that if a beggar wants to continue in the workhouse, and if the Magistrate considers that it would be in his interest if he continues in the workhouse, the person is ordered to continue in the workhouse, I really cannot see where the question of removal of beggary comes in. A separate Bill for that purpose can be brought forward by hon. Members. If a person really wants to continue in the workhouse, he should be allowed to remain there.

"Regarding the first amendment that I have proposed, all considerations—whether it is proper to allow men to pull rickshaws, whether human labour should be employed to pull loads, etc.—were brought in. Rickshaw strike was brought in by Mr. Raza Khan. I do not know whether I should be obliged or thankful to him for his congratulations. Mr. Raza Khan opposes every measure I bring and therefore when he congratulates me I become suspicious whether there is anything wrong in the measure. Whether people should pull hand-carts or rickshaws or what is the load that they should carry, are all matters which do not arise at all. Section 24 says 'Any Police officer may arrest without a warrant any person committing in his view any offence made punishable by this Act'. Hon. Members themselves say that there are harassments by the police. The amendment is that a responsible police officer must arrest the offenders; that is, a Sub-Inspector of Police or somebody above him should arrest and that a constable should not arrest people for this offence. I do not see why humanitarian considerations in pulling rickshaws or hand-carts are brought in. Once the ball is set rolling, we begin to talk on anything that comes uppermost in our minds. Because you, Mr. Speaker, are courteous and generous, hon. Members have been speaking about humanitarian considerations."

MR. SPEAKER:—"What hon. Members meant was loading in rickshaws. The Hon. Minister has not perhaps understood that."

THE HON. SRI K. MADHAVA MENON:—"With all respect to you, Sir, I may say that loading of rickshaws or loading of hand-carts does not come under this Bill at all. Under the present Act, any man can arrest persons who are guilty of the offence. But under the provisions of the amending Bill, only a Sub-Inspector of Police or anybody above him can arrest."

MR. SPEAKER:—"Even overloading cases should be arrested by the Sub-Inspector of Police. That is what hon. Members want."

THE HON. SRI K. MADHAVA MENON:—"What has been stated is about things which are to come. The difficulty is not with regard to this Bill, but it is more on omissions than on

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commissions. On the merits of the Bill everybody is agreed. I was only feeling that if begging was a nuisance irrelevancy was still more a nuisance."

JANAB MUHAMMAD RAZA KHAN:—"It is an insult to us."

Mr. SPEAKER:—"The question is—
'that the Madras City Police (Amendment) Bill, 1949, be taken into consideration at once'."

The motion was carried.

The Preamble, clauses 1 and 2 were put and carried.

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

'that the Bill be passed into law'.

I heard a whisper, when I stated as a mere joke that if begging was a nuisance irrelevancy was a greater nuisance, that it is an insult to the House. It is far from my mind to insult anybody. I humbly apologize for it. If anybody feels that it is an insult, I withdraw my words. I only meant it as a joke. I did not say that there was irrelevant talk in this House, though I am entitled to say, as Member in charge of this Bill, that the discussion was not quite relevant to the point."

* JANAB MUHAMMAD RAZA KHAN:—"Sir, I now regret for having congratulated the Hon. Minister for Law. (Laughter.) One thing I wish to make plain. Members not only on this side but on the other side also are not prepared to take lessons on relevancy or irrelevancy from the Hon. Minister for Law. It is the Chair we look to. It is the duty of the Chair and the function of the Chair to point out whether we are making any irrelevant speech. We are not prepared to be dictated to or be taught by Hon. Ministers who, as far as this House is concerned, are Members like ourselves. Possibly by circumstances or by good fortune they are occupying the Treasury Benches. That does not mean that they have all the sense and wisdom and that we are lacking in them. We know the implications of the amending Bill. The Government themselves say that if some beggars want to continue in the workhouse after their term of sentence is over, and they are allowed to continue to stay there, the beggar problem will not be solved. Therefore, there is nothing wrong in hon. Members making suggestions to stop beggary. They say 'do not stop only with this legislation; you solve this beggar problem also'."

"With regard to the amendment about hand-carts, we have pointed out that constables are doing a lot of havoc. When once a Bill is brought forward, we have hardly one or two minutes to speak and we have to say everything within that period. If Hon. Ministers feel that Bills should be passed into law within five minutes, they could as well dissolve this House and issue ordinances. In conclusion I wish to say that it was very, very unfortunate on the part of the Hon. Minister (who himself without regard

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to the rules of procedure, suddenly rose to-day to facilitate Dr. Subbarayan, and it was our good fortune that the Chair stated that even Ministers could not violate rules) to have talked of irrelevancy. When Hon. Ministers themselves violate the rules of procedure, there is nothing wrong if we touch points which may be regarded as not relevant. It was, to use a mild expression, very uncharitable of the Hon. Minister for Law to stand up and condemn all the Members both of his party as well as the Opposition."

* THE HON. SRI K. MADHAVA MENON:—"Sir, I never 1 p.m. thought of insulting anybody nor have I attempted to do so. Mr. Raza Khan may not be willing to take lessons from anybody. But I am prepared to take lessons from Mr. Raza Khan. I have learnt something now from his speech. And I am prepared to take lessons from him, not to speak of anybody else.

"Sir, as I have already said, when certain points are raised in a discussion which I have to answer, if I say I do not want to answer because I feel they are irrelevant for the occasion, I am certainly entitled to say whether it is irrelevant or not, whether it is a point made by Mr. Raza Khan or Mr. Swaminathan or anybody else. My saying that a particular point is irrelevant is not at all a sermon to the House though the House has been benefited by a sermon from Mr. Raza Khan which I welcome and I am prepared to be benefited by that.

"Mr. Majid Sahib said that there was no provision made for allowing a beggar to go out if he wanted. That is not quite correct because if a Magistrate convicts a man and if he wants to be released before the term is over, there is a provision in the Criminal Procedure Code under which the beggar can apply to the Government and after making enquiries, the Government can release him at any time. It is exactly like a conviction under any law."

Mr. SPEAKER:—"The question is—

'that the Madras City Police (Amendment) Bill, 1949, be passed into law'."

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

(3) THE MADRAS ESTATES LAND (REDUCTION OF RENT) AMENDMENT BILL, 1949.

THE HON. SRI H. SITARAMA REDDI:—"Mr. Speaker, Sir, I beg to introduce the Madras Estates Land (Reduction of Rent) Amendment Bill, 1949, and move—

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

"Section 5 (1) of the Madras Estates Land (Reduction of Rent) Act, 1947, provides that if the net income derived by a religious, educational or charitable institution from an estate or part thereof in the fasli year 1357 or in any subsequent fasli year is less than

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the average net income derived by the institution from such estate or part during the five fasli years preceding the fasli year 1357 or during that portion of those fasli years in which the estate or part was in the ownership of the institution, the difference will be made good to the institution by the Government. A question has been raised whether it is the amount which accrued due to the institution during the relevant fasli year or years or only the amount actually collected by it during that period that should be taken into account for determining the net income as well as the average net income of the institution. The intention is that all amounts which accrued due to the institution, whether actually collected or not, should be taken into account. The Bill is intended to make this clear."

MR. SPEAKER:—"Motion moved—

'that the Madras Estates Land (Reduction of Rent) Amendment Bill, 1949, be taken into consideration at once'."

* SRI R. V. SWAMINATHAN:—"Mr. Speaker, Sir, the Bill is very simple. As has been pointed out, the question is whether it is the amount which accrued due to the institution during the relevant fasli year or years or only the amount actually collected by it during that period that should be taken into account for determining the net income as well as the average net income of the institution. I have a doubt which I don't think the Hon. Minister will take to be irrelevant. Some people may take advantage of this clause and try to dupe and cheat the charitable institution and also the Government. I shall explain my point clearly. Some people have committed themselves to maintain certain institutions. For instance, there may be a commitment of a person either by his forefathers or by himself that he should spend Rs. 10,000 every year over a school, chattram, temple or any charitable institution. He may be having some inam villages and he may try to transfer them to an institution. On account of the Zamindari Abolition Act and also the Rent Reduction Act, some groups of villages or estates owned by him have to be sold out. People who have got commitments on any charitable institution may try to purchase a village in the name of the institution and show that according to the book value, the accrued income is Rs. 10,000 for that village. But in fact, every year only 2,000 or 3,000 rupees will be collected. Having carefully selected and purchased such villages, they will ask the Government to make good the difference. Thus they will save about Rs. 7,000 or Rs. 8,000. Therefore, though he actually gives only Rs. 3,000, the Government is making good the balance. I suggest that the Government may be very careful not to allow such people to cheat the Government or the institution. I hope the question is relevant and the Hon. Minister will clear my doubt."

SRI PYDAH VENKATANARAYANA:—"Mr. Speaker, Sir, there is absolutely no necessity for this Bill. I had the good privilege of serving on the Select Committee where most of the

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questions were discussed threadbare and we came to the conclusion that the money derived in these faslis shall be taken into account. That was why one year's fixed collection was not taken into consideration. There is provision for taking the average of the income of five years. The amount collected or derived by that institution for a period of five years is not the demand. The average has to be arrived at of the collections due in the preceding five years. That is the reason why sub-section (2) of section 5 has been very clearly laid down and I feel that serves the purpose. I request the Hon. Minister to withdraw this Bill."

JANAB ABDUL HAMEED KHAN:—"Mr. Speaker, Sir, I am sorry that the hon. Member who has spoken before me has really opposed this Bill. This is a Bill to be welcomed because there has been some doubt as to whether it was the collection that was intended to be the criterion or the demand. Any hon. Member who knows about these things will realize that particularly during the last several years, whatever the demand, the collections have been very poor and if the charitable institutions are going to be paid on the basis of the collections, it will be much less than what they really deserve. Therefore, an amending Bill like this will certainly be very welcome in that the clarification that was necessary is sought to be made."

SRI B. VENKATANARAYANA REDDI:—అధ్యక్షా, ఈ సమయములో ఈ బిల్లుకు ఇటువంటి సవరణ రివిన్యూ మంత్రిగారు ప్రతిపాదించుట చాల అశ్వర్యకరముగా నున్నది. ఒక సంవత్సరమే నిర్ణయించుకొంటే అయిదు సంవత్సరముల సరాసరి మొత్తము ఎందుకు నిర్ణయించినారో మిత్రులు శ్రీ వైదా వెంకటనారాయణగారు ఇచ్చట ఇప్పుడు విశదముగా మనవి చేసినారు. అదేకాకుండా ఇంకొక విషయము గమనించవలసి యున్నది. జమీందారీ గ్రామములలో ఉన్నటువంటి పరిస్థితులు గురించి ఒకటి, రెండు విషయములు రివిన్యూ మంత్రిగారి దృష్టికి నేను తీసుకొనిరావలచినాను.

"ముఖ్యముగా ఇనాము గ్రామాలలోగాని, జమీందారీ గ్రామాలలోగాని ఆయా గ్రామాలలో ఉన్నటువంటి రైతుల స్థితిగతులను బట్టి, శిస్తు వసూలు మొత్తము ఆధారపడి ఉంటుంది. ఉదాహరణంగా, ఒక గ్రామము యొక్క మొత్తము డిమాండ్ పదివేల రూపాయలు ఉన్నను, ఆ గ్రామములో వసూలు కాబడుతున్న మొత్తం నాలుగువేలు, అయిదువేల కంటే ఎక్కువగా వసూలు కానటువంటి పరిస్థితులు అనేక గ్రామములలో ఉన్నవి. ఇప్పుడు ప్రభుత్వం వారు ప్రతిపాదించిన సవరణ ఆధారపడి బడినట్లయితే, ఇదివరలో జమీందారులు వసూలు చేస్తున్నటువంటి నాలుగు వేలలో, అయిదువేల మొత్తముతో నిమిత్తము లేకుండా, గ్రామానికి ఉన్నటువంటి డిమాండు మొత్తము పదివేల రూపాయలనే ఆదాయముగా భావించ వలసివస్తుంది. కనుక ఈ విషయాన్ని ప్రభుత్వంవారు ఆలోచించవలసి యున్నదని, ఈ విషయాన్ని వారి దృష్టికి తీసుకొని వచ్చుట నా విధియని నేను భావిస్తున్నాను.

"దేవాదాయ, ధర్మాదాయ సంస్థలపై మాకు ఏ మాత్రము ఆశ్రయలేదు. ఈ సంస్థలపై మంత్రిగారికి, ఇతరులకు ఎటువంటి ఛక్రి విశ్వాసము, సానుభూతికలదో, అటువంటి ఛక్రి, విశ్వాస, సానుభూతులే మాకును వాటియెడల గలవు. ఈ సంస్థలను

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ప్రభుత్వంవారు అభిమానించి ఏ విధముగా సహాయముచేసినను, మాకు అభ్యంతరము లేదు. శిస్తుతగ్గింపు చట్టమును గురించి చర్చలు జరుగుచున్నప్పుడు ఈ విషయము ఎన్నిటిని శ్రద్ధగా ఆలోచించి యున్నారు.

“1357 వ ఘస్టీకి శిస్తు తగ్గింపు చట్టప్రకారం ఏర్పడిన శిస్తుకున్నా అతరువాత ఘస్టీలలో—ఆ ఎస్టేట్లను స్వాధీనం చేసుకొనేవారు—వసూలు చేసే శిస్తులు 1357 వ ఘస్టీకి పూర్వము 5 ఘస్టీలలో వసూలు చేయబడిన సరాసరి శిస్తునకు తక్కువగా ఉన్నట్లైతే ఆ తారతమ్యాన్ని ప్రభుత్వంవారు ఈ సంస్థలకు ముదరా ఇవ్వవలసినది నిర్ణయించబడియున్నది. ఒక సంవత్సరము వసూలు అయిన మొత్తాన్ని తీసుకొన్నట్లైతే హెచ్చు తక్కువలు ఉండగలవని కారణం చేతనే అయిదు ఘస్టీల సరాసరిని ఆధారంగా తీసుకొని యున్నారు. జమీందారీ గ్రామాలలో, సర్కారు గ్రామాలలోవలె ఎంత డిమాండు ఉన్నదో ఆ మొత్తమంతా వసూలు అయ్యే పరిస్థితులు లేవు. డిమాండు మొత్తములో సగము ఇంకా తక్కువో మాత్రమే వసూలు అగుచున్నది. కాబట్టి ఈ విషయాన్ని పునర్విమర్శనకు చేయించ వలసినదని వినియోగ మంత్రిగారిని కోరుచూ ఇంతటితో విరమిస్తున్నాను.”

* JANAB M. A. MUHAMMAD IBRAHIM:—“Sir, I rise to support the Government in bringing forward this very important piece of legislation. By this legislation the Government want to make it clear what will be the rent derivable from the inam institution. The intention of the Legislature is clear. The real construction should be the rent derivable and should be the actual demand accrued. It should not be the actual amount collected. There is a vast difference between the two positions. In the five years the melwaramdar or the landholder might not have collected the demand. Therefore, it was the intention of this Legislature when the Bill was adopted that the amount was the rent accrued to the institution irrespective of the fact whether it had been collected or not. Therefore, Sir, I really support this measure.

“Sir, I take this opportunity to point out to the Hon. the Revenue Minister that there is also a need for an amendment in some other direction with regard to the working of the Rent Reduction Act. Landholders are pressing the ryots for arrears of rent in the current fasli and they bring properties to sale by means of distraint proceedings or attachment proceedings and the ryots are forced to institute suits under section 112 of the Madras Estates Land Act. In our district, Tanjore, hundreds of suits have been still pending. Some sort of stay or clarification is necessary that the proceedings of the landholder to bring these holdings to sale will not be valid if they are taken within a prescribed period. This point was urged on the Revenue Department but so far they have not moved in the matter. I take this opportunity to appeal to the Revenue Minister to grant some sort of stay or give a clarification of the position so that the unfortunate ryots may not be compelled to waste their little money over litigation.”

1-15
p.m.

THE HON. SRI H. SITARAMA REDDI:—“Sir, as stated in the Statement of Objects and Reasons, the whole object of the Bill is to clarify whether it was actual collection or what accrued

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due is to be taken into account. I was not a member of the Select Committee and the hon. Member from Nellore has drawn my attention to the fact that it was discussed and certain conclusions were arrived at on this Bill and the present Bill is against the principle that was settled in the Select Committee. I have gone through the whole matter and have had discussions with the Minister in charge of Law. I can assure the hon. Member that the whole thing was examined. I find from the file with me that my predecessor-in-office and also the present Law Minister have gone through the various aspects of this matter and from the notes that I have got with me I find that they have supported this amendment. As I said before, this is only a question of mere clarification of whether the amount should be what actually accrued or was collected. Then the whole benefit of it goes to the institution, whether it is religious, educational or charitable institution. The idea was that the institutions should not suffer. It may be that in a particular year and in particular circumstances, the institutions may not be able to collect a certain amount of money. In that case, the institutions should not be allowed to suffer. What was accrued should be taken into account so that the institutions may be preserved and helped. It is not intended to give the benefits to any private individuals. It is intended to give benefit to the religious, educational and charitable institutions. So, Sir, there is no particular motive behind the Bill except to see that what was intended to be given is given in full.”

MR. SPEAKER:—“The question is—

‘that the Madras Estates Land (Reduction of Rent) Amendment Bill, 1949, be taken into consideration at once’.”

The motion was carried.

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

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

‘that the Madras Estates Land (Reduction of Rent) Amendment Bill, 1949, be passed into law’.”

MR. SPEAKER:—“Motion moved—

‘that the Madras Estates Land (Reduction of Rent) Amendment Bill, 1949, be passed into law’.”

SRI A. KAMESWARA RAO:—“Before this Bill is passed, I want to say one thing. As some of the members who were in the Select Committee have objected to this, it is better if this Bill is taken up to-morrow so that there may be . . .”

MR. SPEAKER:—“Not at this stage.”

* THE HON. SRI K. MADHAVA MENON:—“My Friend, Hon. Sri Sitarama Reddi, has already explained this Bill. I would like to illustrate it by one example. Certain people have endowed certain religious or educational institutions of a zamindari area. What the Government and the House wanted was that these institutions should not lose any money by the rent reduction. If they

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lose any money, the Government must make up the loss. Suppose for instance, a religious or educational institution gets Rs. 1,000 by the donation of the Inam or Zamindari, and due to rent reduction, its income is reduced to Rs. 500. What is the amount that the Government must make up? Is it the amount of income accrued due or actually collected. By mismanagement in a particular year, one institution gets only Rs. 10. That means that the institution would not get anything at all. We want to make it clear that it is not the amount actually collected that the Government must make up but it is the amount accrued due. That is the whole object in view. That was the intention of the original Act. I have gone through this aspect very carefully in the Select Committee. The whole object was to see that any particular institution should not suffer in its income because of rent reduction."

SRI PYDAH VENKATANARAYANA:—"Mr. Speaker, Sir, the Hon. Revenue Minister stated that he had his notes and had gone through the same carefully. He has also said that the demand of the five years should be taken into account, but not the actual payments. Sir, the construction of notes and construction of words and sentences and clauses are capable of interpretation in more than one way. But sub-section (2) of clause 5, very clearly states that 'the average net income aforesaid and the net income derived in each of the fasli years beginning with the fasli year 1357 shall for the purposes of sub-section (1), be determined by such authority, and in such manner as may be laid down in rules made by the Provincial Government.' Sir, it cannot be the amount due in that year. Here in the Statement of Objects and Reasons, it has been explained that a question has been raised as to whether it is the amount which accrued due to the institution during the relevant faslis or only the amount actually collected that is to be taken into consideration. I really wonder how this question has been raised in view of a very clear construction in sub-section (2) of section 5. I was in the Select Committee and had the honour of taking part in the discussions and I know that all the pros and cons have been discussed by the Committee."

THE HON. SRI H. SITARAMA REDDI:—"Sir, my hon. Friend was referring to proviso (2) of section 5. There it is stated that 'the average net income aforesaid and the net income derived in each of the fasli years beginning with the fasli year 1357 shall, for the purposes of sub-section (1), be determined by such authority and in such manner as may be laid down in rules made by the Provincial Government.' There was a doubt as to whether it was the amount which accrued due to the institution or whether it was only the amount actually collected by it that should be taken into account. To clarify this only, this amendment has been brought forward."

MR. SPEAKER:—"The question is—

'that the Madras Estates Land (Reduction of Rent) Amendment Bill, 1949, be passed into law'."

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

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(4) THE MADRAS ELECTRICITY SUPPLY UNDERTAKINGS
(ACQUISITION) BILL, 1949.

* THE HON. SRI M. BHAKTAVATSALAM:—"Mr. Speaker, Sir, I move—

'that under Rule 15 (3), of the Assembly Rules, item 5 of the agenda may be taken up before item 4'."

MR. SPEAKER:—"The question is—

'that under Rule 15 (3), of the Assembly Rules, item 5 of the agenda may be taken up before item 4'."

The motion was carried.

* THE HON. SRI M. BHAKTAVATSALAM:—"Sir, I beg to present the report of the Select Committee on the Madras Electricity Supply Undertakings (Acquisition) Bill, 1949 and move—

'that the Bill as reported by the Select Committee be taken into consideration'."

"While introducing this Bill in the House on the 24th of November, I had stated briefly why the Government considered that this Bill should be enacted quick and explained the more important provisions. As I had announced before this House on that occasion, I had kept an open mind on many of the criticisms levelled against the Bill and had agreed to accept amendments calculated to improve its shape without detriment to the general balance of the various conflicting considerations. The Select Committee sat over the Bill for long hours on three consecutive days and discussed each provision of the Bill in detail. I must convey my thanks to the members of the Select Committee, and more particularly to Sri P. Natesan, for the very valuable contributions they have made to the discussions. I am also indebted to the Madras Press, to the Madras Presidency Electric Licensees' Association and to Sri Seshasayee of the South Madras Electric Supply Corporation for the very helpful suggestions they had offered. I have accepted a few important amendments and from the fact that the Report of the Committee is unanimous, the House may conclude that if some suggestions were not accepted, that was for very good reasons.

"As I had explained before, the most important provision of the Bill is the basis of valuation of undertakings contained in clause 5. We have offered the licensees the option of choosing between three alternatives—A, B or C. The compensation under Basis A, is the amount equal to 20 times the average net profit of the concern over a period of five consecutive years prior to the vesting date. The Committee had few criticisms to offer on this Basis, which was generally considered fair in respect of successful undertakings. Basis B, provides for compensation on the sum total of the average value of all shares as quoted in the Madras Stock Exchange for the years 1946-47, 1947-48 and 1948-49.

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The Committee very correctly pointed out that shares of a good many small concerns, are not quoted at all in the Stock Exchange. That would mean, that this basis would not apply to such concerns. And yet, there may be genuine private sales of these shares, which were not quoted in the Stock Exchange. The Committee therefore considered it desirable that in the absence of quotations in the Stock Exchange, the same formula may be applied to values noted in genuine private transactions, not quoted in the Stock Exchange; but duly entered in the books of the licensee. The same three-year average will be taken for computation. Since the last of the three years has already expired, there need be no grave apprehension that fictitious transactions might in future be created by interested persons to enhance the compensation amount. It so happens that certain licensees had increased their capital within this three-year period and some may further increase their investments in future. Such additional capital investments will be compensated for on their face value with a solatium of 2 per cent for each year of beneficial use, subject to a maximum of 10 per cent in all. This provision has been made to encourage the flow of fresh capital into undertakings, whose acquisition may have to be delayed for some time. Basis C, is intended largely to meet the cases of undertakings which, for various reasons, have not been able to make substantial profits. Under this basis, compensation will be worked out on the book-value of assets less depreciation plus a solatium ranging up to 20 per cent. In the case of stores and works in progress at the time of acquisition, we had provided for a solatium of 5 per cent. The Committee felt that works in progress should be given a higher solatium and we have now accepted 10 per cent as solatium under this head. No other material alteration has been made to this basis.

"In respect of Local authority undertakings, there have been many criticisms in this House and outside that the basis of compensation was not sufficiently liberal. What we had originally provided for was that all capital advances taken by Local Boards for developing their undertakings should be written off by the Government and that in order to enable Local Boards to balance their budgets till new sources of revenue were tapped, they should be given three years' average net profits as compensation. As recommended by the Committee, we have now enhanced this amount to five years' net profits. Capital expenditure incurred by local bodies from out of their general revenues, if any, will also be determined and compensated for. As I had indicated before, municipalities which are dependent on this source of revenue are few. They also happen to be the richer ones in the Province. If they have been able to make large profits in the past, it was largely due to the fact that the Government had been supplying them power at very cheap rates without taking a commercial view. With their heavy commitments on rural electrification, the Government can no longer allow these urban areas the advantages which they had been deriving so far. Within the five-year period now indicated, it should be possible for them to be independent of this source of revenue.

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"Much criticism had been levelled against the provision in clause 12 of the Bill by which the compensation amount was proposed to be deposited in court from which the various claimants should receive payment. We had introduced this provision primarily to safeguard the interests of share-holders. But it has been pointed out, that proceedings in court tend to cause needless delay and that a quicker machinery should be set up. We have now decided to substitute a Special Officer in the place of the court. The Special Officer will be appointed by the Government and suitable rules will be framed for his guidance. An appeal to the High Court from the orders of the Special Officer has also been provided for.

"The hon. Gentleman, Sri Natesan, was very loud in his protests about clause 15 by which we had taken power to terminate compulsorily, agreements with Managing Agents. It was pointed out that Managing Agents had long-term agreements and those agreements themselves provided for terms of compensation in case of premature termination. Generally such compensation was stipulated as the emoluments for a period of five years. The Committee did not consider it reasonable, that after the business was wound up, Managing Agents should continue to receive remuneration for long periods especially after they had no service to render. The Committee has however recommended that Managing Agents should receive some compensation and that it would be fair to fix it at an amount equal to the remuneration for two years or the balance period of the agreement whichever period was less. I hope this amendment which has all the merits and demerits of a compromise, will commend itself to the House.

"I have been noticing some restlessness amongst the large number of employees of these undertakings after the Bill was published. I must reiterate my original statement that it is the intention of the Government to absorb practically the whole lot of them into Government service. Quite recently, in absorbing the large staff of the Madras Electric Supply Corporation, we have already set an example which should go a long way to allay their genuine apprehensions. On taking over that large undertaking in August, 1947, I had assured the employees, that it was the Government's intention to continue to employ them under the Government and, as far as practicable, on terms not less favourable than what they had been getting under the company. That undertaking has been substantially kept up and when final orders were issued last July fixing terms of service for each employee, there was general satisfaction. The undertakings to be taken over are many and conditions of service vary very widely between them. The enunciation of a general and unalterable formula now may cause considerable hardship to some and undue benefits to others. An uniform formula may be difficult to operate with under varying conditions. It is very definitely our intention to give the staff a fair and square deal. After all, the Government Electricity Department is expanding fast. Our generation of power will double up by 1952 when our five-year plan is completed, and the

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additional power can reach our villages only with the willing co-operation of a large army of new employees. The staff of these undertakings should therefore have no legitimate apprehensions about their future. We shall be compelled to eliminate only the obviously unsuitables and to meet even such cases, we have now decided to give them three months' notice instead of the one month's notice provided for in the original Bill. It is, however, my hope that this clause will have to be applied only against a very restricted number of men, as for example the overaged or the unscrupulous.

"I have now covered the more important alterations made by the Select Committee. There are other minor changes which Hon. Members can spot out from the reprint of the Bill. The changes made by the Select Committee are shown in clarendon type and portions omitted are indicated by dots. The Bill had been discussed at considerable length by this House when it was introduced and the Select Committee had applied much thought to the various provisions."

MR. SPEAKER:—"Motion moved—

'that the Madras Electricity Supply Undertakings (Acquisition) Bill, 1949, as reported by the Select Committee be taken into consideration.'

"We can continue discussion after lunch. I now adjourn the House to meet again at 2-30 p.m."

(After lunch—2-30 p.m.)

SRI P. NATESAN:—"Mr. Speaker, Sir, I opposed the Nationalization Bill on the main ground that it denied to the licensees the rightful compensation under the Indian Electricity Act and that it was only a paper legislation without the aim of effective implementation due to the present financial position of the Government and that it consequently benefited no one—the shareholders, the managing agents or the prospective consumers, industrial, domestic or rural. But, Sir, as the popular Government, nevertheless, have decided finally to go ahead with the legislation and it would be placed on the Statute Book shortly, I am realistic and patriotic enough to accept the same and shall co-operate with the Government in rendering this enactment with all its limitations as beneficial as possible to the electrical development of the Province.

"Sir, the Select Committee has very kindly agreed to certain modifications of the Bill, the more important of which are (i) the managing agents would be allowed compensation to the extent of two years' remuneration in case of prior termination of their contracts, and (ii) the purchase money would, instead of being deposited in the court, be placed under the control of a nominated official. While the fourth basis of compensation suggested by the licensees is not accepted and the main compensation basis of the Bill remains generally unaffected, such modifications as were

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agreed to, I am glad to say, reflect upon the sympathetic and broad-minded attitude of the Hon. the Minister for Public Works."

SRI M. P. GOVINDA MENON:—"On a point of order, Sir. Will the hon. Member be allowed to read his speech?"

MR. SPEAKER:—"The hon. Member is not reading his speech. No one will be permitted to read."

SRI P. NATESAN:—"The Hon. the Minister's speech contains certain points which are technical and I am just referring to certain portions of my notes which have a bearing on those points. I cannot allow things to go on record which are not correct."

JANAB MUHAMMAD RAZA KHAN:—"He is a good speaker, Sir." (Laughter.)

SRI P. NATESAN:—"Sir, so far as the South Arcot district is concerned, I, as a licensee, feel that I have done as much as practicable to accelerate the pace of rural development. On the eve of nationalization of electrical undertakings, I wish to give a word of advice to the Government. In the first place, the Government should exert their utmost within the scope of their financial position to actually take over all the licensees' undertakings at the earliest opportunity, because in addition to the inherent handicaps of the licensees which are already existing under the present set-up, they will be faced with the further prospect of apathy and hesitation of the investing public in making further contributions to the development of the licensees' undertakings due to the Damocle's sword of Nationalization hanging over their heads. While the Government should take every possible step to take over all the undertakings, with the least possible delay, they should in the very interests of electrical development in the licensees' areas which are so vital in the present context of things, adopt a more liberal and helpful attitude towards the licensees in the interim period and forthwith create conditions under which the licensees can function efficiently without arresting the progress until they hand over their babies to the Government. (A voice: 'All these are babies?') Yes, these undertakings that are sought to be taken over by the Government are babies. Sir, this interim assistance can be given in many ways and some of them are, first the Chief Electrical Inspector to Government should exhibit a real change of heart and consider himself not merely the critic or policeman of the licensees, but an active and constructive agent of Government to administer and develop the licensees' areas through the licensees till they finally pass over to Government. Secondly the Government should assist the licensees by allowing them to draw their requirements of materials from the Government stores and these should be issued at their book rates. They should of course intimate in advance to the respective systems their anticipated requirements of the materials as Government are in the best

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position in the present context of things to secure materials with expedition and economy. Such an arrangement would go a long way in economizing construction in the licensees' areas, especially those of the smaller ones, and all this will naturally be to the advantage of Government when they actually take over and also to the benefit of the Province at large. Thirdly the enforcing the standards of construction, no higher standards should be insisted upon in the licensees' areas than in the departmental methods and necessary relaxations from the Electricity Rules should be given freely and readily to help the construction work in the licensees' areas going ahead on the same economic lines as in the department. Fourthly the Government should be more liberal in the ensuing interim period than in the past in the matter of granting loans to the licensees at Government borrowing rate of interest and in Government themselves constructing lines in the licensees' areas on a guarantee basis. This is the only logical step for the Government to take in the transition period in the interests of public economy. This would be all the more necessary in the rural areas where the guarantee should of course be on a graded long-term basis. Otherwise, rural development which is so dear to the heart of Government and which is so vital for the Province is likely to be prejudiced in the transition period.

"Sir, Government should take special steps to evolve cheap methods of construction of rural lines with the use of indigenous wood poles from local forests. Successful designs based upon satisfactory tests may be supplied to the licensees. Sir, Mr. Karanth, on the floor of this House, promised that he would see that every year at least 10,000 treated poles were placed at the disposal of the Government. But I find that the Forest Department has not moved an inch. Nor does the Public Works Department co-operate with the Forest Department. I do not know whether it is a question of mutual co-operation or reciprocation between departments but the fact remains that no one of the departments is trying to evolve methods by which wooden poles are made available. Sir, in Travancore, the Government has made it a point to fell a minimum number of trees under their control and use them for electrical construction work. The wood is not allowed to be exported also. In the case of Mysore, the same policy obtains. Trees are felled and the logs are utilized for construction work. But no attempt has so far been made here to use such wooden poles on a large scale. Now import of materials is well-nigh impossible and it is time that the Hon. the Minister gives his thoughtful consideration to the matter, and sees that the work of manufacture and treatment of the wooden poles is started soon. Sir, these are some of the steps obviously vital for the agricultural development in the rural areas of the licensees' undertakings in the transition period. In short, my suggestion is that Government should look upon licensees' areas in the transition period as quasi-Government or prospective Government areas only administered temporarily through agents who have accepted to carry on for them till they hand over the undertakings to Government.

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"Given such an active, constructive and helpful attitude, Sir, on the part of Government towards the licensees during the transition period, this Nationalization Bill can very well prove to be a great step forward—a harbinger of wealth and prosperity by stimulating the electrical development of this Province for which, the Hon. the Minister for Public Works, Sri Bhaktavatsalam can be legitimately proud and the citizens abidingly grateful to him. I have every faith in the judgment and capacity of the Hon. Minister that he will do everything in his power towards making the Nationalization of Electrical Undertakings a success."

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, I am glad to be able to support this Bill for it brings about a step very necessary, namely, nationalizing of electrical undertakings in the Presidency. How soon this can be undertaken will depend upon the capacity of the Government and on the ability of the officers of the Department to assess the needs of the people and to so arrange their programme that all private licensees' areas are taken up quickly in order to meet those needs. I have no doubt at all that this will soon become an accomplished fact. The private licensees should have nothing to complain of in that they get the best of terms, thanks not so much to their bargaining capacity with the local Government as to the insistence of those higher in authority who would not give their concurrence to this legislation except on certain terms. Now, Sir, the private licensees have nothing to grouse about, because they have been given the option to choose any method of compensation they like, either A or B or C. The field is open to them to choose. Even those undertakings which are run at a loss—at a big loss—will have nothing to grumble about because the compensation made available to them under the relevant clauses of the Bill is not only adequate, not only reasonable but far more in excess of what would usually be paid to them if they were perfectly free to negotiate a sale even with the most charitable of Governments. Now, Sir, the compensation contemplated under 'A' will apply to those undertakings which have from their very inception worked at a fairly good profit. It is proposed to pay an amount, by way of compensation, which will be equal to twenty times the average net annual profit of the undertaking during a period of five consecutive account years immediately preceding the vesting date. That is to say, if an undertaking is taken over to-day, the average of the previous five years from this date will be taken into account in calculating the basic sum which is the annual net profit, and then twenty times that amount will be given over to the company as compensation. Now, let me examine this and say what it would mean and how advantageous it is to those companies which may make their choice under 'A'. The annual net profit would mean profit ascertained after deducting from the gross revenues all expenses and depreciation which may have been written in the first few years at lower rates and then at a higher rate. This means that these concerns will be paid twice the amount that they have invested if we take it that they are giving normal dividends.

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They have not only taken the profits all these years on the basis of the calculation I have mentioned but they would be entitled to a further twenty times the profit of the last five years from the vesting date. They are thus given a value for their shares perhaps double or even two and a half times their present book value.

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p.m.

"I do not know, Sir, why this Provincial Government is called upon to pay such a high compensation in this particular case. If my hon. Friend, Mr. Natesan, had only explained, taking the figures of particular licensees into account, the amount available under this basis, I do not know what conclusion one would come to.

"Let me take the basis 'B'. Basis B will be an option chosen by those who perhaps at the beginning not acquired sufficient profit but have just begun to find their way during the last five to six years or even ten years to make some kind of profit. Now, Sir, in the case of these ample protection is given. They have nothing to complain about. Now what do they get. We take into account not merely prices that are quoted for such shares but prices that may be quoted, quotations that may be obtained for any one of the three years which were not based on actual transactions in each year. That means to say even if there was no transaction, even if the shares have fallen so low in value that they are not easily negotiable, and that the public do not want them, the Government is to compensate them by giving the full value of the shares. The option is given to them. There is no option to Government to re-examine or resile from the position which they have once taken. On the other hand the option given is such that with the concurrence of the Government they might even change the basis from one to the other. Government cannot change. But with the concurrence of Government other people can. I tell you, Sir, that Government, once the choice is made by those companies deliberately and with full thought devoted to the question, should not allow any change even with their concurrence. The thing should be examined carefully before-hand both by the Government and the Company in view of the liberal compensation provided and in view of the exceptional terms that we are offering even to such companies which are not paying dividends for years. I say, Sir, great care should be taken to revise the terms of settlement. I would ask the Government to give an assurance on this matter that once the choice is made there will be no permission for any company to revert to another basis mentioned in the Bill.

"Then, Sir, the third basis proposes to give book values to companies which have perhaps earned nothing, and which are not in a position to earn anything at all in the present or in the near future. I know of some companies which have unfortunately been badly managed and which are not in a position to make good the loss already sustained. Perhaps they have over-capitalized the venture or they have got such worthless materials and machinery which would not operate to the satisfaction of the public in that locality, or they are not able to inspire so much confidence in the

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public as to draw additional capital in order to make it fit and worthy to be run in a manner in which the licensee contemplated the firm to be run. That is the position. This basis 'C' is the most advantageous. We are practically giving away a gift of the value to those who did not look forward for a return of perhaps 75 per cent or even 50 per cent of the money originally invested. Look at the strange way in which we behave. When I asked for compensation for a particular people who had the *bona fide* property for years and years and who have been enjoying the fruits thereof in spite of the difficulties in dealing with the tenants and in spite of the difficulties which the law itself imposed on them, we had a particular procedure. We have tried to get the stranglehold on them and made the compensation as low as possible if not negligible. But in this case, good companies, bad companies, indifferent companies are treated alike, good being given the best choice and given compensation to the extent of two and two and a half times the present value of the assets while the bad and the indifferent companies are given away as a gift, practically a gift extracted so to say from the Government, from the Members of this House, to these institutions which have not done so well or which can never do well at all in the present circumstances. That itself proves the case for speedy nationalization. I must say to-day that it is not labour that is on strike, but it is capital that is on strike and we have no means of dealing with the strikes of capital though we have means, plentiful, of dealing with the strikes of labour.

"I say, Sir, this is not the way to put legislation through. But unfortunate circumstances have intervened. We have to reconcile different interests in the country and we have I suppose to further the progress of nationalization itself by making heavy sacrifices for some time as a Government. That is the reason why this Bill is being passed into law in this particular manner. I would ask, did the chiefs of our department, recommend the compensation that is now provided for in this Bill and in the terms in which it is being done. I know them to be honest and truthful men. Surely, they would not have agreed to the terms except under the force of compulsion from some higher authority. If unfortunately to-day there had not been this Government in power but some other Government who had absolutely different ideas of social justice, I say, this amount of compensation Mr. Natesan and his friends could never have drawn."

SRI P. NATESAN:—"The hon. Gentleman seems to forget that these licensees would have been able to get their compensation under the basis of the Indian Electricity Act. There was a Licensing Act by the Government of Madras under the Indian Electricity Act. They would have had much more than what is now to be granted."

* SRI N. S. VARADACHARI:—"Sir, I am glad Sri Natesan has provoked me to a further explanation. It is this. The Indian Electricity Act like the Permanent Revenue Settlement made

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some conditions at the time of the licensing. These have now become obsolete and even as we have legislation for the abolition of the zamindaris, even so should we have for the companies in my opinion. I say, Sir, now is the opportune time when the capital strike is on, that nationalization has to make speedy progress in the matter of public utility services like electricity, transport and waterways and so on. I say, Sir, this is the time when such changes in the law have to be made and have to be enforced in the public interest. It is not as if the law once made becomes sacrosanct. Of course, the law is not to be easily meddled with and moderation has to be shown. I admit I am not a hasty reformer. I do not make people rush to reform but reform is the biggest guarantee against revolution. If democracy is not to become defunct, I suggest that you have to take this up or the social order will sweep you to it whether you like it or not.

“The principle on which compensation is settled surely would not have been acceptable to those who have worked in the electricity systems of our Province for years. But for their enterprise, but for their great adventure and daring I would say, having gone into areas highly malarial and even perhaps super-malarial, they have gone and dared to plan systems which now flood the country with power and revolutionize agriculture in the remotest villages. This is the time when we have to undertake this. I do not wish to say anything more. I have given my general views on the Bill. I know the compensation which we are providing for private licensees under this Bill is more than adequate, more than reasonable and part of it are with absolute gift to be made to them and the shareholders of these firms. I am glad the managing agents have got what they wanted. But I would request the managing agents to be very fair, as reasonable as they want Government to be. Now in making the choice the Government have no option to make the choice you make. Government pay according to your ideas and not according to its ideas. Taking all these into account, Mr. Natesan and other private licensees should be happy to give their full co-operation in advancing the date for the complete nationalization of all electricity undertakings. It is only this morning he was complaining that private licensees in their places were unable to fulfill certain functions and had to take unremunerative schemes. I quite agree private licensees should not be compelled to take up unremunerative schemes. Government should take up transport, electricity, etc., which should not really be unremunerative schemes. It should be able to find means and resources whereby the profits made in remunerative schemes are capable of being developed to cover the loss occurring in unremunerative schemes. Unfortunately in some cases due to capital expenditure the net return may not be sufficient to cover interest. When the electricity system is extended all over the Presidency, when the grid is in full operation with Papanasam and the Pykara in the south and Muchkhund in the far north with lines spreading out like veins in the human body, then I say, it should be possible for the

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Electricity department to cover up all losses even on unremunerative schemes and guarantee to Government a fair dividend on the undertakings it has sponsored. Similar will be the case with transport. I do not know why the Government is averse to making progress in certain directions. It is good in its own interest. I urge it should take up at once all public utility services. Capitalists do not want us to take up enterprises which present much difficulty and which requires considerable technical skill. But in the case where even technical skill is a necessary preliminary to enterprise, where advancement of the people is concerned and public utilities are the prime endeavour, I say, nationalization should be proceeded with not in a slow and halting manner but with full speed and vigour. I support this Bill, Sir, and I consider that the compensation asked for is far in excess of the normal compensation that would have been ordinarily given.”

JANAB N. MUHAMMAD ANWAR:—“Mr. Speaker, Sir, the 3 p.m. hon. Mr. N. S. Varadachari took us back to the day when we discussed the first principles of this Bill. This Bill has emerged from the Select Committee in a fashion that is acceptable even to very confirmed critics such as Mr. Natesan and I am certain, Sir, that we have seen in this Bill an exhibition of the utmost spirit of accommodation which the Hon. Minister for Public Works has displayed in trying to meet the criticisms levelled against the Bill. Even so, Mr. Speaker, I have got some criticisms to make. This five-year plan which he has talked of is rather, I am afraid, too long a period; because while it is quite good for us to say that we should not rush in haste and repent at ease, electricity is a matter which cannot afford to wait for long in a country, in a province, in districts which are suffering very much under the auspices of the Grow More Food campaign. Even when the agriculturists are willing to give their all, they do not have the facility with which to harness all their resources and that is exactly the reason why we welcome this nationalization of public utility services, not so much because it is going to spread light into our homes, as because it is going to advance the cause of our agriculture and our industry. That is probably the best effort in the direction of the Grow More Food campaign. We talk much; in fact, it has become our national tradition to talk and to talk and to talk. But where it is a question of action, I believe we have very little proof of it; and one concrete visible, symbolic proof which we can give of implementing our policy, and our earnestness to further the cause of production, is to implement this scheme of electricity in as quick a period of time as possible. That is point number one. (At this stage, the Deputy Speaker occupied the Chair.)

“Now, Madam, the hon. Mr. Natesan who, it appeared to me, was quite wooden on this question of nationalization, surprisingly enough suggested wooden poles. It was very characteristic of him. I welcome it. Let it be wooden, but yet we want poles; because I know for certain, from practical experience, every time we approached these licensees they said they did not have poles.

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I believe we can get all the poles of the world together, but not the poles which the Electricity department requires for installation. I would only wish that the excellent suggestion which the hon. Mr. Natesan has made is taken in all its spirit and that we have electricity even with such wooden poles.

"Madam, the reason why I suggested that this five-year period is too long is that particularly in the North Arcot district, of which the hon. Minister has got personal experience himself, the licensees have been very serious defaulters. I would wish that the hon. Minister gives the highest priority possible to see that the licensees in the North Arcot district are replaced and that the Government step in and encourage the Grow More Food campaign there.

"One suggestion, curiously enough, which Mr. N. S. Varadachari made was that capital is now at strike. I shall leave it to him to argue about and about, whether it is labour or capital that is on strike now; but one thing which we have been feeling is that Government have been on strike all these years in matters of such nation-building activity. And if we try to congratulate the hon. Minister for Public Works now, it is because at least in this direction, he is coming out and dispelling that suspicion that the Government are on strike. I am hopeful, Madam, that quite soon, probably in months, we may see the implementation of this policy and that the results which will flow and the food resources that will grow, will in themselves be an excellent tribute to the services which the Hon. Minister will be rendering in this direction. It is not by words but by results, that we expect something when we want to congratulate the Hon. Minister."

* SRI D. V. RAMASWAMI:—"Madam, the background of this Bill can be traced to the days that preceded the date on which India got independence. Even under the British Government, the question of nationalization was taken up and partly applied to the question of railways. Even with regard to electrical undertakings, the Madras Electric Supply Corporation was negotiated to be taken over, not by the free Government of India or free the Madras Government but under British auspices. I mean to say we will be quite justified in going on at even greater speed with nationalizing important undertakings, especially an undertaking of such vital necessity as the electrical undertaking. This has been our sheet-anchor but rural development has somehow not been as quick as one would desire. Therefore, unless the Government with all their resources, take over these costly undertakings, it will not be possible for private companies functioning in urban and much less in rural areas, to really supply the great demand that has now been created for more intensive agricultural purposes on a large scale. We are passing through a great food crisis and supply of electricity is of great and vital interest and the more so in rural areas. For such rural development, electricity must become both cheap and efficient. Constant breakdown even in urban areas has been a source of great

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regret and protest from numerous individuals, and Government, I am sure, were inundated with appeals from both the people directly and from shareholders as well as from representatives in the Legislative Assembly to take up this matter at its early an opportunity as possible and relieve their embarrassment and trouble. I understand, Madam, that several companies, for example, the Electricity companies in Cuddapah, Ongole, Proddatur, Srikakulam, Bellary, Anantapur and Rajahmundry requested the Government in so many words, to come to their rescue and relieve them of the burden of running the undertakings. I am sure, therefore, this Bill has not come a bit too early.

"With regard to the question raised whether we would improve the efficiency if Government were to take over, I should think that instead of frittering away the technical skill now found in these private undertakings, if we pool all resources of technical skill, experience, patriotism and also the capital available, the Government will certainly be able to render much more efficient and ready service to both rural and urban areas than any private undertaking can do. After all, what is the position of electricity undertakings now? It comes under two aspects, generation and distribution. So far as generation is concerned, 99 per cent is now in the hands of Government; as regards distribution, only 25 per cent is in the hands of private companies, and for one per cent of generation, there are as many as 45 companies for purposes of distribution. Therefore, the criticism that this nationalization is all a mad cry, that we are going too rapidly and that Government are going to face financial crisis, etc., is only the result of wishful imagination or a wanton refusal to face actual facts. I feel sure that the Hon. Minister for Public Works is doing a very capital service to the country by bringing forward this Bill. If we look into the clauses of the Bill, many important changes acceptable to the President of the Madras Provincial Electricity Supply Licensees Association, I mean the hon. Mr. Natesan, have been made. He has co-operated a great deal and has been good enough to give very good points to the Government resulting in certain better ameliorative sections being introduced or suitably amended. After giving such co-operation, I am sure he will extend it further and see that all the electric licensees and the shareholders and consumers are fully satisfied. Even on the question of payment of compensation, the bases have been revised, and the number of years for calculating the compensation has also been raised. It will be rather interesting to note in this connexion that one managing director of a company which has Rs. 24 lakhs capital is drawing Rs. 50,000 a year for part-time work while even the Chief Engineer for Electricity, Madras, is drawing only Rs. 24,000 a year for full time work; and another managing director is drawing Rs. 40,000 a year. We do not of course envy them; but surely there need not be any hue and cry that Government work has not been so efficient or that Government cannot do better, if only the managing directors

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of the companies understand the spirit of this Bill and gave their fullest co-operation in the matter of running these undertakings once they are taken up by the Government.

"I do not like to take up more time of the House; I would only say that the rates at present in several localities vary awfully. In some places, the rate is As. 6 in some others, As. 4 and As. 1½. The standardization of these rates is very important. That is quite possible if in one provincial area, there is only one agency to take over all these concerns. Therefore, on many grounds—on the question of standardization of rates, on the question of raising the loads for national purposes like agriculture, on the question of better supply to rural areas, on the question of raising the standards of efficiency and also the pooling of the technical staff—on all these grounds, I am sure this Bill when passed will in course of time—I hope very soon—go a long way in meeting the needs of the people and serving the purpose for which originally the private companies were started but which failed to serve. Madam, I commend this Bill to the acceptance of the House."

3-15
P.m.

* JANAB M. S. ABDUL MAJID:—"Madam, Deputy Speaker, it gives me very great pleasure to support the Bill as it has emerged from the Select Committee. I say it, Madam, for this reason that the Bill as it has emerged from the Select Committee is a sort of a compromise Bill and the Minister for Public Works who presided over the Select Committee has been very reasonable to accept several of the reasonable amendments put forward by the electricity interests represented by my hon. Friend, Mr. Natesan. But, Madam, I am really surprised to hear the speech of Mr. Varadachari complaining about the basis of compensation and saying that the bases upon which the compensation is proposed to be given which are enumerated in the Bill are very much. You are aware that at a time when the Government was not taking much interest in the electrification schemes of the Province, it is the private undertaking that came forward, it is they that created the capital necessary for it and it is they who established the various electrical undertakings in this Province and it is because of it to-day you find electricity in several of the urban areas. The aim and object of the present Bill is to see that electric energy is taken to rural parts and I hope that the aims and objects of the Bill will be implemented very soon. Madam, some of the hon. Members think that when compensation is paid, it will go into the pockets of a few of the managing agents and directors of the companies; it is not so, Madam. There are hundreds of thousands of shareholders, poor people, widows and such others and it does not matter even if you err on the side of generosity as the compensation amount is not going to fatten the purses of the rich but it is going into the hands of the poor mostly. Therefore, Madam, this question of compensation should be looked at from the point of view of shareholders and not of a managing agent or a managing director. I wish, Madam, when this nationalization becomes a reality it will be more efficient and

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the working cost of these institutions will become cheaper. We have found from experience, particularly from the working of the Madras Electric Supply Corporation that its efficiency after the Government took up that institution has gone down and we know that even the cost of maintenance has increased. If you want to carry on these institutions in this manner, I am afraid, people will lose faith in nationalization itself. Therefore, if they want to undertake these electrical undertakings, they must see that they give first and foremost efficiency and they must carry on these undertakings in as cheap a manner as possible. Some how or other, because they become Government institutions, labour clamour for more wages and the officials ask for more pay and allowances and ultimately what happens is that the cost of running the institutions becomes very heavy and ultimately the very undertaking becomes a failure. I am confident that with the Hon. the Minister for Public Works presiding over the destinies of these institutions, the running of these institutions will be more efficient and it will be done in quite a commercial and a business-like manner. With these few remarks, Madam, I support the Bill strongly and I hope and trust that the electric energy will be taken over to the doors of the cottage industry, to the doors of the poor in the rural areas so that the Province may make headway in the field of industry and thus raise the standard of living of the people."

* SRI T. VISWANATHAM:—"Madam, Deputy Speaker, I have great pleasure in supporting in general the Bill, because I am in favour of the Government taking over as many public utility services as possible consistent with efficiency and consistent with its financial resources. There is one point, Madam, on which I am emphatically opposed to the provisions of the Bill and that is the provisions regarding compensation, not on the ground whether they provide for an adequate amount of money or inadequate amount, but my principal point being that the Legislature is not the forum where we have got to decide the quantum of compensation. My point is that in all those matters where the Government takes private property for public use, somebody else, a third party, must decide those issues; and the Government cannot be a judge in their own cause. The framers of the Indian Electricity Act knew this point very well and the framers of the American Constitution knew this very well when they said that no private property shall be taken for public use without just compensation. That principle has been embodied in several pieces of legislation by making provision for arbitration, a judicial arbitration in matters wherein disputes arise in respect of compensation. I submit and I repeat, Madam, that my main objection is not to the wording of the provisions of section 5 but to the principle involved in it. The Government every now and then when it wants to do anything in public interests bring forward a Bill on the floor of the House and try to decide the amount of compensation here on the floor of the House where it is not possible for the parties concerned, to represent their case either

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fully or partially. Most of us know these things on general lines but we do not know the difficulties or the views of the persons representing such companies as may be affected. Perhaps a very few of them might find a place in this House like the hon. Gentleman Sri Natesan who may represent a particular point of view but there may be others who represent a cross-section of opinion of these interests and there may be others yet who like myself or like some of us who are merely investors. All these cannot represent their view points here and the discussions on compensation always proceed on theories and on slogans. That is the reason why I always object in matters of compensation against the legislature becoming the sole authority for deciding those issues. That is why, Madam, I have submitted that the principle embodied in section 7 and the following sections of the Indian Electricity Act stand to common sense, stand to reason and must be the guiding principle. One hon. Member said that the Indian Electricity Act was obsolete; I wonder what he meant by saying that the Act is obsolete. The Indian Electricity Act is not so old as the Permanent Settlement Regulation; the Indian Electricity Act was passed in 1910 and the Government of India considered it again after the attainment of Independence and stuck to the provisions of the Act when passing the Electricity Supply Act of 1948. I say, Madam, the Act is not obsolete, the provisions are not obsolete and the machinery is not obsolete and the electric energy that is flowing through the lines is not obsolete. I submit it is an absurd proposition to say that because certain provisions were made prior to the attainment of Independence, those provisions become obsolete within these two years. Let us assume that it is one way of looking at things and of catching popular imagination saying: 'Here we are giving tons of money to persons who do not deserve it; let them not have it. I doubt if it is a fair way of doing it.' It is because catch phrases that strike the imagination of some ignorant people might decide the issue that I have been submitting that the Legislature should not be the forum for deciding issues concerning the award of compensation in case private property is taken over by Government for public purposes. What did the Indian Electricity Act say? It said that fair market value should be given and fair market value would be determined according to certain principles and who should determine them if there is a dispute. There will be an arbitrator and the arbitrator's decision shall be final subject to certain conditions of review by civil courts. The basis and the method laid down in section 7 of the Indian Electricity Act is a sound one; it is based on sound jurisprudence; it is based upon good business. Sri Varadachari said that capital was on strike and it was shy. I ask him who it is that is responsible for the capital not coming out. This particular Bill is not so bad and the Hon. the Minister for Public Works is not half as bad as other Ministers who have come forward with other kinds of legislation saying that the courts shall not have powers to review the acts of the Government in any case. I congratulate the Hon. Mr. Bhaktavatsalam on his having adopted

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a different attitude; he is good enough to say that if a person is aggrieved, he can go to a court of law. I congratulate him and if a humble man can suggest to august Ministers, I might advise the other Ministers to follow suit, to follow the example of the Hon. Mr. Bhaktavatsalam. But I wish he had gone a little further and followed the provisions of the Indian Electricity Act. Last time at the introduction stage, he said Government are not prepared to give 'Fair market value' as provided for in the Indian Electricity Act; it is propositions like that that are making the capital shy; it is propositions like that that make business uncertain and make even our lives uncertain. It is because of such things the whole trouble has arisen. There is no use the Hon. Panditji or the Hon. the Deputy Prime Minister having a talk with big business on the need for stepping up production and capital and the same day the provincial Governments introducing such legislation in the provinces which makes matter uncertain. We profess all respect for the Central Government, we profess all respect for Hon. Deputy Prime Minister and we profess greater respect to Panditji but at the same time we bring in legislation which cuts at the root of what they are doing elsewhere. I submit to you: Let there be co-ordination; let there be co-ordination whether we are at the Centre or in the Provinces; let there be co-ordination between the process of thought that is guiding legislation and the directive principles of Government both at the Centre and in the provinces. Last time I pointed out that there was no certainty; but the Minister said that there were difficulties and if there were difficulties, he could not help. I ask, Madam, why is this uncertainty made? It is what you have created. I agree with Anwar Sahib when he said: Let there be no five-year limit. You are not going to give a very great sum of money and therefore, let us appoint a tribunal—I am glad the Hon. Minister has provided for the constitution of a tribunal—and let all the concerns be taken over immediately and within six months or one year, we shall finish off the whole business. Meanwhile let us proceed to take over the management of all companies even from the date on which the Bill becomes law. I think there is absolutely nothing to prevent us from doing like that. There is plenty of money; we are not taking away all the money from the people; there is money with the people; in the brains of the people and in their hands and it flows everywhere throughout the Province as does blood through the veins and arteries. Do not plead want of money. Money is there. The money that the Hon. Minister wants according to his computation is Rs. 3½ crores and all the money that my Friend Mr. Natesan requires is Rs. 5 crores and what is the great difference between 5 and 3½; it is not a big amount, especially for a Government running with an annual budget of Rs. 55 crores. It can be found in two days; if I am put in a position to give it, I will give it in 2½ hours; after all we know the finances and we know the ways and means position and there is not much difficulty about it. But what I am pointing out is not the difference between 5 and 3½ but the famous explanation which states that there shall be no

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obligation on the part of the Government to purchase any undertaking in pursuance of any notice given to the undertaking. If it is so, how can I be certain that my undertaking will be taken, that I can put some little money upon it, that I can extend the lines and if I put some money upon it, I shall be able to get some return out of it, say, if I put some hundred I shall be at least able to take back Rs. 80?"

SRI P. NATESAN:—"There are provisions in the Bill to cover that."

3.30 p.m. SRI T. VISWANATHAM:—"But he has provided that there shall be no obligation on the part of the Government to take up an undertaking in pursuance of any notice given by them. What is the use of the rest of the provisions when there is this hallmark of uncertainty there. It may be all right for the hon. Mr. Natesan, but for others in the northern portion of the Province who have invested money but are not enjoying even half or one-fourth of his facilities it is almost impossible if they are put in a state of suspended animation. Do not think I am criticising the Bill merely for the sake of criticism. These uncertainties really worked on the nerves of Mr. Natesan a few days ago, when he spoke on this Bill. How does Mr. Natesan now think that the uncertainties have gone? Madam, there is no question of landlord and tenant in this Bill, there is no question of the rich and the poor in this Bill. It is merely taking over public utility concerns. Let it be done in a business-like way. Madam, I have nothing to say more by way of criticism. I would be glad if the Hon. Minister receded from the position he took and followed the clauses in the Indian Electricity Act in the matter of valuation. Madam, I support the Bill on other points."

* JANAB M. V. HYDROSS:—"Madam, Deputy Speaker, even the Bill as it has emerged from the Select Committee has not done much to alleviate the feeling of the public that this would retard the industrial and agricultural progress of this Province. I make this submission from my own experience of a private company running an electricity concern. Madam, very recently I had the occasion to approach one of the electricity concerns in Malabar, namely, the West Coast Electric Supply Corporation, which is the distributing agent of Pykara current there. I wanted that electric current should be taken for a distance of about 2½ miles from the place where it stops now to one of the educational institutions, a first grade college. Then immediately, the reply given to me by the engineer was that very soon the concern would be taken over by Government and then I could approach Government direct. As a matter of fact I had to plead with one of the managing agents here in Madras on this question. Even then, the promise given to me is still pending there. For everything depended on the man on the spot, namely, the engineer, who has to prepare the estimates and other things connected with extension. Madam, the same thing happened in another connexion.

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Some people in Malabar wanted to have electric connexion in Tirur, Ponnani and other places, and also to have electric current given to the agriculturists on either side of the Bharathapuzha. But immediately after the announcement in the papers that Government are thinking of a Bill for nationalizing electricity, the whole matter was dropped. Even now, I do not know whether the Hon. Minister is aware of this proposal? If electric current to agriculturists on either side of the Bharathapuzha is given, it will increase agricultural produce in the district, and it will be utilized for industrial purposes. Now, you will see, Madam, how this Bill has retarded agricultural and industrial progress. Madam, you will be aware that most of these schemes were thought of at a time when Government had no idea of taking over electricity. If there was no intention of this Bill, then, the concerns would have started the works in their own humble way. But, now when the sword of Damocles is hanging over their heads and they do not know exactly when Government are going to take over their concern, they are reluctant to start on any new venture. So, instead of waiting for five years, if immediately Government take action to bring all the concerns under their control it would be better.

"Madam, I want to submit another suggestion. There are three bases under which compensation is to be paid. I would suggest a fourth basis also, which would be beneficial both to Government and the concerns. And it is this. It should be left to the option of the concern proposed to be taken over whether the Government should take about 51 per cent of the shares of the company. If instead of Government taking over the entire shares of the company, they were to subscribe about 51 per cent of the shares, then the management of the concern would continue to be with company, but at the same time Government would have control over it. In that way we could at least give confidence to the people, which would go a long way towards making much progress in electricity in our Province. With these suggestions, Madam, I support the Bill."

* SRI M. G. NATESA CHETTIYAR:—"Madam, Deputy Speaker, while both the purchaser (the Government) and the seller (private agencies) had agreed on the question of compensation, my difficulty is with that of the consumer. The difficulty of the consumer, even under Government-managed electricity schemes, is rather great, even though the percentage of profit earned by Government is greater than that of private companies. The complaint is that applications are not looked into promptly. My request to Government is that the rural parts should be supplied with energy much quicker than within five years. In fact, Madam, it is not necessary that Government should wait for all the five years or even for a period more than one year, to acquire all the concerns. I am aware of the financial difficulty of the Government in the matter. My friend, Mr. T. Viswanatham, has said that it is not so difficult to get three and a half crores in the Province itself. My suggestion is, even from the locality from

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where much of these private companies are acquired, the amount required can be secured by way of loan, and with that amount the entire management could be secured to Government. Madam, if Government really mean business they should purchase the companies at once. They should not spread it over a number of years. Should they do so, various difficulties might arise by way of book value and so many other things would arise. If they are not able to purchase the concerns all at once the Government can execute bonds to the companies and the Government can run the concerns themselves and afford the consumers the benefit of rural supply. Again, I have to say one more thing. I am rather averse to centralising labour; for by doing so, we are affording it facilities to go on strike. It is common knowledge what a lot of difficulty was experienced when the employees in the Madras City Government Transport Service went on strike. Even peace and tranquillity were in danger. So if labour is left under the control of several companies and not concentrated under one management there is not such scope for strike. If private agencies are encouraged, that policy would also bring forth hoarded capital from its hidden place. It is not correct to state that Government alone can work efficiently and Government alone can produce more. As a matter of fact, if more concerns are started, more individuals are made to work, capital and labour would be playing their due part in our national economy and that means doing good to our country. On the point that capital is shy, as was said by Mr. Varadachari, Mr. Viswanatham has answered it well. Finally, Madam, the compensation which Government would pay would not be locked up with the people; for it will be invested in fresh ventures as it is paid to the business men. With these remarks, I support the Bill."

3-45 p.m. * JANAB M. A. MUHAMMAD IBRAHIM:—"Madam Deputy Speaker, I rise to support the object of the Bill, though I do not subscribe to the view that nationalization is a panacea for all the ills of society and State. There are industries which should be run by the State and industries which should be left to private enterprise. So far as electricity is concerned, my view is that the state is the proper authority to generate and distribute electric power. From that point of view, I support the object of the Bill.

"On reading the Bill I find that it is unnecessarily cumbersome. The Government will meet with so many difficulties in administering the Act. There is the Central legislation—the Land Acquisition Act. It applies to the acquisition of immovable property. The general principles of that Act may be applied regarding the service of notice, payment of compensation and other connected matters when the Government take over the electricity undertakings. After all, the intention of the Bill is to give to the licensees full value of their assets. The procedure for acquisition laid down in that Central Act, can be adopted with regard to this piece of legislation also, as it will simplify the whole procedure.

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"I congratulate the Government on giving retrospective effect in clause 3 of this Bill, and they have agreed to give compensation as per the provisions embodied in the Bill to all cases where the Government gave notice for taking over the undertakings before the commencement of this Act.

"I do not find any necessity at all for the Explanation to clause 3. After all the Government enter into a contract with a licensee to acquire his undertaking and at the same time they say that there shall be no obligation on their part to carry out their part of the contract. It is not advisable to introduce such a provision and it will not infuse in the minds of the public confidence about the Government's intentions.

"Clause 19 provides for penalties. There is more or less a contract between the Government and the licensee. When the Government have agreed to pay compensation, and the licensee is agreed to the quantum of compensation, wherein does the question of penalty arise at all? Besides, in clause 18 the Government have taken power to enter into and take possession of records, etc. Therefore I do not find any necessity for penalties in a Bill of this sort.

"Clause 21 embodies the usual provision which has been embodied in almost all recent legislations. It ousts the jurisdiction of the Court to see whether a person has acted *bona fide* or not in the discharge of his duties under the Act. Especially when the Government have taken power to remove any difficulties that may arise in giving effect to this Act in clause 24, I find that there is no necessity to make a provision to oust the jurisdiction of civil courts.

"With these words, I support the Bill."

* SRI S. CHIDAMBARA AYYAR:—"Madam, Deputy Speaker, I rise to support the Bill. Nationalization of electricity undertakings will yield immensely good results in the direction of extending electricity to villages. But it may not be possible for the Government to extend the provisions of this Bill all at once. Therefore it may be necessary to extend the life of some of the companies. In my district, the South Arcot Electric Supply Corporation, of which my hon. Friend, Mr. P. Natesan, is the Managing Director, has done very good service. It has been in existence for the past fifteen years and it has really served well the areas which come within its jurisdiction. But it has not been able to reach the remotest villages of the district. During the past two or three years the demand for extension of electricity has been so great that it is not able to cope with it. The company pleads paucity of funds and want of materials as reasons for its inability to give extension.

"For the past two or three years the company has been demanding a deposit or loan of Rs. 1,000 or 2,000 from every person to whom electric power is supplied. If a person cannot comply with that condition, he cannot get electric power. The imposition of this condition affects the poor people seriously. They

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cannot afford to pay the deposit even though it carries interest. Every agriculturist is at the end of his resources especially in these days of inflation even to purchase an electric motor and to meet his cultivation expenses. Under such circumstances it is not reasonable to expect him to give a deposit or loan of Rs. 2,000. Therefore I would like to impress on the Hon. Minister for Public Works the need for prescribing a condition in the agreement with such licensees as are allowed to continue that they should not demand any deposit or loan. I am glad that my hon. Friend Mr. Natesan is here. He said that the company was in want of funds and that it would be prepared to dispense with the deposit if the Government provided the necessary funds. I think his request is reasonable. The Government can afford to grant a loan so that the poor agriculturist may have the benefit of electric power. This is a suggestion which I want to place before the Hon. Minister for Public Works for consideration.

"There are two or three villages served directly by the Government. The rate charged by the Government is cheaper than the rate charged by the company. This disparity should be removed and the rates made uniform.

"The South Arcot Electric Supply Corporation was started in 1934. In the beginning it was generating power. After the power station at Villupuram has been established, the Government are supplying power to that company. The Managing Director of that company says that they have no power to supply. When we ask the Government for power, they say that they could not help unless the licensee refuses to supply. My submission to the Government is that they should place more power at the disposal of the companies which are allowed to continue.

"With these remarks, I support the Bill."

* JANAB H. S. HUSSAIN:—"Madam, Deputy Speaker, this is a very good measure indeed. By means of this Bill, the Government are taking power to nationalize the electrical undertakings in the Province. This legislation is, I should think, of great national importance. It will produce far-reaching results in course of time. It will change the entire aspect of the country and usher in an era of peace, plenty and prosperity to the millions in this Province. While the Government want to nationalize electrical undertakings and start electrical undertakings themselves in future to serve not only towns and cities but also the rural areas, all of us irrespective of any personal interest that we may have, should support the measure. Whatever may happen to the few vested interests, we should always act in the larger interests of the people as a whole. If it becomes necessary the vested interests should be swept away at whatever cost it may be. We need not bother about the quantum of compensation. If we have confidence in our Government, we can expect that they will be reasonable and just in the matter of compensation. After all the interests of a few do not at all matter much and we need not wax eloquent about capital being shy, capital going

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on strike, labour being affected and all that. One of the biggest problems with which we are faced is the shortage of food. If a measure of this kind is implemented by the Government at the earliest possible moment I know that it will be possible to attain the self-sufficiency target by 1952. As the hon. Gentleman Mr. Viswanatham remarked, it is not difficult to find money for paying compensation. Three and a half crores or five crores are insignificant compared with the revenues of this Province, and the Government can find the necessary funds at any moment. Therefore we need not enter into considerations of trivial nature. We are concerned with a bigger problem. Therefore we must give whole-hearted support to this measure. I feel really proud that the Hon. Minister for Public Works, by piloting this Bill, is really conferring a boon on the teeming millions inhabiting the rural areas of this Province. It is only a question of time. I feel sure that the extension of electricity, coupled with irrigation projects and facilities for irrigation and cottage industries, will change the entire aspect of the country and indeed make the land a veritable paradise. We are concerned with the prosperity of the masses and not of the few vested interests. We know how those electrical undertakings have been conducting themselves. In my district, there is the Mangalore Electric Supply Corporation whose managing agents are in far-off Calcutta. The representations of the people fall on deaf ears. The hon. Gentleman, Mr. K. Ishwara, M.L.A., has got a house about a furlong from the nearest electrical point from where connection could be given. The other day when he wanted a connection to his residence by 4 p.m. an extension over that small distance, what was the reply he received from the company? They said that they had no poles and therefore they could not give the extension asked for. It appears to me that these private undertakings and the public are really poles apart which could never meet. Therefore, Madam, such private undertakings should be put an end to immediately.

"Madam, the other company, i.e., the Udipi Electric Supply Corporation, I understand, is being managed and controlled by somebody here in Madras and the managing agents are quite ignorant of all our grievances there. The other day when the Minister himself visited our place, we made representations to him with regard to that. We have been all along representing our grievances and our demands to the companies, but in vain. Nothing happens. The managing agents and the company are perhaps interested only in making profits and it appears that this profit motive is enough for them. They turn a deaf ear to the public grievances and therefore it is my firm conviction that these public utility undertakings should become the main concern of the Government, especially of the people's Government. Therefore, Madam, I regard this as a very important measure and I give my whole-hearted support to it."

SRI PYDAH VENKATANARAYANA:—"Madam, Deputy Speaker, I welcome this measure because it is long overdue and

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I hope that this measure would go a long way towards the nationalisation of other essential industries. Our people in the villages are in great need of electric energy in order to use it for their agricultural purposes and also for improving their amenities of living and even so in the mufassal towns and cities also, there is a great demand for electrification. Private agencies are unable to meet the needs of the consumers. They are unable to find the necessary funds either by means of raising loans or by way of collecting share capital, nor are they able to replace their old and rotten machinery or develop their present capacity. It is therefore good that the Government have come forward to acquire these public utility undertakings in order to produce more electric energy and to provide more amenities to the people in the country. Since the launching of any great hydro-electric schemes or projects could only be a long-range plan and would involve huge expenditure, for the time being, the improvement of thermal stations is the only possible alternative for increasing the electric supply and for meeting the immediate demands of the province and so, the Government having realized that have now come forward to acquire these private concerns.

“Madam, this Bill has undergone some useful improvements at the hands of the Select Committee, but still, I think, it requires some more alterations and improvements to make it more perfect. Take for instance the three bases, A, B and C for the payment of compensation provided therein. These are, in my opinion, highly complicated and quite unnecessary too. It would have been enough if the Government had provided only one basis, namely, Basis C. Now take for instance basis A. It says that compensation payable shall be an amount equal to 20 times the average annual profits of the undertaking during the period of five consecutive account years immediately preceding the vesting date. I submit, Madam, that in view of the inflationary conditions prevailing during the last five years, these electricity companies would have made bumper profits and if 20 times the average of the profits of the last five years were taken into account the compensation would indeed amount to a very huge figure. But, if, on the other hand, about 15 to 20 years average profit is taken and the compensation calculated on that basis, then I think, the total amount would be much less. That would be a more just method because that would benefit the old and well-established companies, while the present basis would benefit companies which have been recently started and which have made huge profits during the war years.

“Again, Madam, in having three bases, the calculation of compensation would not be of a uniform nature and would involve a lot of additional work and the Government departments would have to face a lot of troubles and difficulties in practically working them out. Basis B states that the compensation payable shall be the aggregate value of all the shares constituting the share-capital of the undertaking, reckoned at its average share value as arrived at from the quotations for the share given in the official

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list of the Madras Stock Exchange on the 15th day of each month. Therefore that requires looking into the figure of the official list of the Madras Stock Exchange and I am sure that many of these shares would not have been regularly quoted in the market reports and many companies would not find a place in that list at all. As regards basis C, Madam, it seems to me that it is better than the other two because even the interest on capital expenditure has been provided for. But, I think this is quite unnecessary, because it is the fault of the licensees themselves not to have created sufficient reserves from the profits of the previous years for purposes of expansion and having frittered away those profits by payment of fabulous dividends, they have now resorted to borrowing from others. The Government need not, in my opinion, pay interest on this capital expenditure. Except that provision, I think, basis C seems to be much better. I would have no objection even if the Government deleted all these three bases and provided only one uniform basis by taking into account the value of the plant and machinery at their current market rates, after deducting depreciation on them on some equitable basis. If compensation is worked on that line, there would be neither any loss to the Government, nor to the private companies.

“Then, Madam, take clause 8 of the Bill. It says every licensee shall within three months of the receipt of an order under section 4 (1), appoint an individual who may be the managing agent or a director of the licensee or any other person to act as his sole accredited representative in connexion with the handing over of the undertaking or the fixed assets to the Government and performing on behalf of the licensee the functions connected therewith. If, in the opinion of the Government, that accredited representative is dishonest or incompetent, the Government shall call upon the licensee to appoint another person in his place. That, Madam, seems to me to be very uncharitable, because this accredited representative, according to clause 14 of the Bill is entitled to differ from the Government and sometimes, he might adopt an adamant attitude in regard to his claim. On that score, the Government might declare him to be either dishonest or incompetent and ask the licensee to appoint another man in his place, if in any case he acts against the wishes of the Government. But, if the company still insists upon having that particular man as its accredited representative, I do not understand why the Government should appoint their own man as accredited representative within six months. In that case, clause 14 would be rendered ineffective, because he would not be in a position to say ‘no’ to whatever the Government might do.

“Again sub-clause (5) of clause 8 says that the remuneration of, and the expenditure incurred by the accredited representative shall be payable from the compensation deposited under this Act and shall have priority over all other debts and liabilities. I submit, Madam, that this provision also requires to be modified.

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“Again, Madam, there is clause 15 (2) dealing with the termination of the managing agency. It says—

“Where the agreement was in force on the 1st November 1949 and continued to be in force until the vesting date, without having been renewed or replaced by a fresh agreement for a further period, the managing agent or managing director shall, for such period of the agreement as may remain unexpired on the vesting date or for a period of two years, whichever is less, be entitled to compensation calculated at the following rate per annum, namely :—

The average annual ordinary remuneration (including purchasing commission and office allowance) to which a managing agent of the licensee would have been entitled under paragraph XIII of the Sixth Schedule to the Electric Supply Act during a period of two complete account years immediately preceding the vesting date.

Who is to see, while the managing agency is terminated, that he does not have an office and that he does not take any purchasing commission, etc. Perhaps, he might engage himself in a small business and earn some money in addition to what he gets by way of remuneration from the Government. I submit, Madam, that there is no need either to pay any purchasing commission or any office allowance, because he need not maintain a separate office and all these expenses should be covered by the compensation deposited under this Act, and it is only after paying all the liabilities of the company, that compensation should be payable to it.

“Madam, in respect of the staff, three months notice has been provided for. I think that it would be better if they are appointed on a monthly basis, without stating any definite period of notice. In respect of staff who had entered into some agreement with the company, the Government must give some compensation or agree to employ them on the same terms and conditions. In the case of the Madras Electric Supply Corporation, the Government have been pleased to retain most of the staff, and so in these cases also, the Government should do their best to retain most of them; and give peace of mind, to those who had entered into their appointment on some contract or agreement. The Government should give some compensation or solatium or something like that, or should assure them that they would be continued on the same terms and conditions.

“With these remarks, Madam, and with the hope that the Government would accept the suggestions I have made, and bring forward suitable amendments to the appropriate clauses, I support the Bill.”

* SRI K. SUBRAHMANYAM:—“Madam, Deputy Speaker, on behalf of the local bodies, I desire to make an appeal to the Hon. Minister to be more generous and sympathetic with regard to the payment of compensation to them. The Coimbatore Municipal Council has already sent a deputation to wait on the Hon. Minister and from the papers, I find that the Mathurai Municipality has also joined in sending a deputation to him. I do not know the exact financial condition of the other municipalities and local boards as such, but I know the condition of the Coimbatore Municipal Council. The net revenue of that municipality out of the electrical undertaking is about Rs. 3 lakhs

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per annum, out of which Rs. 1½ lakhs go to what is termed as consumers fund, and the remainder is utilized towards the general finances of the municipality. So far as municipalities are concerned, the electrical undertaking is considered as a remunerative enterprise. The capital outlay of the Coimbatore Municipality, according to the present book value is about Rs. 12 lakhs, and there is a sum of Rs. 2.89 lakhs as loan repayable to the Government. If the undertaking is to be taken over by the Government, it would result in a loss of Rs. 10 lakhs to the municipality by way of capital assets and above Rs. 1½ lakhs by way of revenue per annum. It will not be possible for the municipality to develop its other sources of revenue and make up this loss in the near future. According to this Bill, it is contemplated that for five years the average net profits will be paid as compensation. The annual revenue derived from electric supply is about Rs. 1½ lakhs, and five years' revenue would come to about Rs. 7½ lakhs, whereas the Government are taking away Rs. 10 lakhs worth of capital assets. I would, therefore, plead with the Government that at least this concern need not be taken over even at the first stage, simply on the ground, it is convenient to do so, and because it is very well managed and it is a profit yielding concern. The same argument would hold good in the case of the Mathurai undertaking also, which I understand is equally working at a profit, yielding about Rs. 4 lakhs of net profit every year. Therefore, Madam, on behalf of these two municipal electrical undertakings, whose condition, I happen to know very well. I earnestly plead that the Government need not immediately put their hands on them for purposes of nationalization and deprive them of their source of revenue, which they would not be able to make good in the near future.

“With these words, Madam, I support the Bill.”

* THE HON. SRI M. BHAKTAVATSALAM:—“Madam, Deputy Speaker, I am very much obliged to hon. Members of the House for the unanimous support they have given to this Bill. I am particularly thankful, Madam, to my hon. Friend Mr. P. Natesan, for the co-operation he has offered to the Government on behalf of private licensees in carrying on, during the transition period, this programme of rural electrification, about which all of us are anxious to speed up. The hon. Mr. Natesan has made certain valuable suggestions for the consideration of the Government in the matter of the management of these concerns and in the matter of help that could be rendered to them, so as to enable them to speed up their programme of rural electrification and I can assure him that the Government would carefully examine these suggestions and see in what way they could help the licensees so long as they continue to be in charge of these undertakings. (At this stage Mr. Speaker resumed the Chair.)

“Another hon. Member made a suggestion that if certain good concerns have to continue for some time, they may be aided by way of loans. I would like to tell this Hon. House that Government have accepted this as a policy, and they have been

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sanctioning loans in cases where they are satisfied that the concern is quite sound, and that the purpose of the loan is for the extension of rural electrification. The hon. Gentleman Mr. Natesan made a reference to the non-availability of posts. It is really a very serious handicap both for this Government and the private licensees. We are not able to get posts. We have been getting posts from the United States of America. But it is not possible to get an adequate supply, and we have already taken up the question of treating wood and utilizing suitable wood for the purpose of these posts. We have already started this work and we have been doing it in co-operation with the Forest Department. It is, no doubt, true that although the Electricity Department has started a section for the treating of wood for the purpose of securing posts, it is not possible to get a sufficient quantity of wood from the forest. But I do hope that it will be possible with the fuller co-operation of the Forest Department to have sufficient quantity of wood which would make posts available both for the Government and for the private licensees. I would like to pay my tribute and the tribute of the Government on this occasion to the daring and enterprising spirit shown by those pioneers who started generating electricity and making it popular among the people who could not then realize the value of electricity. It was those pioneers who extended electricity, and made people realize its value in those days. Now, there is such a great demand for extension of power in the villages. But in those days they had to go round from house to house and ask and beg them to take power. In those days they were not sure how their investment would fare. But they did it in a daring spirit, and we should express our appreciation of the services rendered by these private licensees. I would like to point out, Sir, that even when we have taken over all the private undertakings, still there will be scope for these licensees and for those experienced in this line, to continue their good services in the same line. We, Sir, generate almost all the power that is being distributed. Ninety-nine per cent of the generation is by the Government, and the power that we would be generating even after five years would not be sufficient for the requirements of this Province. Compared to the consumption *per capita* in other countries, our consumption is very poor. We have to go ahead and we must increase the consumption in our Province. We have been looking forward to new sources of hydro-electric power. But even when we take up generation and distribution all over, we are seriously handicapped for want of necessary materials, for want of necessary machinery, transformers, insulators, and several other electrical goods. The work of extension of electricity is seriously hampered. We have still to depend on other countries and even when we are prepared to pay the prices quoted, still we are not able to get them in time, and even if we are able to get them in time, there are the difficulties of exchange. With these difficulties we are struggling. It must be our earnest endeavour and it is the desire of the Government that we should be able to make all these electrical goods and machinery in our

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own country. The Government of India have been proposing to start a large-scale electricity plant, and we have suggested a place in our own Province. But that is an All-India concern, and they will be able to do it. In addition to it, we do require several industries, small scale or large scale, making so many electrical goods that are required for the expansion of electricity in this Province. Therefore, I would suggest to these experienced business men who have been carrying on this electricity business that they should take up manufacturing these electrical goods. There is ample scope for the use of their knowledge, experience and enterprising spirit. I do hope, Sir, that these licensees even when their licences have been cancelled and even when the managing agency has been cancelled, and even when the concern has been liquidated, would continue to serve the people in the same line, and continue to help the Government and co-operate with the Government in making the necessary electrical goods in our own Province.

"I would like to state on this occasion that if we have decided to take over all the electricity concerns, it is not in pursuance of a general policy of nationalizing every thing. I would like to say that it is not even merely in pursuance of taking over all public utility concerns. We are not taking over all public utility concerns. There is no grabbing spirit on the part of this Government. There is no idea of nationalizing everything immediately. But I would like hon. Members to remember that the question of electricity must be considered in a special category. It is not merely a public utility thing, but it is an instrument for the production of wealth. If we look forward to increase the production of wealth in this country, and if we do look forward for the raising of the standard of living of the masses of this country, electricity is a very valuable instrument by which we can achieve that. It is in that spirit the Government have come forward to take over all these concerns and to nationalize these undertakings. It is our endeavour that we should be able to take this valuable instrument to the remotest corner of villages in our Province and to the poorest in the land so that with this aid all the villagers should be able to expand their wealth and contribute to their own economic development. It has been pointed out that the five years' target which we have fixed in the matter of the completion of nationalization is too long. I too agree that it is too long. I do appreciate the expressions of the Members of this Hon. House that we should not wait even for a period of five years for taking over all these concerns, so as to enable all people in the Province to have the benefit of this valuable instrument for the production of wealth. I have already explained the difficulties in the way. We have to find ways and means. I am glad to hear from my hon. Friend Sri Viswanatham that there should be no difficulty in finding the necessary finance. I too do hope that it will be possible for the Government to find the necessary finance so that we can speed up the completion of nationalization and take over all these concerns even before this period of five years. I would like to point out

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that Government are fully conscious that it would not be sufficient if Government take over these concerns and pay for them. They should be able to expand these undertakings so as to take power to the places where they are badly and urgently in need. The hon. Member Mr. Anwar referred to the impatience of the people in North Arcot. As he said, I am personally aware of it. They have so far rather been poorly catered. They are anxious that we should take over these concerns and take electricity to them. I am fully aware of the feelings there, and we shall see that wherever undertakings have not been satisfactorily catering to the people in the villages, they are the first to be taken over. I would also endeavour to speed up this process of nationalization, and I do hope we should be able to complete this nationalization in a shorter period. But I would once again assure those concerned that as soon as we pass this Bill into law, we shall examine the whole position and we shall announce our programme so that even if there should be an element of uncertainty, that uncertainty is reduced to the maximum extent possible.

"The basis of compensation is the main provision in this Bill. It was criticized at the first reading stage. Again my hon. Friend Sri Viswanatham criticized on principle that we should not have changed the original basis of compensation provided in the Act of 1910. As I have pointed out before, the term 'market value' it is very difficult to interpret correctly. That was one reason why we decided to change the basis of compensation and to amend the provisions in the Act of 1910. On the other hand more than one hon. Member in this House has suggested that we, the Government, are now erring on the side of liberality. I am rather inclined to accept this view. As I said before, the provisions for compensation in the present Bill are liberal and equitable, and more than equitable. If the hon. Gentleman Mr. Natesan, who is the accredited representative of the licensees' association, should express satisfaction with the provisions in the Bill for compensation, I need not argue at length on the reason, equity and liberality behind these provisions.

4-30
p.m.

"Sir, one hon. Member—I think it was Mr. Ibrahim or Mr. Pydah Venkatanarayana—suggested that we need not have these provisions regarding compensation which he termed as 'cumbersome' and that it would have been sufficient to have only one basis, viz., basis C. But I would like to say, Sir, that we have thoroughly discussed this question of compensation with the Government of India whose concurrence we have secured and after a thorough and elaborate discussion of the various aspects of this legislation we have fixed up these three modes of compensation which provide for the choice by the licensees of any one of them. I should again maintain that this provision is quite liberal and even more liberal than what it should be. Therefore, it is rather too late in the day to harp on this principle of adhering to an original provision in an old Act and to harp upon this theory of adhering to the market value and so on. We have been changing many provisions and even regarding this question of market value even the Government of India have also agreed to

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change that basis and it is with their concurrence that we have provided for these clauses regarding compensation in the Bill. (Interruption.) There is no question of adhering to the terms of the contract and even on the question of contract the legislature is the sovereign body. If after a contract is entered into, it should not be changed on any account, there could not be any legislation on so many subjects, and long ago, as my Hon. Friend the Finance Minister reminds me, there was the Agriculturists' Debt Relief Act which has been passed and accepted. (Interruption by Mr. T. Viswanatham.) A contract is a contract whether it is with Government or a private party.

"Sir, Mr. Majid referred to the management of the Madras Electric Supply Corporation. I am sorry to say that he has been absolutely misinformed. It is not correct to say that there is inefficiency nor is it correct to state that the cost has gone up. I am prepared to establish to the satisfaction of any hon. Member of this House including Mr. Majid that we have shown greater efficiency since we have taken over the Madras Electric Supply Corporation. New connexions are on the increase month by month and I could also maintain that the cost has not gone up commensurate with the expansion of the business.

"Mr. Hydross suggested that Government could take shares in some of the concerns and carry on, but as I have already explained, the main principle behind this legislation is that Government should be able to take over all these concerns which generate and distribute electricity so as to be able to launch on a rapid programme of expansion of electricity.

"Lastly, Sir, Sri Subramanyam put in a plea on behalf of the municipalities. I must here point out that the concerns managed by the municipalities only distribute power which is supplied by the Government and it is not an invariable source of revenue for all municipalities. It is only a few municipalities that have been enjoying this source of revenue. I have explained more than once why Government are unable to make an exception in the matter of acquisition of undertakings so far managed by the municipalities. But as I have explained in the morning, we have improved the provisions relating to compensation at the Select Committee stage. Sri Subramanyam made a suggestion that we need not be in a hurry to take over some of these well-managed municipal undertakings even in the first batch. I could tell him that I would consider that suggestion. Although there are advantages in taking over these concerns, I would say that we could put it off for some time. On the other hand, there are also municipalities which have been managing these electricity undertakings which pressed the Government to take over and we have taken over one such undertaking from a municipality. But we are not going to take over all these concerns immediately and, therefore, we could consider the suggestion that we might put off taking over some of the municipal undertakings for some time. With these words, Sir, I would commend this motion for the unanimous acceptance of this House."

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MR. SPEAKER:—"The question is—

'that the Report of the Select Committee on the Madras Electricity Supply Undertakings (Acquisition) Bill, 1949, be taken into consideration at once.'"

The motion was carried.

Clauses 1, 2, 3 and 4 were put and carried.

Clause 5.

MR. SPEAKER:—"The motion is—

'that clause 5 do stand part of the Bill.'"

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

'that in clauses 5 (2) (a) and (b), for the words and figures "before the 31st March 1946," substitute the words and figures "on or before the 31st March 1946".'"

MR. SPEAKER:—"The question is—

'that in clauses 5 (2) (a) and (b), for the words and figures "before the 31st March 1946," substitute the words and figures "on or before the 31st March 1946".'"

The motion was carried.

Clause 5, as amended, was put and carried.

Clauses 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 were put and carried.

Schedules I and II were put and carried.

The Preamble was put and carried.

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

'that the Madras Electricity Supply Undertakings (Acquisition) Bill, 1949, as amended, be passed into law.'

"Sir, once again, I thank the House for the support they have given to this legislation."

MR. SPEAKER:—"The question is—

'that the Madras Electricity Supply Undertakings (Acquisition) Bill, 1949, as amended, be passed into law.'

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

(5) THE MOTOR VEHICLES (MADRAS AMENDMENT) BILL, 1949.

MR. SPEAKER:—"This is a small Bill."

* THE HON. SRI B. GOPALA REDDI:—"A non-controversial Bill, Sir. I beg to introduce the Motor Vehicles (Madras Amendment) Bill, 1949, and move—

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

"Sir, last year, the Government took powers to entertain appeals over the orders of the C.R.T. Board and under section

* Published in the Fort St. George Gazette, dated 1st November 1949.

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64-A of the Motor Vehicles Act, 1939, a large number of applications are pouring in before the Government. The Government have thought that some fee must be levied to see that no unnecessary and frivolous applications come in before them. Therefore, this Bill gives powers to the Government enabling them to levy a fee before appeals over the orders of the C.R.T. Board are entertained by them. Though the amount has not been mentioned in the Bill, it will be something about Rs. 50."

MR. SPEAKER:—"The question is—

'that the Motor Vehicles (Madras Amendment) Bill, 1949, be taken into consideration at once.'"

The motion was carried.

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

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

'that the Motor Vehicles (Madras Amendment) Bill, 1949, be passed into law.'

MR. SPEAKER:—"The question is—

'that the Motor Vehicles (Madras Amendment) Bill, 1949, be passed into law.'

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

(6) THE MADRAS VILLAGE PANCHAYATS BILL, 1949—cont.

MR. SPEAKER:—"Mr. Kameswara Rao will now continue his speech on the Village Panchayats Bill. I must remind the hon. Member that on Saturday he has taken about 15 minutes."

* SRI A. KAMESWARA RAO:—"Sir, yesterday I was stressing the need for organizing summer schools and study circles for the adult voters. I think, Sir, to organize such schools and study circles, it is necessary that some fund must be allotted. Every time any good work has to be done money is needed by the Government and, especially, my Hon. Friend the Finance Minister is very anxious to fill the treasury and is trying to bring forward taxation measures. I would only like to say that without the introduction of progressive taxation, you cannot fill your treasury and you cannot use any money for better purposes in a more liberal way. That apart, in this Bill I would give a few more suggestions to the Hon. Minister. When this Bill becomes law and comes into force, I do not see there is any necessity for these district boards. When all the power is vested in the villager, the panchayat boards can be directly attached to the Inspector of Local Boards and I think the existence of the district boards will be superfluous. So, I hope these boards will be abolished soon and a Bill to the effect will be brought forward early.

"Then, Sir, I would like to plead for the unfortunate people, Rajakas, men who wash the clothes of the people in the villages. They belong to a backward community which has been looked

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down but which has been doing good service to the village people at large. When a mother feels it difficult to wash the clothes of her children, these people clean all the dirty linen that is put to them. Thus they are doing great service but they are denied all facilities in the villages. The Hon. Minister for Local Administration, Mr. Chandramouli, himself knows the difficulties and the wants of these people because he has been closely in touch with this community and their organization.

4-45 p.m. "Of course, they have been demanding that at least a tank or some tanks in the village must be left to that community so that they may be able to use them exclusively for themselves. That is not the case at present. Now they are charged Rs. 3 or Rs. 4 or Rs. 6 as profession tax and are allowed to use the tanks, but not exclusively for themselves. Now they want that some tanks must be allotted to them to be used exclusively by them. So, if some sort of provisions are included in this Bill in this regard, I will be very glad. I hope the Hon. Minister is already aware of this fact, because a memorandum has been submitted to him by the Andhra Rajaka Seva Sangam.

"As regards the 12½ per cent of the total land revenue including the water cess to be given to these panchayats, I have not been able to understand the reason why dry as well as wet areas are treated alike. In a dry area, if even 25 per cent is given, it will be far too less. I would suggest that some distinction must be made between dry areas and wet areas, where the land cess as well as the water cess is more. In dry area, especially in backward areas like the Rayalaseema, the village panchayats will suffer heavily. I would request the Hon. Minister to consider these points and see if he can raise this amount in the case of dry areas to 25 per cent or 30 per cent.

"Then, about the powers of the Government to supersede the panchayat boards and the President, I wish to say one thing. The President is to be elected by the general vote of the willing voters of the village. Therefore it is necessary that the President must have some powers, and he should not be treated as he has been treated hitherto. Supersession of these boards has become rather a plaything. When once some gentleman at the bottom or at the top takes to his head to supersede a particular board it is done so easily without showing much cause. So, Sir, there must be some sort of protection to the President who is elected by the general vote of the people. Even supposing the board is superseded, the President must be allowed to function till new elections are conducted, and a Special Officer should not be appointed following the supersession of the board as done under present rules. If the President misbehaves or his conduct is bad, he may be removed; but so long as he is a good man—elected by the people—this protection must be afforded to him.

"Then, Sir, as regards the taxes that are to be collected by the village panchayat, lot of things are included here, viz., fisheries, the management of ferries and so many other clauses are included here. As I have previously said, supposing there

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is a pond or tank, which is close to the cheri or the Harijanawada, the Harijanawada people must be free to derive the benefits out of the fish caught from these small ponds. As much of these things as possible must be excluded from taxation.

"We must remember, Sir, that we are here as people's representatives and we must look to the benefits of the poor and unhappy have-nots, who, due to the social structure of this country, are below the average in the economic sphere. Unless we make special provisions and see that these unfortunate have-nots, the down-trodden Harijans and other communities are given special facilities, we are not worth ruling the country; because we will be doing a great injustice to these poor people. In view of the fact that adult franchise is coming in shortly, we may be thrown out at any moment if these people do not want us and wish to throw us out. I think some provisions must be added in view of these. The Hon. Minister is a large-hearted gentleman who has won the hearts of many poor people in the district as well as in the Province as head of the Provincial Congress Committee, of the District Board and in various other capacities as public worker. I hope he will go into these provisions very carefully and see if he can even at this late moment include some of these provisions which would protect the poor and the unhappy people. With these words, I commend the Bill."

MR. SPEAKER:—"No more amendments will be received for this Bill hereafter."

HON. MEMBERS:—"Sir, we have some more amendments. We want time till to-morrow."

MR. SPEAKER:—"Let me tell the House that I want the Bill to be finished by to-morrow. As some hon. Members want time to send in their amendments, I fix to-morrow 11 o'clock as the last date for receipt of amendments in the Legislature Office. I now allot 15 minutes as the time-limit for hon. Members."

* SRI G. SANYASI RAO:—"అధ్యక్ష, గ్రామ పంచాయితీ బిల్లు pass చేయడం ఎంతో ఆంశ్యమైనప్పటికీని ఇప్పటికైనా ప్రభుత్వంవారు దానిని ఈ శాసన సభామండలమునకు ప్రతిపాదించినందులకు చాలా సంతోషము. ఈ శాసనమునకై ప్రజలందరుకూడ చాలా ఉత్సాహముతో ఎదురుచూచుచున్నారనుట సభ్యులందరికీ తెలిసినటువంటి విషయమే. జమీందారీ రద్దు బిల్లు ఎంత ముఖ్యమో ఈ గ్రామ పంచాయితీ బిల్లుకూడ అంత ముఖ్యమైనటువంటిది. మనకు స్వరాజ్యము వచ్చిన తరువాత ముఖ్యంగా ఈ గ్రామ పంచాయితీ బిల్లు ఇతర అన్ని శాసనములకంటే అత్యవసరమైనటువంటిది. ప్రభుత్వంవారు ఎన్ని శాసనములు చేసినప్పటికీ, ఎన్ని సమస్యలు కలుగజేసినప్పటికీ, వాటిని ప్రజలు వెంటనే గుర్తించలేరు. కాని గ్రామ పంచాయితీ శాసనమును pass చేసినట్లయితే ప్రభుత్వంవారి సహజేశములు ఈ గ్రామ స్వరాజ్యము వచ్చిన పిమ్మట గ్రామములలోని ప్రజలకు బాధపడగలవు. కాబట్టి ఈ గ్రామ పంచాయితీ బిల్లులో సూచించిన సంస్కరణలను సభ్యులు సూచించేడి సవరణలను ప్రభుత్వంవారు సాధ్యమైనంత త్వరలో అమలు జరిపినట్లయితే గ్రామములకు నిజమైన ఉపకారము జరుగగలదని మనవిచేస్తున్నాను.

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“గ్రామ పంచాయితీలకు వెసిడెంటును ఎన్నుకొనుటకుగాను ఉండవలసిన అర్హతలు చూచినట్లయితే నిశానిధారులకుగానూ అధ్యక్ష పదవికి నిలబడే అవకాశాలు ఉన్నట్లు కనుబడుచున్నది. గ్రామ పంచాయితీలకు యిచ్చిన అధికారములు, వాధ్యతలు సక్రమముగా నిర్వహించవలయునను నట్లయితే, అధమం మాతృ భాషలోనైన అధ్యక్షునకు ఖక్కని పరిజ్ఞానము ఉండవలెనని తలచుచేయుచున్నాను.

“పంచాయితీలను Class I, Class II అని విభజించినారు. 5,000 జనాభా కలిగి, రూ 10,000 రాబడి ఉన్నటువంటి గ్రామములను Class I గ్రామములనే తరగతి క్రింద చేర్చియున్నారు. కొన్ని పెద్ద గ్రామములలో 5,000 జనాభా ఉండవచ్చును గాని రూ 10,000 రాబడి గలవి చాల తక్కువ. గ్రామ పంచాయితీల ఆదాయము ముఖ్యంగా ఆయా గ్రామములలో చెల్లింపుబడి భూమి శిస్తులైన ఎక్కువగా ఆధారపడి ఉంటుంది. మెట్ట జిల్లాలైన దత్తమండలాలు (Ceded districts) మా విశాఖపట్నం జిల్లా మొదలైన ప్రాంతాలలో భూమి శిస్తు తక్కువగా ఉండే కారణంచేత పంచాయితీల ఆదాయము తక్కువగా ఉంటుంది. కాబట్టి పంచాయితీ ఆదాయము రూ 10,000 లకు బదులు రూ 5,000 లు రాబడి అన్నట్లయితే బాగుండుందని నా సలహా.

“గ్రామ పంచాయితీలకు ఈ చట్టప్రకారము ఎక్కువ అధికారాలు, వాధ్యతలు కలుగజేయబడుచున్నవి కనుక గ్రామ అధికారులు అదనపు వనరులు చేయవలసివస్తుంది. అందుకుగాను వారికి హెచ్చు జీతమును ఇవ్వవలెనని నా సలహా. ఇదివరలో procurement మొదలైనవి విషయములలోకూడ వారికి హెచ్చు పని కలుగజేయబడినప్పటికీ జీతము అభివృద్ధి చేయబడలేదు. ఇందుకు వారు చాలా గోలపెడుతున్నారు. ఈ గ్రామ పంచాయితీ చట్టాన్ని అమలు జరుపడంలా చాలా వాధ్యత ఆయా గ్రామాధికారులపైకూడ పడుతుంది, కాబట్టి ప్రభుత్వంవారు వారి కష్టాలను గమనించి, వారి జీతాలను హెచ్చించాలని మరల ముగిచి చేస్తున్నాను.

“Executive Officer లకు యివ్వదలచిన అధికారాలు చాలాజాస్తిగా ఉన్నవని అప్పుడే గ్రామాలలో విమ్మ చేయబడుతుంది. కాబట్టి Executive Officer ల అధికారాలు తగ్గించవలెనని మనః చేస్తున్నాను. అంతేకాకుండా Executive Officer లు పంచాయితీవారు ఆమోదించిన తీర్మానములను, కేసిన సలహాలను పాటించాలని తదనుగుణంగా ప్రవర్తించాలని ప్రభుత్వంవారు కొన్ని సవరణలను చేయవలసినదని కోరుచున్నారు. Executive Officer లే కాకుండా పంచాయితీలోని తాబేదార్లుకూడ పంచాయితీ President యొక్క సభ్యులయొక్క ఆదేశానుగుణంగా పనిచేయాలని సవరించినట్లే చే బాగుంటుంది. అంతేకాకుండా ఈ ఉద్యోగస్తులను transfer చేయడము, dismiss చేయడమునకు సంబంధించిన అధికారములు పంచాయితీవారికే ఉండవలెను. అటువంటి చర్య తీసుకొనవలసినవచ్చినప్పుడు పంచాయితీ బోర్డువారు సమావేశమై తగినంత చర్యచేసి న్యాయమైన చర్యయేమో నిర్ణయం చేయవలెను. దానిని అనుసరించే Executive Officer పని చేయవలెననెడి నిబంధన ఈ బిల్లులో చేర్చవలసిన సేన కోరుచున్నాను.

“గ్రామ పంచాయితీలలో ఉన్నటువంటి రోడ్లు మొదలైన ఇతర రహదార్లును మరమ్మత్తు చేయించుట చాల ముఖ్యమైన విషయం. ఇటువంటి పనులు చేయించుటకు ఈ పంచాయితీలకు తగినంత రాబడి ఉండవలెను. కాని Class II పంచాయితీలలో రాబడి భూమి శిస్తులో నూటికి 12½ per cent మాత్రమే నిర్ణయముచేసినారు.

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ఇది చాల తక్కువ. గ్రామ పంచాయితీలను అభివృద్ధిచేయడంలా ప్రభుత్వంవారి ఉద్దేశం గ్రామస్తులకు హెచ్చు సదుపాయములు కలుగజేయుటకొరకేనని మనకందరకు తెలిసిన విషయమే. కాని ఇట్టి సదుపాయములను కలుగజేయుటకు పంచాయితీకి తగినంత ఆదాయం ఉండవలెను. లేనిచో పనులు సక్రమంగా జరుగవు. గ్రామ పంచాయితీ ఆదాయం ముఖ్యంగా land revenue మీద ఆధారపడి ఉంటుంది. ఈనాడు land revenue ఆదాయము చాలా తక్కువగా ఉన్నది. ఈ ఆదాయములో 12½ per cent మాత్రమే పంచాయితీలకు యిస్తానంటే అది సక్రమంగా పనిచేయజాలవు. కాబట్టి 12½ per cent కు బదులు రూపాయకు పావలావంతున అయినను పంచాయితీలకు ఇప్పించవలసిందని నాకోరిక.

“గ్రామాలలో ఇప్పుడు నిశానిధారులు చాలా ఎక్కువ. పంచాయితీల పరిపాలన సక్రమంగా కొనసాగింపబడాలంటే వారిని అక్షరాస్యులగా చేయడం ముఖ్యము. కాబట్టి సాధ్యమైనంత త్వరలో అనగా 1, 2 సంవత్సరాలలో వయోజన విద్యా కేంద్రాల (Adult Education Centres) ద్వారా గ్రామీణులకు చదువను, వ్రాయను నేర్పించవలసిందని, కొంత డబ్బు ఖర్చుచేసి గ్రామాలలో రాత్రి పాఠశాలలను ఏర్పాటు చేయవలసిన సేన ఆశిస్తున్నాను.

“గ్రామాలలో పారిశుధ్యము చాలా తక్కువగా ఉంటుంది, పెద్ద ఉద్యోగస్తులు గాని మంత్రులుగాని గ్రామాలకు పోయినట్లైతే వాళ్ళకు ఇంట్లముందు వీధులలో వెంట పోగులే ఎక్కువగా ప్రతినోట కనిపిస్తూ ఉంటాయి. ఈ పోగులను తీయించి పరిశుభ్రం చేయించే అవకాశాలు గ్రామ ప్రజలకు తక్కువ. కాబట్టి పోగుబయట అందులకుగాను స్థలములను కేటాయించవలెను.”

MR. SPEAKER:—“శ్రీ continue చేయండి.”

The House adjourned to meet again at 11 a.m. the next day.

[19th December 1949]

APPENDIX I.

[Vide answer to starred question No. 235 asked by Janab Muhammad Raza Khan at the meeting of the Legislative Assembly held on 19th December 1949, page 222 supra.]

Hon. Ministers.	Number of days Hon. Minister was on tour outside Madras in October 1949.	Amount of Travelling Allowance drawn by each Hon. Minister during October 1949.
		RS. A. P.
Hon. Premier	13 days ..	345 9 0
Hon. Minister for Public Health.	17 days ..	998 6 0
Hon. Minister for Public Works.	14 days ..	768 8 0
Hon. Minister for Finance.	10 days ..	448 5 0
Hon. Minister for Education and Law.	20 days ..	1,080 9 6
Hon. Minister for Land Revenue.	6 days ..	437 12 0
Hon. Minister for Agriculture.	14 days ..	730 4 0
Hon. Minister for Local Administration.	8 days ..	693 9 0
Hon. Minister for Rural Development.	10 days ..	903 7 0
Hon. Minister for Prohibition.	9½ days ..	768 3 0
Hon. Minister for Industries.	11 days ..	829 5 0
Hon. Minister for Food and Fisheries.	18 days ..	1,249 7 0

APPENDIX II.

[Vide answer to starred question No. 237 asked by Sri B. S. Murthi at the meeting of the Legislative Assembly held on 19th December 1949, pages 223-224 supra.]

Compulsory savings by Government servants through subscription to provident funds and emergency cut in pay for certain classes of Government servants.

The Governor-General has decided to impose an emergency cut in pay on officers under his rule-making control who are in receipt of a pay of Rs. 3,000 or above; and to introduce a scheme of compulsory savings for those in receipt of lower pay.

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2. These orders apply to the categories of Government servants specified below, and will have effect from pay for duty performed after the 31st October, 1949, i.e., from pay or leave salary drawn on the 1st December 1949, and until the end of February 1952; i.e., including pay or leave salary drawn on the 1st March 1952:—

(a) Officers initially appointed by the Secretary of State or by the Secretary of State in Council, and who have continued in service after the 14th August 1947, whether in connection with the affairs of the Dominion or of a Province;

(b) Officers on contract whose contract prescribes the rate of pay so that it is subject to variation according to rules that may be in force for the time being, or otherwise permits of a compulsory cut or compulsory deduction as savings, as the case may be;

(c) Officers and staff of the Railways; and

(d) All other Central Government servants (Civil, Defence and Posts and Telegraphs)

(i) whether in permanent or temporary service, for purposes of the emergency cut in pay; and

(ii) for purposes of compulsory savings, all those in permanent service, and those in temporary service who have completed one year's service.

NOTE.—Officers of non-Asiatic domicile will be exempt from these orders.

Cut in pay.

3. During the period specified in paragraph 2 above

(a) an officer whose pay is Rs. 3,000 or above will be subject to a cut of Rs. 250 per month plus one-fourth of the excess of pay over Rs. 3,000 per month; provided that the pay of any officer which exceeds Rs. 2,750 per month but does not exceed Rs. 3,000 per month will also be reduced to Rs. 2,750 per month.

(b) the cut will apply to an officer who is on leave, on deputation, or on foreign service;

(c) when the emoluments received by a re-employed pensioner in a post in which he is re-employed are drawn partly in the form of pay and partly in the form of pension, pension shall be treated as part of pay or leave salary for purposes of the emergency cut; and

(d) Officers whose pay is Rs. 3,000 and above will not be required compulsorily to subscribe to a Provident Fund under the orders in paragraph 5 below but this will not affect their obligation to do so under the existing rules of the Funds.

4. In the case of an officer whose pay is Rs. 3,000 or above

(a) the amount representing a proportion of his pay which he is required or permitted to subscribe to any government provident fund or contributory provident fund under rules governing the fund, shall be calculated, as he may in any month elect,

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either on his pay or his reduced pay, and intimation by the Government servant in his pay or leave salary bill shall be sufficient notice of his election;

(b) the amount of any contribution or gratuity calculated with reference to his pay which Government is required or permitted to pay to his credit under the rules of any contributory provident fund shall be calculated with reference to his pay without the emergency deduction.

Compulsory savings.

5. (1) During the period specified in paragraph 2 above, every Government servant specified therein whose pay exceeds Rs. 250 per month shall subscribe to the I.C.S. Provident Fund, the Railway Provident Fund, the Contributory Provident Fund (India), or to the General Provident Fund, as the case may be, at the following rates:—

<i>Pay or leave salary (or the total of both).</i>	<i>Rate of subscription.</i>
Rs. 251 to Rs. 500	One and a half annas in the rupee.
Rs. 501 to Rs. 1,000	Two annas in the rupee.
Rs. 1,001 to Rs. 2,000	Two and a half annas in the rupee.
Rs. 2,001 to Rs. 3,000	Three annas in the rupee.
Rs. 3,001 and above	Three and a half annas in the rupee.

(2) An officer whose pay exceeds Rs. 2,750 but does not exceed Rs. 3,000, and whose pay is reduced to Rs. 2,750 under the orders in paragraph 3 above, will be permitted to reduce his subscription (as calculated on the pay before reduction) to a Provident Fund under these orders by the amount by which his pay is reduced.

(3) Any Government servant, to whom these orders apply, and who is not eligible to subscribe to any government provident fund under the existing rules, will subscribe to the General Provident Fund.

(4) These orders apply to an officer who is on leave, on deputation, or on foreign service.

6. (1) The minimum rates of subscription specified in paragraph 5 above are inclusive of any sums which a Government servant may already be subscribing.

(2) These subscriptions will be to existing Provident Funds, and will be governed by the rules of those funds in all matters.

7. When a Government servant subscribes to the Contributory Provident Fund (India) or any other Contributory Provident Fund, the amount of Government contribution will not be increased beyond what is admissible under the existing rules.

8. These orders should be followed with immediate effect, without waiting for formal amendment of the Provident Fund Rules. All subordinate authorities should please be informed immediately. Spare copies of this Office Memorandum will be sent to Ministries.

[19th December 1949]

APPENDIX III.

[Vide item IV at page 228 supra.]

Draft amendments to the Madras General Sales Tax (Turnover and Assessment) Rules, 1939.

In the said rules—

(1) to rule 5-A, the following shall be added as sub-rule (10), namely:—

“(10) Where a certificate of registration granted under these rules is lost or accidentally destroyed, a duplicate of the certificate may be issued by the assessing authority on payment of a fee of eight annas.”

(2) in rule 18—

(i) for sub-rule (3), the following sub-rule shall be substituted, namely:—

“(3) Every such manufacturer shall, not later than the last day of every month, submit a statement in Form A-9 to the registering authority in respect of the transactions relating to the previous month.”

(ii) in sub-rule 3 (A), for the portion beginning with the words “if any such manufacturer submits” and ending with the words “particulars required by that sub-rule”, the following shall be substituted, namely:—

“If any such manufacturer submits the statement in Form A-9 referred to in sub-rule (3) after the last day of the month or if he omits to furnish any of the particulars required by that Form.”

(3) in Form A, for column (6), the following columns shall be substituted, namely:—

“(6-A)

“(6-B)

Turnover and description of each class of goods exempt from the tax.

Turnover and description of goods in respect of which a rebate of one-half of the tax levied is allowed under section 7.”

(4) in Form A-2, for the sentence beginning with the words “The tax for the month preceding the date of this notice/The tax for the first three quarters of the year 1947-48” and ending with the words “as provided in section 15 of the Madras General Sales Tax Act, 1939”, the following shall be substituted, namely:—

“The tax for the months preceding the date of the notice/The tax for the first three quarters of the year 1947-48 and the tax for the months of the last quarter preceding the date of this notice shall be paid within 21 days from the date of service of this notice.

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The tax for the current month shall be paid within 21 days from the date of service of this notice or before the 10th day of the next month whichever is later and the tax for each of the remaining months before the 10th day of the succeeding month by money order to the undersigned

by cheque in favour of the undersigned

by remittance into the Government treasury at.....

to the headman of.....

to the tax collector

failing which the amounts will be recovered as if they were arrears of land revenue and you will be liable to fine as provided in section 15 of the Madras General Sales Tax Act, 1939."

- (5) in Form A-3, for column (6), the following columns shall be substituted, namely:—

(6-A)	(6-B)
Turnover and description of each class of goods exempt from the tax.	Turnover and description of goods in respect of which a rebate of one-half of the tax levied is allowed under section 7."

- (6) after Form A-8, the following form shall be inserted, namely:—

" FORM A-9.

APPLICATION FOR REBATE UNDER RULE 18 OF THE TURNOVER AND ASSESSMENT RULES—[See RULE 18 (3)].

To
The Assessing Authority.

Sir,
I/We..... registered manufacturers of groundnut oil at..... request that I/we may be granted a rebate of tax under Rule 18 of the Madras General Sales Tax (Turnover and Assessment) Rules, 1939, in respect of the sale of oil manufactured by me/us, particulars of which are given below:—

- 1 Quantity of groundnut reduced to kernel and/or kernel purchased
- 2 Purchase rate
- 3 Total purchase price
- 4 Quantity of oil manufactured
- 5 Quantity sold out of that in column 4
- 6 Rate at which sold
- 7 Total sale value
- 8 Amount of tax paid
- 9 Quantity of kernel required to yield the oil in column 5
- 10 Turnover on which rebate to be allowed (column 9 × column 2)
- 11 Amount of rebate claimed

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NOTE.—(1) Reduce groundnut into kernel as per the following table:—

143 lb. of groundnut is equivalent to 100 lb. of kernel.

100 lb. of kernel is equivalent to 40 lb. of oil.

500 lb. of oil is equivalent to one candy.

(2) In column 1, quantity purchased in the month and if no purchase, is made in the month, that made in the last preceding month should be quoted.

(3) Give reasons if the amount in column 10 should exceed that in column 7.

(4) The return should be submitted not later than the last day of every month in respect of the transactions relating to the previous month."

(7) in Forms B and B-2 the words "who will call for it" occurring after the words "to the tax collector" shall be omitted.

APPENDIX IV.

[Vide item V (4) at page 255 supra.]

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

The Select Committee appointed to consider the Madras Electricity Supply Undertakings (Acquisition) Bill, 1949 (L.A. Bill No. 32 of 1949), has the honour to make the following report.

2. This Bill was published in English in an Extraordinary issue of the *Fort St. George Gazette*, dated the 1st November 1949.

3. The Select Committee was appointed on the 24th November 1949.

4. The Select Committee met altogether for three days, viz., 6th, 7th and 8th December 1949, and subjected the provisions of the Bill to a careful scrutiny.

5. The following are some of the most important changes effected by the Select Committee:—

(1) In clause 5 (2), Basis B, the Select Committee decided that in fixing the value of each share, a private transaction in such shares which did not find a place in the official share market list and the Madras Share Market quotations should also be taken into consideration.

(2) In clause 5 (3) (ix) (a) the Committee raised the solatium to be paid to a licensee licensed under Part II of the Electricity Act on account of the book value of all works in progress handed over to the Government excluding works paid for by consumers or prospective consumers, to 10 per cent instead of 5 per cent as originally proposed in the Bill.

The Committee also deleted the proviso which stated that the book value of any asset should not in any case exceed the original cost as shown in the books of the undertaking.

(3) In clause 6 (1) the Select Committee increased the compensation to be paid to a licensee who was a local authority, to an amount equal to the profits of the undertaking during the five account years immediately preceding the vesting date instead of three account years as stated in the original Bill.

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(4) In clause (1), the Select Committee proposed that only one person should be appointed as the sole and accredited representative of a licensee and should be elected by the General Body of the undertaking at a meeting specially convened for the purpose.

(5) In regard to clause 12, the Committee came to the conclusion that the compensation amount should be paid into the hands of a Special Officer to be appointed by the Government instead of into a Court. It also provided for an appeal from his decision to a Court.

In regard to clause 12 (5), the Committee decided that the balance of the amount of compensation should be paid within one year after the amount of compensation had been estimated and that interest should be paid on the balance due at 3 per cent per annum, from the date of the first payment.

(6) In regard to clause 15, the Committee was of the opinion that the Managing Agents whose period of Managing Agency terminated earlier than the period stipulated in the agreements, should get some compensation. Therefore, it was decided that they should be paid two years' remuneration in case the unexpired portion of their agreements came to two years and more, and in other cases the remuneration for the exact period of the unexpired portion.

6. The other changes made in the Bill are shown in the Bill as amended. It was not considered necessary to refer to them in detail.

7. The Committee decided that it was not necessary to republish the Bill.

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

FORT ST. GEORGE,
9th December 1949.

M. BHAKTAVATSALAM,
Chairman.

ANNEXURE.

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

L.A. BILL No. 32 OF 1949.

(As amended by the Select Committee.)

A Bill to make provision for the acquisition of undertakings in the Province of Madras supplying electricity.

WHEREAS it is expedient to make provision for the acquisition of undertakings in the Province of Madras engaged in supplying electricity; It is hereby enacted as follows :—

1. (1) This Act may be called the Madras Electricity Supply Undertakings (Acquisition) Act, 1949.

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

(3) It shall come into force at once.

2. (1) In this Act, unless there is anything repugnant in the subject or context—

(a) 'account year' means the licensee's financial year;

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(b) 'accredited representative' means the person who is or is deemed to be the sole and accredited representative of the licensee in pursuance of an appointment made under section 8.

(c) 'annual account' means the account of the undertaking rendered to the Government annually under and in accordance with the Electricity Act, or where no such account has to be rendered under that Act, the account of the undertaking normally made up for the account year of the undertaking and audited by a certified auditor;

(d) 'document' in relation to an undertaking, includes its books, accounts, registers, maps and plans;

(e) 'Electricity Act' means the Indian Electricity Act, 1910;

(f) 'Electricity Supply Act' means the Electricity (Supply) Act, 1948;

(g) 'fixed assets' includes works, spare parts, stores, tools, motor and other vehicles, office equipment and furniture;

(h) 'Government' means the Provincial Government;

(i) 'intangible assets' means any amount paid on account of goodwill, under-writers' commission and such preliminary and promotional expenditure shown as a debit in the capital account of the undertaking, as has fairly arisen in promoting electricity supply;

(j) 'licensee' means a person, licensed under Part II of the Electricity Act to supply electrical energy, or a person who has obtained sanction under section 28 of that Act to engage in the business of supplying electricity;

(k) 'prescribed' means prescribed by rules made under this Act;

(l) 'vesting date' means, in relation to an undertaking, the date fixed under section 4, sub-section (1); as the date on which the undertaking shall vest in the Government or in case the undertaking was taken over by the Government before the commencement of this Act, the date on which it was taken over;

(m) 'works' includes electric supply lines and any lands, buildings, machinery or apparatus, required to supply energy and to carry into effect the objects of a licence or sanction for the supply of electricity, granted under the Electricity Act;

(n) other expressions shall have the meanings respectively assigned to them in the Electricity Act or the rules thereunder.

(2) Any reference in this Act to the vesting of an undertaking in the Government shall, in the case referred to in

Short title,
extent and
commence-
ment.

Definitions.

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section 7 (2) (a), be construed as a reference to the vesting in the Government of the property, rights, liabilities and obligations specified in that section.

Application
of Act.

3. (1) This Act shall apply to all undertakings of licensees including—

(a) undertakings in respect of which notice for compulsory purchase has been served under section 7 of the Electricity Act, such undertakings not having been taken over before the commencement of this Act; and

(b) undertakings which have been taken over by the Government before the commencement of this Act in respect of which (i) the basis of compensation has not been agreed upon between the Government and the licensee before such commencement, or (ii) it has been agreed upon between the Government and the licensee that the basis of compensation shall be regulated by an Act passed by the Provincial Legislature.

(2) Any notice given under section 7 aforesaid in respect of any undertaking, in pursuance of which notice the undertaking has not been taken over before the commencement of this Act, shall lapse and be of no effect; and save as otherwise provided in section 23, sub-section (1), of this Act, the Electricity Supply Act shall apply to the undertaking, from the commencement of the account year in which this Act comes into force, to the same extent as it would have applied if the notice had not been served.

Explanation.—There shall be no obligation on the part of the Government to purchase any undertaking in pursuance of any notice given as aforesaid; nor shall the service of such notice be deemed to prevent the Government from taking any proceeding *de novo* in respect of the undertaking under this Act.

Power of
Government
to take over
any under-
taking.

4. (1) The Government may, in respect of any undertaking not taken over by them before the commencement of this Act, by order in writing, declare that it shall vest in them on the date specified therein, such date not being earlier than four months from the date of the declaration:

Provided that the Government may, from time to time, postpone such date, so however that the postponed date shall not be later than one year from the date originally fixed.

(2) Every order under sub-section (1) shall be served on the licensee in the prescribed manner and shall also be published in such manner as the Government think fit.

Compensa-
tion paya-
ble to a
licensee who
is not a local
authority.

5. The compensation payable to a licensee (not being a local authority), on whom an order has been served under section 4 or whose undertaking has been taken over before the commencement of this Act, shall be determined under any one of the Bases A, B and C specified below, as may be chosen under section 9.

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(1) *Basis A.*—(i) The compensation payable under this basis shall be an amount equal to twenty times the average net annual profit of the undertaking during a period of five consecutive account years immediately preceding the vesting date.

Explanation.—For the purpose of this clause, the net annual profit shall be determined in the manner laid down in Schedule I.

(ii) This basis shall not apply to an undertaking which has not been supplying electricity for five consecutive account years immediately preceding the vesting date.

(2) *Basis B.*—The compensation payable under this basis shall be the aggregate value of all the shares constituting the share capital of the undertaking, reckoned as shown below:—

(a) In the case of shares issued before the 31st March 1946, the value of each share shall be reckoned at its average value as arrived at from the quotations for the shares as given in the official list of the Madras Share Market on the 15th day of each month and where such market was closed on that day, the quotations on the next working day, during the period of three years commencing on the 1st April 1946 and ending on the 31st March 1949:

Provided that this clause shall not apply if any one or more of the different classes of shares constituting the capital of the undertaking were not being regularly quoted in such Market during the period of three years aforesaid, or if such quotations during the whole of any one of those three years were not based on actual transactions in such year.

(b) In the case of shares issued before the 31st March 1946, if clause (a) does not apply but there have been *bona fide* transfer in each of the different classes of shares in every one of the three years aforesaid, and such transfers have been duly registered in the appropriate books of the licensee, the value of each share of each such class shall be reckoned at one-third of the aggregate of its three annual average values for the three years, the average value for each year being determined from the transactions in that year.

(c) Where the amounts called for in respect of any share referred to in clause (a) or clause (b) are in arrears, the value of such share shall be taken to be a sum which bears to its value as reckoned under clause (a) or clause (b), as the case may be, the same proportion as the amount paid up bears to the full amount payable in respect of the share.

(d) In the case of shares issued after the 31st March 1946, their aggregate value shall be taken to be the amount actually paid in respect thereof (including the premium, if any), together with an additional sum by way of solatium, calculated at the rate of two per cent for every completed year

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preceding the vesting date on the amount so paid which was in existence during the whole of such year as shown in the licensee's books :

Provided that no part of such amount shall be entitled to a solatium exceeding ten per cent thereof.

Explanation.—This basis shall not apply unless clause (a) or clause (b) is applicable.

(3) *Basis C.*—The compensation payable under this basis shall be the aggregate value of the amounts specified below :—

(i) the book value of all completed works in beneficial use pertaining to the undertaking and handed over to the Government (excluding works paid for by consumers) less depreciation calculated in accordance with Schedule II;

(ii) the book value of all works in progress handed over to the Government, excluding works paid for by consumers or prospective consumers;

(iii) the book value of all stores including spare parts handed over to the Government and in the case of used stores and spare parts, such sum as may be decided upon by mutual agreement between the Government and the licensee ;

(iv) the book value of all other fixed assets in use on the vesting date and handed over to the Government;

(v) the book value of all plant and equipment existing on the vesting date but no longer in use owing to wear and tear or to obsolescence, to the extent such value has not been written off in the books of the licensee;

(vi) the book value of all intangible assets, to the extent such value has not been written off in the books of the licensee;

(vii) the amount due from consumers in respect of every hire-purchase agreement referred to in section 7 (2) (a) (ii) less a sum which bears to the difference between the total amount of the instalments and the original cost of the material or equipment, the same proportion as the amount due bears to the total amount of the instalments;

(viii) any amount paid actually by the licensee in respect of every contract referred to in section 7 (2) (a) (iii);

(ix) an additional sum by way of solatium—

(a) in case the licensee is a person licensed under Part II of the Electricity Act, at the rate specified in the licence in respect of compulsory purchase on the book values referred to in sub-clauses (i) and (iv), at the rate of ten per cent on the book value referred to in sub-clause (ii), and at the rate of five per cent on the book value referred to in sub-clause (iii);

(b) in case the licensee is a person who has obtained sanction under section 28 of that Act to engage in the business of supplying electrical energy, at the rate of ten per cent on

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the book values referred to in sub-clauses (i) and (iv) and at the rate of five per cent on the book values referred to in sub-clauses (ii) and (iii).

Explanation.—(1) For the purposes of Basis C, the book value of any fixed asset means its original cost, and shall comprise—

(i) the purchase price paid by the licensee for the asset, including the cost of delivery and all charges properly incurred in erecting and bringing the asset into beneficial use as shown in the books of the undertaking;

(ii) interest charges on capital expenditure incurred from borrowed money and showing in the books of the undertaking as properly attributable to the asset up to the date of bringing it into beneficial use, at a rate not exceeding six per cent per annum;

(iii) cost of supervision as shown in the books of the undertaking, not exceeding fifteen per cent of the amount referred to in paragraph (i).

(2) Where any asset was acquired after the expiry of the period to which the latest annual account relates, or where no annual account has to be rendered under the Electricity Act, the book value of the asset shall be such sum as may be decided upon by mutual agreement between the Government and the licensee.

6. (1) Where the licensee is a local authority, the compensation payable shall be the aggregate of—

(a) an amount equal to the profits of the undertaking during the five account years immediately preceding the vesting date; and

(b) such sum as may be determined by the Government as payable on account of capital expenditure incurred from the general funds of the local authority, whether such expenditure has been shown as a liability in the accounts of the undertaking or not and whether it has been written off by the local authority or not.

(2) For the purposes of sub-section (1), "profits" during any account year means the revenue which is or may be appropriated in respect of that year to the general funds of the local authority on account of the undertaking, in accordance with the instructions of the Government governing such appropriation.

7. (1) If compensation is payable in respect of an undertaking under Basis A or Basis B, all property belonging to the undertaking including fixed assets, cash, securities, investments, documents and the like and all its rights, liabilities and obligations, as on the vesting date, shall vest in the Government :

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Provided that liabilities and obligations not incurred in a *bona fide* manner shall not vest in the Government—

(i) in so far as they are in excess of the value on the vesting date of the corresponding assets, if any, vesting in the Government; or

(ii) where there are no corresponding assets which vest in the Government.

Explanation.—For the purposes of this sub-section, “undertaking” includes every business carried on by the licensee, the funds of which form part of the funds of the licensee.

(2) (a) If compensation is payable in respect of an undertaking under Basis C, only the property, rights, liabilities and obligations specified herein shall vest in the Government on the vesting date—

(i) all the fixed assets of the licensee;

(ii) all the rights, liabilities and obligations of the licensee under hire-purchase agreements, if any, for the supply of materials or equipment made *bona fide* before the vesting date;

(iii) all the rights, liabilities and obligations of the licensee under any other contract entered into *bona fide* before the vesting date not being a contract relating to the borrowing or lending of money.

(b) All the assets specified in clause (a) (i) shall vest in the Government free from any debts, mortgages or similar obligations of the licensee or attaching to the undertaking:

Provided that such debts, mortgages or obligations shall attach to the compensation payable under this Act for the assets.

(3) If the licensee is a local authority, all property belonging to the undertaking including fixed assets, cash, securities, investments, documents and the like and all its rights, liabilities and obligations as on the vesting date, except liabilities and obligations incurred on account of revenue losses, shall vest in the Government on the vesting date.

(4) In the case of all undertakings which vest in the Government under this Act, the licensee granted or the sanction given for the supply of electricity shall be deemed to have been terminated on the vesting date and all the rights, liabilities and obligations of the licensee under any agreement to supply electricity entered into before that date shall devolve on the Government:

Provided that where any such agreement is not in conformity with the rates and conditions of supply approved by the Government and in force on the vesting date, the agreement shall be voidable at the option of the Government.

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(5) In respect of any undertaking which vests in the Government, the Government may, after removing any obstruction that may be offered, forthwith take possession of the entire undertaking or, as the case may be, of the fixed assets and of all documents, relating to the undertaking which the Government may require for carrying it on.

8. (1) Every licensee not being a local authority shall, within three months of the receipt of an order under section 4, sub-section (1), intimating the vesting date, or where the undertaking was taken over before the commencement of this Act, within three months of such commencement, appoint **an individual who may be the managing agent or a director of the licensee or any other person to act as his sole and accredited representative in connexion with the handing over of the undertaking or the fixed assets, as the case may be, to the Government and performing on behalf of the licensee the functions hereinafter specified.** Appointment of a sole representative.

(2) Where the licensee is a company registered under the Indian Companies Act, 1913, the appointment of the accredited representative shall be made by the shareholders of the company at a meeting specially convened for the purpose.

(3) If the licensee fails to appoint the accredited representative within the time specified in sub-section (1) or within such further time as may be granted by the Government, they shall appoint a person who shall, for all the purposes of this Act, be deemed to be such accredited representative

(4) Where the accredited representative . . . resigns or dies or is in the opinion of the Government, incompetent or dishonest, the Government shall call upon the licensee, to appoint within six weeks, another person as his . . . accredited representative; and in default of such appointment, the Government shall make the appointment themselves.

(5) The remuneration of, and the expenditure incurred by the . . . accredited representative shall be payable from the compensation deposited under this Act and shall have priority over all other debts and liabilities.

(6) All assurances conveyed, and all statements made, by such representative shall be binding on the licensee.

9. (1) Within one month of his appointment, or such further time as may be granted by the Government, the **accredited representative . . . shall intimate to the Government in writing which basis of compensation, A, B or C, shall be adopted in respect of the undertaking.** Choice of basis of compensation.

(2) The choice of the basis of compensation once intimated to the Government shall not be open to revision except with their concurrence.

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(3) Where no choice has been intimated^o on behalf of the undertaking within the time allowed by sub-section (1), the Government shall declare the basis under which compensation will be paid for the undertaking and that basis shall be binding on the licensee as if . . . the choice had been duly made in accordance with the foregoing provisions.

Effect of
transactions
not bona-
fide.

10. Where the Government are of opinion that any licensee not being a local authority, has on or after the 1st October 1947, disposed of any fixed asset whether by way of sale, exchange, gift, lease or otherwise or incurred capital expenditure, otherwise than in the normal course of events with a view to benefit unduly the licensee or some other person and thereby caused loss to the Government as succeeding owners of the undertaking, the Government shall be entitled to deduct from the compensation payable to the licensee under this Act, an amount which they consider to be the loss sustained by them :

Provided that notice of the intention to make such deduction shall be given to the licensee within one year from the vesting date.

Deductions
from the
compensa-
tion.

11. (1) The Government shall be entitled to deduct the following sums from the compensation payable under this Act to a licensee not being a local authority :—

(a) the amount, if any, already paid in advance by way of compensation;

(b) the amount, if any, specified in section 10;

(c) the amount, if any, equivalent to the loss sustained by the Government by reason of any property or rights belonging to the undertaking not having been handed over to the Government, the amount of such loss being deemed to be—

(i) in cases where compensation is payable under Basis A or Basis B, the market value on the vesting date of such property or rights, together with any income which might have been realized by the Government if the property or rights had been handed over on the vesting date; and

(ii) in cases where compensation is payable under Basis C, the amount by which the market value of such property or rights exceeds the compensation payable therefor under this Act, together with any income which might have been realized as aforesaid.

(2) In addition to the deductions specified above, the Government shall also be entitled to make the following deductions :—

(a) in cases where the compensation is payable under Basis A or Basis B, any sum which during a period not exceeding three consecutive account years immediately before the vesting date, has been distributed as profits, but is not correctly so distributable;

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(b) in cases where the compensation is payable under Basis C—

(i) the amount of all loans due from the licensee to the Government and arrears of interest, if any, thereon;

(ii) a portion of the amount of solatium bearing the same proportion to the total amount of solatium, as the amount of all loans due to the Government from the licensee on the vesting date bears to the aggregate of (i) the paid-up share capital of the licensee, (ii) his debenture capital, and (iii) the amount of all loans due to the Government as aforesaid;

(iii) all sums paid by consumers by way of security deposit and arrears of interest due thereon on the vesting date in so far as they have not been paid over by the licensee to the Government, less the amounts which according to the books of the licensee are due from the consumers to the licensee for energy supplied by him before that date;

(iv) all advances from consumers and prospective consumers, and all sums which have been or ought to be set aside to the credit of the consumers' fund constituted under the bulk supply agreement or paragraph II (1) of the Sixth Schedule to the Electricity Supply Act in so far as such advances or sums have not been paid over by the licensee to the Government;

(v) all deposits made by, and all sums due to, the staff transferred to the Government, on account of Provident Fund or other beneficial schemes in so far as such deposits or sums have not been paid over by the licensee to the Government, less the amounts which the Government are satisfied are due to the licensee from the members of the staff so transferred :

Provided that no deduction shall be made in pursuance of paragraph (v), in so far as the deposits or sums aforesaid may be in the custody of trustees under a valid deed of trust.

(3) In the case referred to in the foregoing proviso, the Government shall have power to require the trustees to transfer the funds with them, and the securities and other properties, if any, in which the same may have been invested, in so far as they may relate to the staff transferred to the Government; and the trustees shall be completely discharged in respect of all claims to, or enforceable against, the funds, securities and other properties so transferred.

12. (1) The compensation due to a licensee under this Act shall be paid or deposited in cash, as hereinafter provided in this section.

Manner of
payment or
deposit of
compensa-
tion.

(2) Within four months from the vesting date in the case of an undertaking which vests in the Government in pursuance of an order under section 4, sub-section (1), and as soon as may

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be, after the commencement of this Act, in the case of an undertaking taken over by the Government before such commencement, the Government shall estimate roughly the compensation payable to the licensee under this Act.

(3) Three-fourths of the amount as so estimated shall be paid by the Government to the licensee, where it is a local authority.

(4) In the case of any other licensee, the Government shall deposit in the Reserve Bank of India or any other Bank chosen by the Government for the purpose (which Reserve or other Bank is hereinafter referred to as the Bank) three-fourths of the amount as estimated under sub-section (2), after deducting therefrom the amounts referred to in section 11.

Explanation.—Where the amount to be deposited under this sub-section is equal to or less than the amount to be deducted therefrom as aforesaid, no deposit need be made under this sub-section.

(5) (a) Within one year from the date on which the compensation was estimated under sub-section (2), the Government shall determine the amount of compensation payable in respect of the undertaking and pay to the licensee or deposit in the Bank the balance left from the amount aforesaid after deducting therefrom (a) the amounts referred to in section 11, and (b) the payment or deposit previously made under sub-section (3) or sub-section (4), as the case may be.

(b) Where the accredited representative claims that compensation is due to the licensee over and above that as determined by the Government under clause (a), the amount, if any, to which it is finally decided in pursuance of this Act that the licensee is entitled, shall be paid to the licensee or deposited in the Bank, as the case may be, within one month from the date on which such final decision is arrived at.

(c) All amounts paid or deposited in pursuance of clause (a) or clause (b) shall bear interest at three per cent per annum from the date of expiry of four months from the vesting date.

(6) In the case referred to in the Explanation to sub-section (4), that is to say, where no deposit has been previously made, the Government shall deposit in the Bank the amount of compensation determined under clause (a) of sub-section (5), after deducting therefrom the amounts referred to in section 11 together with interest on the amount to be deposited, at three per cent per annum from the date of expiry of four months from the vesting date.

(7) The amount of compensation as estimated under sub-section (2) and the amount of compensation as finally determined under sub-section (5) shall be intimated forthwith to the accredited representative and he shall, within two weeks

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of such intimation or such further time as may be allowed by the Government, state in writing whether the amount as determined by the Government is agreed to by him acting on behalf of the licensee.

(8) Every person claiming any amount deposited in the Bank under the foregoing sub-sections, or any portion thereof, shall apply to the Special Officer appointed by the Government in this behalf, within three months from the date of the deposit or within such further time as the Special Officer may allow.

(9) (a) The Special Officer shall, as expeditiously as possible, inquire into all claims made under sub-section (8) and determine the persons who, in his opinion, are entitled to the amount deposited and the sum to which each of them is entitled and disburse the same to him.

(b) The Special Officer shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters:—

- (i) enforcing the attendance of any person and examining him on oath;
- (ii) compelling the production of documents; and
- (iii) issuing commissions for the examination of witnesses.

The Special Officer shall also have such further powers as may be prescribed.

(c) Any person deeming himself aggrieved by any decision of the Special Officer under clause (a) may appeal to the High Court, within three months from the date of such decision or within such further time as the High Court may grant.

13. Notwithstanding anything to the contrary in any contract or agreement or in any law for the time being in force, all loans, debentures, mortgages and the like outstanding against the licensee on the vesting date may be repaid by the Government, or the licensee, or the Special Officer, although the time for their repayment may not have arrived. Repayment of debentures, loans, etc.

14. (1) Where any dispute arises between the accredited representative and the Government in respect of any of the matters specified below or such other matter as may be prescribed, it shall be determined by an arbitrator appointed by the Government who shall be a District Judge or a person who is a retired High Court Judge or a retired District Judge:— Arbitration.

(a) the amount of the compensation payable in respect of the undertaking as a whole or any component part thereof;

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(b) whether any property belonging, or any right, liability or obligation attaching, to the undertaking vests in the Government;

(c) whether any fixed asset forms part of the undertaking;

(d) whether any contract or hire-purchase agreement or other contract referred to in section (7) (2) (a) (ii) or (iii) has been entered into *bona fide* or not;

(e) whether any agreement to supply electricity entered into by the licensee prior to the vesting date is of the nature referred to in section 7, sub-section (4), proviso;

(f) whether the Government are entitled to deduct any sum under section 10 or section 11.

(2) Subject to the provisions of this section, the provisions of the Arbitration Act, 1940, shall apply to all arbitrations under this Act. **Central Act X of 1940.**

(3) The arbitrator may, if he thinks it expedient to do so, call in the aid of one or more qualified assessors and hear the whole or any part of the reference with the aid of such assessor or assessors.

Termination
of managing
agency.

15. (1) Any agreement between the licensee and his managing agent or managing director (by whatever name known) shall, notwithstanding anything to the contrary in such agreement, be deemed to have been terminated on the vesting date; and the managing agent or managing director shall not be entitled to any remuneration or commission for such period of the agreement as may remain unexpired on the vesting date but shall be entitled only to compensation as determined under sub-section (2).

(2) Where the agreement was in force on the 1st November 1949 and continued to be in force until the vesting date, without having been renewed or replaced by a fresh agreement for a further period, the managing agent or managing director shall, for such period of the agreement as may remain unexpired on the vesting date or for a period of two years, whichever is less, be entitled to compensation calculated at the following rate per annum, namely:—

The average annual ordinary remuneration (including purchasing commission and office allowance) to which a managing agent of the licensee would have been entitled under paragraph XIII of the Sixth Schedule to the Electricity Supply Act during a period of two complete account years immediately preceding the vesting date.

(3) Any amount payable to a managing agent or managing director under sub-section (1) shall be payable from the compensation deposited under this Act.

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16. Notwithstanding anything to the contrary in any contract or agreement or in any law for the time being in force, the following provisions shall apply in regard to the persons on the staff of the licensee immediately before the vesting date:—

(1) The Government shall have power to terminate the services of any such person after giving him **three** calendar months' notice in writing or paying him **three** months' pay in lieu of such notice.

(2) Persons whose services are retained shall be governed by such rules as the Government may, from time to time, make in regard to them.

17. (1) Every licensee shall within **three** months from the date on which an order under section 4, sub-section (1), is served on him, or such further time as may be allowed by the Government, prepare and hand over to them a complete inventory of all the assets belonging to his undertaking and of its documents. **Inventory of assets and information in regard to documents maintained by the licensee.**

(2) The licensee shall also write up the accounts of his undertaking up to the vesting date, get them audited, and submit them to the Government not later than **three** months from that date.

(3) The licensee shall also, within such time as may be specified by the Government, furnish to them such information and particulars as may be required by the Government in regard to the documents relating to the undertaking.

(4) The licensee shall not destroy any document relating to the undertaking and shall hand over to the Government on the vesting date all such documents in cases falling under section 7, sub-sections (1) and (3), and in cases falling under section 7, sub-section (2), all such documents as are necessary for ascertaining the assets of the undertaking, the rights, liabilities and obligations attaching thereto or the terms of employment of the staff and for determining the compensation payable for the undertaking under this Act.

(5) Where the documents aforesaid have been taken possession of by the Government, the licensee, or any person authorized in this behalf, shall have access to such documents at all reasonable times and shall also be entitled to take copies thereof or extracts therefrom.

18. Any officer or servant of the Government authorized by the Government in this behalf by general or special order may, at any time, after giving the licensee reasonable notice, enter upon any land or premises in his possession and make any survey, examination, or investigation preliminary or incidental to the purposes of this Act. **Power of entry.**

19. (1) Whoever, being required to furnish any information or make any statement under this Act, furnishes any information or makes any statement which he knows to be false, or **Penalties.**

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whoever wilfully fails to hand over to the Government any fixed asset belonging to the undertaking or wilfully suppresses or destroys any document which is to be handed over to the Government under section 17, sub-section (4), shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to twenty thousand rupees or with both and in the case of a continuing offence with an additional fine which may extend to five hundred rupees, for every day after the first during which the offence continues.

(2) Whoever fails, without reasonable cause, to comply with any of the provisions of this Act or the rules made thereunder, or any directions or order issued in pursuance thereof, shall, if the case be not governed by sub-section (1), be punishable with fine which may extend to twenty thousand rupees and in the case of a continuing offence, with an additional fine which may extend to five hundred rupees, for every day after the first during which the offence continues.

(3) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Magistrate of the First Class specially empowered by the Government in this behalf or for any salaried Presidency Magistrate, to impose a sentence of fine exceeding one thousand rupees when awarding punishment under sub-section (1) or (2).

(4) No Court shall take cognizance of an offence punishable under this section except with the previous sanction of the Government or of an officer authorized by them in this behalf.

Offences by
corporation.

20. Where a person committing any offence punishable under this Act is a company or an association or a body of persons, whether incorporated or not, the manager, secretary, agent or other principal officer managing the affairs of such company, association or body shall be deemed to be guilty of such offence.

Protection of
action taken
under the
Act.

21. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Power to
make rules.

22. (1) The Government may, after previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) all matters required or allowed by this Act to be prescribed;

(b) the manner of service of notices and orders under this Act;

(c) the obtaining of the particulars necessary for assessing the compensation under this Act;

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(d) the appointment of auditors and their duties and remuneration;

(e) the inspection, checking and taking over of the assets and documents of an undertaking;

(f) the qualifications of, and the remuneration payable to, the accredited representative . . .

(g) the procedure to be followed by the Special Officer under section 12;

(h) the remuneration payable to an arbitrator appointed under section 14;

(i) the manner of obtaining the information and particulars referred to in section 17, sub-section (3).

(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.

23. (1) No provision of the Electricity Act or of the Electricity Supply Act or of any rule made under either Act or of any instrument having effect by virtue of either Act or any rule made thereunder shall, in so far as it is inconsistent with any of the provisions of this Act, have any effect.

(2) Save as otherwise provided in this Act, the provisions of this Act shall be in addition to, and not in derogation of, the Electricity Act and the Electricity Supply Act.

24. If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, do anything which appears to them necessary for the purpose of removing the difficulty.

A copy of every order passed under this section shall be laid before each Chamber of the Provincial Legislature.

SCHEDULE I.

[See section 5 (1).]

1. For the purposes of section 5 (1), 'net annual profit' shall, in respect of any account year subsequent to the date on which section 57 of the Electricity Supply Act and the Sixth Schedule thereto came into force, mean the excess of 'income' over 'expenditure' as defined below, less the sums referred to in paragraph 4 or, as the case may be, plus the sums referred to in paragraph 5.

2. For the purposes of the foregoing paragraph, 'income' means income derived from—

(i) gross receipts from sale of energy, less discounts applicable thereto;

(ii) rental of meters and other apparatus hired to consumers;

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- (iii) sale and repair of lamps and apparatus;
- (iv) rents;
- (v) transfer fees;
- (vi) investments, fixed and call deposits, and bank balances;
- (vii) other general receipts accountable in the assessment of Indian Income-tax and arising from and ancillary or incidental to the business of electricity supply.

3. For the purposes of paragraph 1, 'expenditure' means the expenditure incurred on—

- (i) generation and purchase of energy;
- (ii) distribution and sale of energy;
- (iii) rents, rates and taxes, other than all taxes on income and profits;
- (iv) interest on loans;
- (v) interest on security deposits;
- (vi) legal charges;
- (vii) bad debts;
- (viii) auditor's fees;
- (ix) management, including managing agents' remuneration as provided for in paragraph XIII of the Sixth Schedule aforesaid;
- (x) depreciation, calculated on a flat rate basis as specified in Schedule II;
- (xi) other expenses admissible under the law for the time being in force in the assessment of Indian Income-tax and arising from and ancillary or incidental to the business of electricity supply;
- (xii) contributions to Provident Fund, staff pension, gratuity and apprentice and other training schemes.

4. The sums referred to in paragraph 1 as those to be deducted from the excess of 'income' over 'expenditure' are—

(a) the appropriations to the consumers' fund for purposes of distribution to consumers, where such appropriations are necessary by virtue of paragraph II (1) of the Sixth Schedule aforesaid,

(b) the contributions to the Tariffs and Dividend Control Reserve, where such contributions are necessary by virtue of paragraph II (1) aforesaid, and

(c) the taxes paid or payable, in respect of the appropriations and contributions aforesaid, as taxes on income and profits.

5. The sums referred to in paragraph 1 as those to be added to the excess of 'income' over 'expenditure' are—

(a) the appropriations from the Tariffs and Dividend Control Reserve to the extent necessary by virtue of paragraph II (2) of the Sixth Schedule aforesaid, and

(b) the taxes paid or payable, in respect of the appropriations aforesaid as taxes on income and profits.

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6. For the purposes of section 5 (1), 'net annual profit' shall, in respect of any account year earlier than that referred to in paragraph 1, mean the excess of income over expenditure, calculated in the manner laid down in the bulk supply agreement entered into by the licensee with the Government or if there is no such agreement, in the prescribed manner, less the following sums:—

(i) the appropriations to the consumers' fund in accordance with the terms of that agreement, or such other sums as was accepted by the Government in lieu of such appropriations, and

(ii) the taxes paid or payable, in respect of such appropriations or sum, as taxes on income and profits.

SCHEDULE II.

[See section 5 (3) (i).]

For purposes of payment of compensation under section 5 (3), the depreciation shall be calculated at annual rates arrived at by dividing ninety per cent of the book-value of each asset by the number of years of life of the asset as specified in the table below. For the account year in which an asset was brought into beneficial use, the depreciation shall be calculated at half the annual rate and for the period after the last account year to the date of taking over, the depreciation shall be calculated *pro rata*.

TABLE.

Description of assets.	Number of years or period.
A. Land owned under full title	Infinite.
B. Land held under lease—	
(a) for investment in the land	The period of the lease or the period remaining unexpired on the assignment of the lease.
(b) for cost of clearing site	The period of the lease remaining unexpired at the date of clearing the site.
C. Assets purchased new—	
(a) Plant and machinery in generating stations, including plant foundations—	
(i) Hydro-electric	Thirty-five.
(ii) Steam-electric	Twenty-five.
(iii) Diesel-electric	Fifteen.
(b) Cooling towers and circulating water systems.	Thirty.
(c) Hydraulic works forming part of a hydro-electric system, including—	
(i) dams, spillways, weirs, canals, reinforced concrete flumes and siphons.	One hundred.
(ii) reinforced concrete pipe-lines, and surge tanks, steel pipe-lines, sluice gates, steel surge tanks, hydraulic control valves and other hydraulic works.	Forty.

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<i>Description of assets.</i>	<i>Number of years or period.</i>
C. Assets purchased new—cont.	
(d) Buildings and civil engineering works of a permanent character, not mentioned above—	
(i) Offices and show-rooms	Fifty.
(ii) containing thermo-electric generating plant.	Thirty.
(iii) containing hydro-electric generating plant.	Thirty-five.
(iv) temporary erections such as wooden structures.	Five.
(v) others	Fifty.
(e) Transformers, transformer kiosks, sub-station equipment and other fixed apparatus (including plant foundations)—	
(i) transformers (including foundations) having a rating of 100 kilovolt amperes and over.	Thirty-five.
(ii) others	Twenty-five.
(f) Switchgear, including cable connections ..	Twenty.
(g) Batteries	Ten.
(h) (1) Underground cables, including joint boxes and disconnecting boxes.	Forty.
(2) Cableduct system	Sixty.
(i) Overhead lines, including supports—	
(i) lines on steel or reinforced concrete supports, operating at nominal voltages higher than 13.2 kilovolts.	Thirty.
(ii) other lines on steel or reinforced concrete supports.	Twenty-five.
(iii) lines on wood supports	Twenty.
(j) Meters	Fifteen.
(k) Self-propelled vehicles	Seven.
(l) Static machine tools	Twenty.
(m) Air-conditioning plant—	
(i) static	Fifteen.
(ii) portable	Seven.
(n) (i) Office furniture and fittings	Twenty.
(ii) Office equipment	Ten.
(o) Apparatus let on hire—	
(i) other than motors	Seven.
(ii) motors	Twenty.
D. Assets purchased secondhand and assets not otherwise provided for in this Table.	Such reasonable period as the Government determines in each case, having regard to the nature, age and condition of the assets at the time of its acquisition by the Government.

THE MADRAS LEGISLATIVE ASSEMBLY.

Tuesday, the 20th December 1949.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Disposal of a Chevrolet van, 1938 model.

* 241 Q.—SRI D. V. RAMASWAMI (on behalf of Sri V. Raghavayya): Will the Hon. the Premier be pleased to state—

(a) whether the Government have called for sealed tenders for disposing of a Chevrolet van, 1938 model, in the course of this year in August or September;

(b) the number that tendered for the same;

(c) how and to whom the same was sold by the Government;

(d) in whose possession it is at present; and

(e) whether any Assistant Secretary to Government is in charge of the sales of Government property involved in the tender disposal or resale of this vehicle?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—“(a) Sealed tenders were called for in July 1949 for the sale of two Chevrolet vans, one 1937 model and the other 1938 model. The last date for the receipt of tenders was 12th August 1949.

“(b) Four tenders were received for 1938 model, namely, for Rs. 1,600, Rs. 1,500, Rs. 501 and Rs. 500. None for the 1937 model.

“(c) The Chevrolet van, 1938 model, was sold to one Sri R. Ananthanarayanan, Broadway, Madras, who offered Rs. 1,500.

“(d) The Government do not watch the whereabouts of the unserviceable articles they have once sold.

“(e) In the Public Department, one of the Assistant Secretaries is in charge of this work under the direct control and supervision of the Chief Secretary to the Government.”

Janab Muhammad Raza Khan rose to put a question.

MR. SPEAKER:—“The hon. Member did not stand up when I looked this side.”

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JANAB MUHAMMAD RAZA KHAN:—"I, am sorry, Sir, I did not catch your eye."

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

Arrest of one Mr. Sundaram Ayyar for the alleged offence of blackmarketing of cement.

* 242 Q.—SRI K. T. KOSALRAM (on behalf of Sri T. S. Pattabhiraman): Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that one Mr. Sundaram Ayyar, retired District Judge, residing at Chinna Tirupati, Salem, was arrested and charge-sheeted before the Additional First-class Magistrate, Salem, by the anti-blackmarketing police for the alleged offence of blackmarketing of cement allotted to him for the purpose of house construction;

(b) whether it is a fact that the Government have ordered the withdrawal of the above case even though the High Court declined to interfere; and

(c) if so, what the reasons are that weighed with the Government to order the above withdrawal?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) Yes. It is a fact that he was charge-sheeted before the said Magistrate.

" (b) It is a fact that the Government ordered the withdrawal of the case. When that decision was taken, the case had been stayed by the High Court on the motion of the party presumably on a transfer petition. The Government are not aware whether the High Court allowed the transfer petition or not.

" (c) The party indented for this cement to construct certain houses. He found that this indent was in excess of his actual requirements and so some cement remained surplus with him. He made an endeavour to reduce his indent before the last consignment reached him, but the local dealer actually delivered the full quantity as per his original indent. Inasmuch as the party had made a genuine attempt to adjust his indent to his actual need, and since the cement control order did not show a way out to him for disposing of the excess, the Government thought that there were sufficient extenuating circumstances in his favour and therefore, they decided to withdraw the prosecution as recommended by the District Magistrate, Salem. The party was, however, directed to credit to the Government the profit he had made in this transaction and this he did."

SRI P. KANDASWAMY PILLAI:—"Are the Government aware that they are interfering in all these small matters, particularly when big men are involved in them?"

THE HON. SRI M. BHAKTAVATSALAM:—"I am afraid, my hon. Friend has not understood my answer."

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The Rajahmundry Paper Mills.

* 243 Q.—JANAB MOHAMED RAFEEUDIN AHMAD AN-SARI (on behalf of Janab S. Muhammad Ismail): Will the Hon. the Minister for Industries be pleased to state whether the Rajahmundry Paper Mills recently purchased by the Government have started working?

THE HON. SRI H. SITARAMA REDDI (on behalf of the Hon. Minister for Industries):—"Yes, Sir."

JANAB MUHAMMAD RAZA KHAN:—"May I ask, Sir, as to how much paper in tons has been produced by this Rajahmundry Paper Mill and whether all the stocks have been disposed of?"

THE HON. SRI H. SITARAMA REDDI:—"There is some stock of paper manufactured some time ago lying undisposed and attempts have been made to dispose of that stock. But at present, stocks are being disposed of as and when they are produced."

SRI PYDAH VENKATANARAYANA:—"May I know whether the paper mill is now working on a two-shift basis and if so, whether the Hon. the Minister is aware that unless it works three shifts full manufacture will not take place and the unit will not be an economic one?"

THE HON. SRI H. SITARAMA REDDI:—"It is correct, Sir, that with two shifts it may not be economic. But it is expected that we will be able to go into full production by the end of this month when the waters of the Godavari are expected to subside."

JANAB ABDUL HAMEED KHAN:—"May I know the production capacity of the mill?"

THE HON. SRI H. SITARAMA REDDI:—"The optimum production is 10 tons. But now with two shifts, it is producing about four tons of paper per day."

JANAB AHMED KUTTY:—"May I know at what price this mill was purchased?"

THE HON. SRI H. SITARAMA REDDI:—"Twenty-five lakhs of rupees, Sir."

JANAB MUHAMMAD RAZA KHAN:—"Is it not a fact that the Government of Madras paid a sum of rupees twenty-five lakhs for purchasing the mill, spent some five or ten lakhs more for establishment and other things and now find that the mill is not working properly and is this not a colossal waste of public money?"

THE HON. SRI H. SITARAMA REDDI:—"It is true we have paid twenty-five lakhs and because we have paid that amount we have had naturally to spend additional money to make it all right. But so far as the latter portion of the hon. Member's question is concerned, I should say it is not correct and it is untrue. The mill is working well and is expected

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to be a paying proposition. I may tell hon. Members for their information that after the Government took over this mill, at the instance of this Government, one Mr. S. N. Bhandari, Paper Expert to the Government of India, inspected the mill in August 1948 and furnished a detailed report on the state of affairs in the mill and on the plans of its future working. We have adopted the plans given by him and he was also consulted as to whether it would be desirable to hand over the concern to private parties because private parties were willing to take it up. We were advised by the Expert that this concern was a paying concern and so the Government themselves should run it."

JANAB M. S. ABDUL MAJID:—"Is it not a fact, Sir, that the price of paper manufactured in such of those factories as purchased by the Government is very high and consequently the paper is not competing successfully with foreign paper with the result that it is lying unsold?"

THE HON. SRI H. SITARAMA REDDI:—"I do not think a large quantity of paper manufactured in the mill is lying unsold nor am I aware of the prices of paper obtaining now in the market. If the hon. Member wants detailed information, he may put a separate question."

SRI D. V. RAMASWAMI:—"May I know the actual date on which the mill started working under the Government auspices?"

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

SRI V. M. RAMASWAMI MUDALIYAR:—"May I know, Sir, whether the Government has assured itself that sufficient raw materials, such as grass, pulp, etc., required for the optimum production of 10 tons a day in the mill would be available?"

THE HON. SRI H. SITARAMA REDDI:—"The Government have gone into the question and there is not only adequate raw material for the 10 tons, but there is enough of bamboo available near about the mill which can be easily transported to the extent required to start a mill of a capacity of even 50 tons."

SRI PYDAH VENKATANARAYANA:—"Is it not a fact that the *pro forma* balance sheet prepared for one year's working showed that the mill would make a profit and that the market value of the mill was much more than the purchase amount, viz., 25 lakhs of rupees?"

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

JANAB MUHAMMAD RAZA KHAN:—"If actually the market value of the Andhra Paper Mill was higher at that time and the Government were generous enough to pay rupees twenty-five lakhs for its purchase, how is it, Sir, that private valuation was only 16 lakhs and why there was this huge disparity of nine lakhs?"

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THE HON. SRI H. SITARAMA REDDI:—"I do not know what the hon. Member is referring to and I do not know where the 16 lakhs comes from."

SRI L. N. GOPALASWAMI:—"May I know what was the return from this mill during the last financial year?"

THE HON. SRI H. SITARAMA REDDI:—"I want notice, Sir."

JANAB MUHAMMAD RAZA KHAN:—"The Government of Madras have paid twenty-five lakhs of rupees for purchasing this Andhra Paper Mill. Are they aware that a second tender received afterwards was only for 16 lakhs and how is it that they were so generous in paying such a huge amount? Am I to take it that without calculating anything they have simply said 'all right, we will pay it'?"

THE HON. SRI H. SITARAMA REDDI:—"I may assure the hon. Member that the Government took special care to send its engineers, paper experts, the Director of Industries and others to assess the value of the mill and they were convinced after due valuation that 25 lakhs was fair."

SRI C. M. KOTHARI:—"Will the Hon. the Minister be pleased to place on the table of the House the paper relating to the valuation in connexion with the Rajahmundry Mill?"

THE HON. SRI H. SITARAMA REDDI:—"I have no objection, Sir. But I do not know when it will be available. I may, however, assure the hon. Member that I shall have it circulated."

JANAB M. S. ABDUL MAJID:—"Is it necessary for the Government to send an expert to find out the difference between 16 lakhs and 25 lakhs?" (Laughter.)

THE HON. SRI H. SITARAMA REDDI:—"The hon. Gentleman, being a businessman, must have known that before any one tendered for a thing, he would send his experts to the spot to assess the value of the property. So also, the Government thought, and sent the engineers who are the proper persons to assess the value of buildings and machinery. So far as the paper expert is concerned, he was sent to study the valuation, from the point of view of paper production."

JANAB MOHAMED ABDUL SALAM:—"In view of the fact that much more than the market value has been paid for this mill, will the Government consider the advisability of again assessing the market value and take it into account when the assets and liabilities of the Tamil and Andhra provinces are calculated."

THE HON. SRI H. SITARAMA REDDI:—"I do not agree with the hon. Member in his assumption that the market value was less than 25 lakhs. In fact, there were offers made for 27 lakhs for taking it over."

SRI K. LINGA RAJU:—"Will the Government consider the urgent necessity of getting a paper expert for the mill?"

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THE HON. SRI H. SITARAMA REDDI:—"Yes, Sir. We had asked the Government of India for an expert and they promised to send one of the experts from Germany. We agreed to take him but unfortunately we could not get him."

SRI G. NARASIMHA RAO:—"While the previous management was able to produce 12 tons a day, may I know how it is that the Madras Government are able to get only 4 tons and even their target is not fixed at 12 tons?"

THE HON. SRI H. SITARAMA REDDI:—"My information is that there are two shifts now producing 4 tons a day and the mill will be able to produce 10 tons a day by the end of this month after the waters of the Godavari recede."

JANAB M. S. ABDUL MAJID:—"While the foreign paper is selling at much cheaper rates than those of the local paper, what is the use of manufacturing paper which the people do not want?"

THE HON. SRI H. SITARAMA REDDI:—"The hon. Gentleman is aware that handloom goods are costlier and selling at a much higher price than mill made goods, and yet he manufactures handloom goods and wants encouragement too! (Laughter.)"

JANAB MUHAMMAD RAZA KHAN:—"Arising out of the answer to my colleague's question am I to take it that the Government of Madras after consulting their departmental heads and industrialists, valued the mill at rupees twenty-five lakhs although private firms were able to take this up for only 16 lakhs? I am asking why . . ."

THE HON. SRI H. SITARAMA REDDI:—"The question must be put to those people who offered 16 lakhs."

Privy purse fixed to the Prince of Sandur.

* 244 Q.—SRI P. VENKATASUBBIAH: Will the Hon. the Premier be pleased to state—

- (a) the privy purse fixed to the Prince of Sandur;
- (b) the basis on which it has been fixed; and
- (c) the income of Banganapalle and Sandur States before they were merged?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—" (a) Rs. 90,000 per annum.

" (b) The privy purse of the Ruler has been fixed by the Central Government presumably on the basis of the average revenues of the State.

" (c) The revenues of Banganapalle for 1946-47 were Rs. 5,62,897-4-0 and those of Sandur of 1947-48 were Rs. 8,01,364."

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SRI P. VENKATASUBBIAH:—"Apart from the privy ¹¹⁻¹⁵ purse fixed by the Government, may I know, Sir, whether any a.m. cash payments were made to the Rulers of the States for performing certain marriages and for building palaces?"

THE HON. SRI B. GOPALA REDDI:—"I do not exactly remember the figures. We recommended to the Government of India for sanctioning certain items of expenditure for construction of some buildings and marriages and the like."

(The Deputy Speaker occupied the Chair at this stage.)

SRI A. KALESWARA RAO:—"Is it the policy of the Government to create new capitalists who get thousands of rupees per year?"

THE HON. SRI B. GOPALA REDDI:—"Having acquired their States, the Government of India thought they must be well compensated."

JANAB MUHAMMAD ABDUL SALAM:—"May I know, Madam, whether we are getting more land revenue from these States than what we are paying them as privy purse?"

THE HON. SRI B. GOPALA REDDI:—"What we are likely to get from the merged States is likely to be less than what we are likely to spend on these privy purse."

JANAB MUHAMMAD ABDUL SALAM:—"Have representations been made to the Central Government and are the Central Government likely to consider the advisability of compensating the balance to the local Government?"

THE HON. SRI B. GOPALA REDDI:—"The matter has not been taken to that level. We expect orders of the Government of India in the matter very soon."

JANAB M. S. ABDUL MAJID:—"May I know, Madam, whether the grant is hereditary or whether it will stop with the ruling prince?"

THE HON. SRI B. GOPALA REDDI:—"I think the present understanding is it will continue for some time. I do not think it is personal. I am not quite sure."

SRI C. M. KOTHARI:—"Would the deficits be a liability to the Madras Government?"

THE HON. SRI B. GOPALA REDDI:—"Quite so, Madam."

SRI P. VENKATASUBBIAH:—"Apart from the privy purse, Madam, is it a fact that certain large sums are being paid as allowances and salaries to brothers, brothers-in-law and so on of these princes?"

THE HON. SRI B. GOPALA REDDI:—"All these items, I think, come under the allowance. A separate question may be put."

JANAB MUHAMMAD RAZA KHAN:—"May I know, Madam, whether the people of these States feel happy after the merger? Have their prosperity increased or decreased?"

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THE HON. SRI B. GOPALA REDDI:—"Integration did not depend upon increase or decrease in prosperity. It was considered from a different criterion altogether."

SRI P. VENKATASUBBIAH:—"Do the people of these merged areas feel they are having equal freedom after the States were integrated with the adjoining provinces?"

THE HON. SRI B. GOPALA REDDI:—"They are patriotic enough to feel that they are free Indians in a free Indian Republic."

JANAB MUHAMMAD RAZA KHAN:—"Is the Hon. Minister, aware that the people of these States feel that they escaped from the tyranny of the States and now they have to face the heavy taxation of the Madras Government?"

THE HON. SRI B. GOPALA REDDI:—"We are giving them many more amenities like irrigation facilities in the Pudukkottah State."

SRI A. KALESWARA RAO:—"May I know, Madam, whether it is not a fact that under the State rules the taxation was higher than in free India?"

THE HON. SRI B. GOPALA REDDI:—"In certain cases it was higher in the States and in certain other respects it was higher in the Province. For instance they had no sales tax. Now it is to be applied to these States."

SRI P. VENKATASUBBIAH:—"May I know, Madam, whether the Provincial Government was consulted by the Central Government before fixing the privy purse of the rulers?"

THE HON. SRI B. GOPALA REDDI:—"No, Madam. They have a definite standard by which they fix these things. As I have already stated on the floor of the House, it is based on a certain percentage, 15 per cent on the first one lakh, 10 per cent on the next four lakhs and 7½ per cent on anything above that. That is the criterion on which they fix these things."

SRI P. VENKATASUBBIAH:—"May I know whether this applies to other provinces also?"

THE HON. SRI B. GOPALA REDDI:—"Yes; that is for the information of the hon. Member."

Recommendations of the Sub-Committee to the Board of Communications.

* 245 Q.—JANAB S. MUHAMMAD ISMAIL: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the recommendations of the Sub-Committee appointed by the Board of Communications on 27th November 1947 have been approved by the Government; and

(b) if so, whether they are being implemented by the Government?

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THE HON. SRI M. BHAKTAVATSALAM:—" (a) Most of the recommendations of the sub-committee have been accepted *in toto* and a few with certain modifications while a few others have been deferred or not accepted.

" (b) The recommendations accepted by Government are being implemented as far as possible."

JANAB MOHAMED RAFAEUDIN AHMAD ANSARI:—"May I know, Madam, whether the sub-committee recommended the formation of the District Communications Committees and, if so, whether the Government have implemented the recommendation?"

THE HON. SRI M. BHAKTAVATSALAM:—"That was one of the recommendations of the Committee but in view of the revival of the district boards that recommendation has not been accepted by the Government."

Appointment of fabricators.

* 246 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Agriculture be pleased to state—

(a) the number of fabricators that have been appointed for agricultural purposes in the Nellore district; and

(b) how many fabricators for industrial and agricultural purposes are there in that district at present?

THE HON. SRI A. B. SHETTY:—" (a) Two.

" (b) There are at present eight fabricators for industrial purposes and two fabricators for agricultural purposes."

SRI R. V. SWAMINATHAN:—"May I know, Madam, whether these fabricators have been asked to submit returns of the implements manufactured by them and to whom?"

THE HON. SRI A. B. SHETTY:—"The co-operative societies have been entrusted with the work of sales of these agricultural implements which these fabricators send them."

SRI C. M. KOTHARI:—"May I know, Madam, whether these fabricators are also fabricators of ready-made houses?"

THE HON. SRI A. B. SHETTY:—"They are only fabricators of agricultural implements."

SRI R. V. SWAMINATHAN:—"Are the Government aware that these fabricators who receive the iron, manufacture few agricultural implements and sell the major portion of the iron in black market?"

THE HON. SRI A. B. SHETTY:—"No, Madam."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I know what check the Government have over the fabricators to see that

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the iron supplied to them by the Director of Controlled Commodities is put to use for which it is intended, viz., manufacture of agricultural implements?"

THE HON. SRI A. B. SHETTY:—"I presume they have to submit accounts."

Integration of the Sandur State.

* 247 Q.—SRI P. VENKATASUBBIAH: Will the Hon. the Premier be pleased to state—

(a) whether the integration of Sandur State with Madras Province is complete and what arrangements have been made for the absorption of the different departments and for their administration;

(b) whether all the employees have been absorbed;

(c) whether the scales of pay of the employees there have been brought on a par with those of the Provincial Government and if not, why not; and

(d) whether any representations have been made to exempt the employees from being qualified and if so, what action the Government propose to take in the matter?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—" (a) The Sandur State merged with this Province on 1st April 1949. Instructions have been issued by the departments of the Secretariat to the heads of departments under their administrative control to take over the administration of the departments of Sandur Darbar with which they are concerned and run them with reference to the State Laws in force. It is being administered as part of the Province on and from 1st August 1949.

" (b) Instructions have been issued recently laying down principles for the absorption of the Sandur State employees. Proposals for absorption are being considered by the heads of departments concerned.

" (c) Instructions have been issued regarding the grant of provincial rates of pay and allowances to the fully qualified State servants and those who have yet to pass the prescribed departmental tests. Persons with no qualifications will be given pre-merger rates of pay and they will be governed by and retired under the State Rules.

" (d) No representation on the subject has been received so far. Individual cases of hardship, if any, will no doubt be considered either by heads of departments or the department of the Secretariat concerned."

SRI P. VENKATASUBBIAH:—"In view of the fact that at the time of the employment of the State servants no such conditions were imposed for getting themselves qualified, may I request the Government to exempt all these State servants from getting themselves qualified as most of them are as efficient as any other employees in this Province?"

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THE HON. SRI B. GOPALA REDDI:—"There are two things. If they did not qualify themselves under the new tests and all that, they won't get the Madras scales of pay. Unqualified people will continue to get pay under pre-merger rules."

JANAB MOHAMED ABDUL SALAM:—"In the matter of the integration of the States, may I know, Madam, whether the representative of the Sandur State was elected or nominated?"

THE HON. SRI B. GOPALA REDDI:—"There is no separate representative for the Sandur State. There are two representatives for all the merged States. They have been nominated by the Governor-General of India."

JANAB ABDUL HAMEED KHAN:—"Arising from the answer of the Hon. Minister, may I ask, whether it is not justice done to these officers if they are not asked to pass tests at a late age before they are confirmed in their respective services?"

THE HON. SRI B. GOPALA REDDI:—"Individual hard cases are being considered by the Government. Likewise these servants should not expect the Government to pay Madras scales of pay if they are not able to pass the Madras standard of examinations."

SRI R. V. SWAMINATHAN:—"Will the Hon. Minister assure the House that the Government will absorb all the employees with qualification or without qualification under the Provincial or the then existing scale of pay before merger?"

THE HON. SRI B. GOPALA REDDI:—"Any such assurance is hardly necessary. We are considering all the cases sympathetically and where of course there is superfluous or unnecessary staff we have to retrench some of them. But I do not think there are many of that sort."

SRI A. KALESWARA RAO:—"May I know, how much is being paid to the Sandur Ruler?"

THE HON. SRI B. GOPALA REDDI:—"Rs. 90,000."

SRI A. KALESWARA RAO:—"As there is only a deficit in the income of the Province by paying these rulers so much, may I know whether a reduction in the annual pension paid to these rulers will be considered?"

THE HON. SRI B. GOPALA REDDI:—"This is entirely a matter for the Government of India to deal. We are acting under the instructions of the Government of India. The Madras Government can do nothing in the matter."

SRI P. VENKATASUBBIAH:—"In view of the fact that notices have been served upon some of the State employees on the score that they are only temporary people, will the Government sympathetically consider their cases and absorb them in the Provincial service?"

THE HON. SRI B. GOPALA REDDI:—"The heads of departments are considering these cases very carefully and

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as and when they are ready they are submitted to the Government for passing orders. All such cases will be considered in due course."

JANAB MOHAMED ABDUL SALAM:—"No doubt, Madam, these representatives of the merged States were nominated by the Government of India. May I ask the Government whether this Government made any recommendations in the matter and the Provincial Government consulted the rulers of the merged States?"

THE HON. SRI B. GOPALA REDDI:—"The rulers became ex-rulers and there was nothing to consult them. We did make the recommendations."

SRI P. VENKATASUBBIAH:—"May I know, Madam, whether such of those Acts that are anomalous or repugnant to the existing Acts of the Madras Province or their policies would be amended?"

THE HON. SRI B. GOPALA REDDI:—"I suppose after this legislation [Madras Merged States (Laws) Bill, 1949], all these things will be considered. I am not quite sure. A separate question might be put."

Application of the Payment of Wages Act to factories.

* 248 Q.—JANAB MOHAMED ABDUL SALAM: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether all the provisions of the "Payment of Wages Act" have been made applicable to all the factories in this Province;

(b) to what other industries and business concerns the provisions of the Act (Payment of Wages Act) have been made applicable;

(c) whether any special staff has been appointed by the Government to enforce the provisions of the Act; and

(d) whether any complaints have been received by the Government regarding delayed payment of wages or illegal deductions from the wages of workers?

THE HON. SRI H. SITARAMA REDDI:—" (a) Yes, Madam.

" (b) (i) Tramways and motor omnibus services.
(ii) Plantations.

" (c) No Madam. Factory Inspectors and Labour Officers function as Inspectors under the Act.

" (d) Complaints are received by the Inspectors. They will be settled either by the Inspectors or in serious cases, by the Commissioner for Workmen's Compensation."

11-30 a.m. JANAB MOHAMED ABDUL SALAM:—"May I know whether the Payment of Wages Act will be made applicable to the Government Press in the City?"

THE HON. SRI H. SITARAMA REDDI:—"I have said 'Yes' in answer to clause (a) of the question."

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JANAB MOHAMED ABDUL SALAM:—"May I ask a specific question, whether in the Government Press the Government are collecting by way of fines an amount more than what the Payment of Wages Act allows to the worker?"

THE HON. SRI H. SITARAMA REDDI:—"I have not had any complaint about this matter; but if there is really any case of injustice being done, I am prepared to see that it is rectified."

SRI N. VENKATASUBBAYYA:—"May I know whether it is a fact that a large number of linotype and composing staff have resigned in spite of twenty years of permanent service and gone out of the Province, because their grievances have not been redressed by this Government?"

THE HON. SRI H. SITARAMA REDDI:—"Most probably they had better prospects outside and so they must have gone out."

SRI N. VENKATASUBBAYYA:—"Does the Hon. Minister realize that their going out of the Province has seriously given a set back to the work in the Government Press?"

THE HON. SRI H. SITARAMA REDDI:—"This is a matter about which I have no information with me. I should suggest to my hon. Friend to put a separate question because I have not got the information and I am not in charge of the subject."

SRI N. VENKATASUBBAYYA:—"Is it a fact that the linotype operators here get only Rs. 50 per mensem to start with whereas they are given Rs. 350 per mensem in Bombay? And will the Government take steps to see that their service conditions are bettered in this Province, so that they may not go out?"

THE HON. SRI H. SITARAMA REDDI:—"I should like to suggest to the hon. Member, as I have already done, to put a separate question, because the matter is being dealt with by the Hon. Minister for Education."

JANAB MOHAMED ABDUL SALAM:—"Arising out of the answer to clause (c), may I know why the Government have not been pleased to appoint special staff to implement the Central Act?"

THE HON. SRI H. SITARAMA REDDI:—"We have got already Factory Inspectors and Labour Officers who are doing that work, and we do not find there is any need for additional staff."

SRI N. VENKATASUBBAYYA:—"Is it a fact that an enquiry was made some time back by the Collector of Madras regarding the grievances and disabilities of these workers and that a report has been submitted to the Government, but so far no action has been taken thereon?"

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THE HON. SRI H. SITARAMA REDDI:—"Madam, this is a question specifically about the Payment of Wages Act. The enquiry by the Collector might have related to several other matters."

Concessions to political sufferers.

* 249 Q.—JANAB MOHAMED ABDUL SALAM: Will the Hon. the Premier be pleased to state—

(a) whether the Government have decided to give concessions to political sufferers that seek entry into the public services of this Province;

(b) if the answer to (a) is in the affirmative, what the concessions given are; and

(c) whether any concessions so granted have been subsequently withdrawn?

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

" (b) The attention of the hon. Member is invited to Press Note No. 58, Public Works (Information and Publicity), dated 26th March 1949.

" (c) No."

JANAB MOHAMED ABDUL SALAM:—"May I know whether the Hon. Minister will give us a summary of that communication?"

THE HON. SRI B. GOPALA REDDI:—"When I invite the hon. Member's attention to the statement issued, he cannot again put the question to me. Anyway, I may say the Government Order was passed on 26th March 1949 and these are some of the matters dealt with by that Government Order—

(1) Where the prescribed conditions regarding qualifications are strictly fulfilled and any other considerations affecting the assessment of merits of candidates are equal, participation in national work should be regarded as an additional qualification and preference accorded to candidates who have made sacrifices in the cause of the country's independence.

(2) Relaxation of the age limit in favour of such persons in deserving cases should also be made."

SRI R. V. SWAMINATHAN:—"May I know from the Hon. Minister whether the Government will consider the question of giving concession in the matter of education to the children of such persons?"

THE HON. SRI B. GOPALA REDDI:—"It was considered some time ago, and we thought such a concession would cost the Government quite a lot."

JANAB MOHAMED ABDUL SALAM:—"Is it not a fact that because of their sacrifices, the hon. Members there are adorning the Treasury Benches; is it necessary that this concession should be extended to all services?"

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THE HON. SRI B. GOPALA REDDI:—"After all, the conditions are very strict; where they are fulfilled and the other conditions are almost equal, this is considered as a preferential qualification; but that does not mean that we knock out all the other qualifications that are necessary."

Disposal of groundnut cakes by the Wholesale Co-operative Stores, Nellore.

* 250 Q.—SRI D. V. RAMASWAMI (on behalf of Sri V. Raghavayya): Will the Hon. the Minister for Agriculture be pleased to state—

(a) the number of bags of groundnut cakes that were disposed of by the Wholesale Co-operative Stores, Nellore, after decontrol and till the end of October 1949;

(b) at what prices;

(c) on what basis and by whom the distribution was done; and

(d) what the prevailing market price was during that period?

THE HON. SRI A. B. SHETTY:—" (a) Twelve thousand two hundred and ninety-seven bags.

" (b) At the controlled price of Rs. 10-8-0 per bag of 160 lb. plus sales tax.

" (c) The stocks were distributed by the Central Stores in retail at Nellore under the personal supervision of the President and Vice-President of the Stores. The President of the Stores or in his absence, the Vice-President issued chits to the applicants who were agriculturists, specifying the number of bags with reference to the stocks available from time to time, and the relative needs of the applicants.

" (d) The market price prevailing at the time ranged from Rs. 14 to Rs. 17 per bag of 160 lb."

SRI P. NATESAN:—"If the market-price was Rs. 14 to Rs. 17 why did the Government allow the stores to sell at Rs. 10-8-0 per bag?"

THE HON. SRI A. B. SHETTY:—"They were selling at the controlled price."

SRI P. NATESAN:—"Is the market-price supposed to be blackmarket price, and is blackmarket officially recognized?"

THE HON. SRI A. B. SHETTY:—"Control has been lifted with effect from 15th January 1949."

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

II.—THE MADRAS VILLAGE PANCHAYATS BILL, 1949
(L.A. BILL No. 22 of 1949)—cont.

THE DEPUTY SPEAKER:—"Discussion on the Village Panchayats Bill will now continue. Sri Sanyasi Rao will continue his speech."

SRI G. SANYASI RAO:—"ఉపాధ్యక్షులారా! అమ్మా, పంచాయితీ చట్టము ప్యాన్లెవరువారూ గ్రామములలో చేయవలసిన చాలా పనులు పంచాయితీవారి

[Sri G. Sanyasi Rao]

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చాక్రత కేంద్రకు వచ్చునుకనుక అప్పుడు ప్రత్యేకంగా Firka Development Department అవసరమని నా ఉద్దేశము. కాబట్టి Firka Development Department చేయవలసిన పనులన్నింటిని పంచాయితీలకే అప్పగించి ఆ Firka Development Department రద్దుచేయవలసిన మనవిచేయుచున్నాను.

“ప్రతి గ్రామములోను కొన్ని కొన్ని మార్కెట్లు జిల్లా బోర్డువారి అధీనములో ఉన్నవి. వీటిపైనవచ్చే ఆదాయము జిల్లా బోర్డులకు పోతుందేగాని గ్రామములకు వివిధంగానూ ఉపయోగపడటంలేదు గాన పంచాయితీలకు అప్పగించవలెను. ఈ బిల్లులో గ్రామ పరిశ్రమలకు ప్రోత్సాహ పరచవలసిన సూచించబడినది. గ్రామ పరిశ్రమలకు ప్రోత్సాహ మివ్వవలసిన ఈ పంచాయితీలకు వచ్చే రాబడి ఎంత మాత్రము చాలదు. కాబట్టి గ్రామాలలో ఉండేటటువంటి మార్కెట్లు వాగైరా గ్రామ పంచాయితీల అధీనములోనే ఉంచి వాటివల్ల వచ్చే అధనపు ఆదాయాలను పంచాయితీలకు వచ్చినట్లైతే పంచాయితీలు గ్రామములలో పరిశ్రమలు అభివృద్ధి యగుటకు ప్రయత్నము చేయగలవని మనవిచేస్తున్నాను.

“గ్రామములలో ఇప్పుడు కొన్ని చోట్ల జిల్లా బోర్డులచే కొన్ని రైబరీలు నడుపబడు చున్నది. ఇవి సక్రమంగా నడపబడుటలేదని, గ్రామస్తులకు ఉపయోగపడుట లేదని విమర్శ ఉన్నది. ఈ రైబరీలవల్ల ప్రజలకు పయోగము కలగవలసినదే వాటిని పంచాయితీల అధీనములో ఉంచవలసినదని మనవిచేస్తున్నాను.

“ఇప్పుడు గ్రామములలోని ప్రజలకు అత్యవసరముగా కావలసిన వస్తువులు సక్రమంగా దొరుకుటలేదు. అందుచేత వారికి కావలసిన వస్తువులను సరఫరాచేయుటంటి ధరలకు కోఆపరేటివ్ స్టోర్సుద్వారా supply చేయించవలసినదిగా కోరుచున్నాను. ఈ Co-operative Stores పంచాయితీ బోర్డువారి ఆజమాయిషీ క్రింద పనిచేసేటట్లు కూడా చూడగోర్తాను. అవిధంగా చేసినట్లైతే గ్రామములలోని ప్రజలకు సరకులు సరఫరా ధరలకు దొరకగలవని మనవిచేస్తున్నాను.

“ఈ బిల్లులో గ్రామములలోని ఇండ్లపై పంచాయితీలు పన్నులు వేయవచ్చునని ఉన్నది. గ్రామములలోని చాలాఇండ్లు కూలినాని చేసుకొని జీవించేటటువంటి వీడ ప్రజలవే ఉంటాయి. ఇవి చాలాభాగము గుడిశలు. అటువంటి వాటిపై వివిధమైన పన్నులు వేయకూడదని నా అభిప్రాయము. గ్రామాలలోఉన్న మేడలమీద పెద్ద పెద్ద భవంతులైన పన్నులు అధికముగావేసినా నాకేమియు అభ్యంతరములేదు. కాని తాటాకుఇట్లు మొదలైనవాటిని ఈ పన్నునుంచి మినహాయించవలసినదిగా మనవి చేస్తున్నాను.

“ఈ బిల్లులో గ్రామ పంచాయితీలను చిన్న సీవిల్, క్రిమినల్ కేసులను విచారించే అధికారమును కలుగజేయున్నారు. ఈ అధికారములను రెండవ తరగతి పంచాయితీలలోని ప్రజలకు అప్పగించుచున్నందులకు వారు సంతోషిస్తున్నారు. ఈ అధికారములను ఇవ్వడంవల్ల గ్రామాలలో blackmarketing కేసులు, prohibition కేసులు విచారించుటకు అధికారములివ్వాలి. అందువల్ల వాటిని తగ్గించడానికి వీలుంటుంది. ఇటువంటి అధికారాలను పంచాయితీలకు కలగజేసినాడే మధ్యపాన నిషేధం సక్రమంగా అమలుజరుపబడటానికి అవకాశము ఏర్పడుతుంది. అంతేకాకుండా ఈ కేసులను విచారణ చేయడంవల్ల వచ్చిన జరిమానా డబ్బుతో పంచాయితీ రాబడికూడా పెరుగగలదు.

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[G. Sanyasi Rao]

“అంతేకాకుండా గ్రామాలలో అస్తులను అమ్మినపుడు, పంచుకున్నప్పుడు, ఇంకా ఇతరవిధమైన క్రయ విక్రయములు జరిగినపుడు ఆ గ్రామస్తులు Sub-Registrar కచ్చేరికి వెళ్లవలసివస్తువంటి అవసరములేకుండా చిన్న చిన్న దస్తావేజులు గ్రామాలలోనే పంచాయితీవారు రిజిస్టరుచేసేటటువంటి ఏర్పాటులను చేపెట్టేటే గ్రామస్తులకు ఖర్చులు తగ్గి చాలా తేలికగా ఉండడమేకాకుండా, ఈ రిజిస్ట్రేషనువలన పంచాయితీలకు ఎక్కువ రాబడి రావటానికి అవకాశముంటుందని మనవిచేస్తున్నాను. కాబట్టి చిన్న చిన్న దస్తావేజులను రిజిస్టరుచేసే అధికారాన్ని పంచాయితీలకు కలుగజేయవలసినదని ప్రభుత్వమువారిని కోరుచున్నాను. లేకపోతే ఈ రిజిస్ట్రేషనువల్ల గ్రామాలనుంచి వచ్చేటటువంటి ఆదాయంలో చాలాభాగం గ్రామాలకే ఇవ్వవలసినదని మనవి చేస్తున్నాను.

“అంతేకాకుండా గ్రామాలలో జరుపబడే చిన్న చిన్న సర్క్సులు, సినీమాతల వచ్చే వివోడముల పన్నులు పూర్తిగా గ్రామాలను అభివృద్ధి చేయడానికి వినియోగించుటకు వీలుగా ఆ మొత్తములను పంచాయితీలకే ఇప్పించవలసినదని కోరుచున్నాను.

“ఇప్పుడు గ్రామాలకు సంబంధించిన అనేకమైనటువంటి చిన్న చిన్న కనులు జిల్లా బోర్డువారి అధీనములో ఉన్నవి. జిల్లా బోర్డువారి అశ్రద్ధలవల్ల అనేకమైన చిన్న చిన్న పనులు, చాలాకొద్ది మొత్తాల ఖర్చుతో సాధించగలిగినటువంటివి అశ్రద్ధచేయబడుతున్నాయి. గ్రామస్తులు ఈ అశ్రద్ధల వాధలపడవలసినదే. కాబట్టి ఈ కనులన్నీంటిని చేసుకొనే అధికారము, అవకాశము గ్రామ పంచాయితీలకు అప్పగించవలసినదిగా కోరుచున్నాను. ఇప్పుడు జిల్లా బోర్డులవారు చేయుచున్న పనులను ఇకముందు పంచాయితీలే చేస్తాయనికనుక జిల్లాబోర్డుల అవసరం తగ్గిపోతుంది. ప్రభుత్వమునకు ఖర్చు తగ్గుటకుగాను జిల్లాబోర్డులను రద్దుచేయటానికికూడా నాకేమి అభ్యంతరములేదు.

“ఈ గ్రామ పంచాయితీ చట్టమును స్వరలో అమలుచేసి గ్రామ స్వరాజ్యమును స్థాపించి గ్రామాలలో సదుపాయములను చేసుకోటానికిగాను గ్రామములలో ప్రజలకు అవకాశములను కలుగజేయవలసినటువంటి స్థానిక శాసనామూల్యులగు శ్రీ చండ్రమూర్తి గారిని హృదయపూర్వకంగా అభినందిస్తూ ఈ బిల్లును నేనే బలపరుస్తున్నాను.”

* JANAB M. V. HYDROSS:—“Madam, Deputy Speaker, I rise to support this Bill; but at the same time, I wish to draw the attention of the Government to some of the salient features of the Bill which may not be suitable to the conditions prevailing in our Province. You know, Madam, that the Bill has been hailed by one and all, as being one on the model of the Russian constitution where the village is a self-contained unit. Applying the very same principles to the conditions prevailing in our Province, I have my own fears whether the scheme would work satisfactorily here. We are a people here having different castes, creeds, religions and also a number of political parties which impair the peaceful life in the village. To my knowledge, in Russia, there is only one party, rather only one party is allowed to function and things will be all right in a village of that kind. But here, these small units of local administration will be creating feuds, bitterness and clashes between the various clans and various parties and the quite peaceful life of the villagers will be greatly impaired. That is one of my fears.

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a.m.

"From the scheme of the Bill, Madam, what I could understand is that these self-contained units will be supervised by somebody at the provincial headquarters, namely, the Inspector of Local Boards. I submit that so far as the supervision of these village units is concerned, it is very dangerous to leave the matter in the hands of one officer for a pretty huge Province such as ours. For example I have come across one instance even under the present Local Boards Act. The elections to the Panchayat Board of Tanur were completed nearly a year ago and yet the board has not been constituted; simply because a particular political party was not able to get the expected number of seats, I am told that there is no purpose to constitute the board in the near future. If the Government is going to have an attitude of this kind that wherever a particular party whom they do not like, gets a majority, there will be a tendency not to constitute the board, it is not fair and it is a note of warning that in matters of this kind, wherever the party in power is not pleased with the candidates who have been elected, the interference by authorities should be got rid of for all time. I would request the Government to make sufficient provisions in the Bill to see that official interference in matters pertaining to village administration shall be reduced to a minimum. There is another important aspect that has to be considered with reference to the conditions prevailing in Malabar. Outside Malabar you have got villages scattered here and there; there will be one village as a self-sufficing unit with its common pasture land, common paddy lands, grazing lands and the village common lands. You know, Madam, that conditions in Malabar are different. You will find the whole area extending as one garden; a garden and a house within a compound is the peculiar feature of Malabar and that runs through the entire stretch of the district and villages cannot be easily demarcated and I am really afraid whether the provisions of the Bill relating to the demarcation of villages can be easily worked out in Malabar. There is another difficulty. The revenue unit is considered to be the unit for purposes of village administration. Outside the district of Malabar, there are villages under one karnam, that person collecting the revenue; but there in Malabar we have got the *amsam* and also the *desam* and the population of the *desam* is more than that of a single village in the other parts of the Province. I would suggest that in the matter of giving power to the village for self-administration, the factum of the *desam* may be taken into consideration.

"One point more, Madam, and I have finished. Many hon. Members have spoken about the election of the President. Direct election of the Chairman or the President as the case may be will be really creating—after all we are all human beings—discontent on the part of the Chairman against the persons who might have worked against him. It will be sufficient if the President is elected by the members who were elected by the people and he will be the person who ultimately will have the confidence of the people. I would, therefore, suggest that the provisions relating to the

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direct election of the Chairman may be dropped and he may be elected by the members constituting the board. With these remarks, Madam, I support the Bill."

* SRI S. CHIDAMBARA AYYAR:—"Madam, Deputy Speaker, it is in the fitness of things that the villages are recognized as autonomous units for purposes of local administration and it is proposed to give real self-Government to them under the Bill and we welcome the Bill. In the past the villages enjoyed such a position but with the advent of British rule and the concentration of powers in the hands of the Government and because centralization has taken place, the result has been that education, public health and such other essential needs of the village, in short the nation-building activities had suffered considerably. This bill retrieves the position and gives a fillip to autonomous village administration by the people themselves; they elect their own panchayat and manage their own business. No doubt the people are given the power to choose their own Chairman but the system of direct election mentioned in the Bill will, I fear, not conduce to the good administration and the stability of the village panchayat. Considering the fact that education has not permeated to our villages to an appreciable extent and there are feuds and factions in every village, my submission would be that at the present stage it is not desirable to have the system of direct election of the Chairman of panchayats. Direct election though it is good in principle may wait for some time till the conditions improve in the villages and until then as in the case of district boards and municipalities, it will be better to have the Chairman elected by the members constituting the board. There is also the other factor. The Chairman elected by the people is one entity and there are the other members who are also elected by the people and they form another entity and then comes the executive officers who are another entity. Disputes are likely to arise between them in the discharge of their functions and in the interests of the smooth administration of our village administration, my submission would be that it would be better at the present moment to have the system of electing the Chairman by the members constituting the board. When the villagers get sufficiently educated and they advance in the field of local administration, then it will be time to consider the introduction of the direct system of election.

"The other question is about the status of the village headman in the panchayat board. He is an ex-officio member of the board and at the same time, he is not entitled to vote. It is an anomalous position that he occupies. The Government consider that he is essential for the efficient administration of the village panchayat. It has been provided that he shall not be eligible to contest the election as a candidate. The position must be this. If you want him, give him the powers and privileges of a member and if you do not want him, better leave him alone and do not take him in. My submission is that when once you say that he is useful to the board, he must be given the powers and privileges of a member

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and he must be given a vote. He must be given the vote like the president of the panchayat who is an ex-officio member of the board but at the same time has the right to vote.

“Then, Madam, as regards the development of cottage industry and elementary education, they are mentioned under optional items of expenditure in the Bill. They should be compulsory items of expenditure. As regards hospitals, for a group of villages, hospitals should be compulsorily established under the provisions of the Act and there should be compulsory allotment of expenditure of funds of the panchayat for the purpose. Section 71 deals with the panchayat funds and I feel that the village munsif should not be the collecting agency and he should not be entrusted with the duty of making these collections. According to clause 72, the Government are going to give 12½ per cent of the total land revenue for the finances of the panchayats. I thought that when the Bill emerged from the Select Committee, they would see that this is rather low and would put it up to at least 25 per cent. As it is, I feel, Madam, it will not be sufficient to satisfy the amenities that the panchayat is expected to provide for the people. With these words, I support the Bill and hope and trust that the Bill will ensure the benefit and advancement of the villages.”

JANAB MUHAMMAD RAZA KHAN:—“Madam, Deputy Speaker, no one in the House would deny the earnestness and sincerity of the Minister for Local Administration in getting this Bill through. During the first reading of the Bill, many of us gave expression to our doubts and apprehensions regarding the Bill and whether the Hon. Minister would be able to implement the provisions of the Bill, having regard to the conditions existing in the village parts and I say, Madam, that I have absolutely no reason now to change the opinion that I expressed then and I still stick to it. I would like to ask the Hon. Minister whether, after getting this Bill through, he is going to bring into being a number of panchayats be they first class or second class panchayats or major or minor panchayats because of the existing conditions in our villages. It was rightly pointed out by a previous speaker
12 noon. that the villages are faction-minded and full of troubles and the reasons are not far to seek. At the time when the hon. Mr. Prakasam was the Premier, his first attempt at reforming village administration was to give the village committees powers to distribute controlled commodities. How did it work? Every day, there were troubles and some Congressmen themselves admitted that in regard to membership and the presidentship, there were some murders even. Such unfortunately is the condition in our villages. I really feel very diffident, Madam, whether the Hon. the Minister for Local Administration is going to usher into this Province the Ramrajya about which he seems to be so earnest and serious. I wish him godspeed. But I may say that unless and until these people are trained and trained properly it is not going to succeed. For what will happen is that a panchayat may be formed in the morning and it may be superseded in the evening. Of late that is what we are witnessing in the Province, and I do not know their exact number now.

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“With regard to the clauses, I do not wish to take up much time of the House except to draw the attention of the Hon. Minister for Local Administration to certain important changes made in the Bill. The first important change made by the select committee is with regard to the representation of minorities in the panchayats. I really feel happy and I congratulate the Hon. Minister for Local Administration on the fact that there is not going to be reservation of seats for the minority communities except for one community, the Harijans. Madam, Deputy Speaker, in this matter, though we have been all along claiming reservation, we are now going one step further. We welcome the innovation. But having refused reservation to the minority communities of Muslim and Christians and others, I am unable to understand the logic or the reason behind the reservation of seats for Harijans in panchayats. Of course I have got the same kindness and sympathy for them which the Congress party have for them; but all the same, it shows that Government have no confidence in the other communities that they would treat the Harijans properly. The Government feel that they would not do justice to the Harijans. Madam, I submit this is casting a slur on the other caste Hindus and other communities. I am using this argument with no other purpose than to get from the Hon. Minister an admission that even in the year of grace 1949, unfortunately the feelings and sentiments of people have not changed, and so whenever this sort of reservation of seats is not provided for the minority communities, the majority community want all seats for themselves. I will go one step further. It seems the Premier wants that whenever there is no nomination, and whenever the Congress party wants to form any committee or any other body, the majority party alone should be there. With such a mentality and with such a feeling, does anyone think that things would be improved? Therefore I think the Hon. Minister for Local Administration did really a bad thing in this matter. Madam, I leave this matter there and proceed to my next point.

“The second thing I wish to say is with regard to the novel way in which the president is to be elected to the panchayats. He is to be elected by the general electorate and not by the panchayat. It is a wrong thing to do so. Apparently the Government are not aware of the implications of such a course of action. Imagine the feelings in the village when two persons stand for election as president, say, from the same community, or even from different communities. The House is already aware of the recent presidential elections to district boards in the Province, which caused so much head-ache to the Congress party. In no district board the president was elected from the general electorate. Do Government think for a moment that villagers have become so conscious and politically advanced as to work democracy in the true sense of the term? I submit the whole village will be divided into factions and groups. Madam, Deputy Speaker, even for the presidentship of the Indian Republic it is not the general public who are going to elect; but it is the Central Assembly that is going to elect. So there is no parallel for this. I do not know what made the Hon. Minister think of this new method.

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"Then, Madam, Deputy Speaker, the whole difficulty of giving effect to any enactment is finance. It is all right to have a very good scheme on paper. The only thing on which any scheme can be worked is finance; in fact, it is the most important thing. What is the point in having panchayats with an income of three thousand rupees per annum and an expenditure of twenty to twenty-five thousand rupees per annum. Can the Hon. Minister for Local Administration give an assurance that whenever panchayats come forward with an application for loan he would be able to grant it? The Hon. Finance Minister said the other day that the income from the land revenue is going down annually. So I do not know how the Hon. Minister is going to finance this scheme. Madam, instead of levying a cess on the commodities coming into the village he has thought fit to levy a cess on the transfers of property in the village. May I submit to him that very often transfers do not take place in the village at all; and even in its working there will be so many difficulties.

"He has also hit upon a novel plan of declaring that all markets—I think it is mandatory—will be owned by the panchayats. I do not know the logic behind this clause. There are several cases of markets built by private persons, and from the rents secured from them, they are earning their livelihood. By this clause, Government are depriving people of their means of livelihood. And this also means that Government do not want people to do any business. Madam, Deputy Speaker, I submit this is not the way of getting income for panchayats.

"Madam, I do not wish to go into the other details of the Bill except to echo the sentiments expressed by one of my colleagues on this side of the House, Mr. Ibrahim that the measure may be good by itself, the idea of the legislation may be good, the purpose of it may be laudable, in fact, everything may be good and sound, but that this is not the opportune time for bringing it. We do not know what the verdict of the partition council set up recently would be. We do not know whether the Province would be split up into two immediately. We do not know when the new elections will come off. All these facts have to be taken into account before any new legislation is brought forward. The test for a good administrator is that he should plan not merely for to-day or to-morrow but for years to come. It is no good getting Bills passed in the legislature and keeping them on the statute book. It may be useful for propaganda work.

"I may say here that quite recently I received a booklet published by the Congress Legislature Party. I find there mention made of the great achievements of the Congress party during the last three years—that the party has been able to get as many as 70 or 80 Bills passed through the legislature. I may tell Hon. Ministers that the greatness of their administration does not depend on the number of Acts they are able to pass. The real criterion depends on the prosperity of the Province. The people do not care how many Acts the Congress party passes. They may govern the Province by passing ordinances. The man in the street is not

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concerned with that. What he feels about is the improvement in his economic condition. He is more anxious about whether he is able to secure things at a cheap rate. He is more worried about his economic status than of anything else. He is not worried about the abolition of zamindari estates or the passing of the Prohibition Act or the passing of the Panchayat Act. Therefore my advice to the Hon. Minister for Local Administration is to study the implications of enforcing this legislation, and particularly the situation of the Province after its partition. I submit, this is not the time to pass a measure of this kind. When the opportune time comes, let him work the Act in a select area, as an experiment on a smaller scale, and from the experience gained there, extend it slowly to other areas in the Province.

"In conclusion I have to submit that I have said all this not in a spirit of mere criticism for criticizing the Hon. Minister for Local Administration, for he is a nice man, a gentleman par excellence; he is a very good man, and therefore I thought he might condescend to listen to me."

* SRI M. P. PERIYASWAMI:—"கனம் தலைவி அவர்களே இந்த பஞ்சாயத்து மசோதாவை ஆதரித்து சில குறைகளை எடுத்துக்காட்ட நான் விரும்புகிறேன். இந்த பஞ்சாயத்து மசோதாவானது கவர்மெண்டால் கொண்டுவரப்பட்டதாக இருந்தாலும் அதில் ஹரிஜனங்களுக்கும், மற்ற பிற்போக்கு சமூகத்தினருக்கும், சில குறைகளும் கஷ்டங்களும் உண்டாகும் என்பதை எடுத்துக்காட்ட விரும்புகிறேன். இந்த மசோதாவில் சில கிரிமினல், சிலில் குற்றங்களுக்கு அந்தந்த பஞ்சாயத்து பிரசிடெண்டே தண்டனை விதிக்கலாம் என்றிருக்கிறது. ஆனால் இப்பொழுது பார்த்தால் கிராமங்களில் ஜனங்களுக்கு அதிக படிப்பில்லாமலிருக்கிறது. அதனால் அங்கு ஏற்படும் பஞ்சாயத்து போர்டுகளில் அதிகம் படிப்பில்லாத பிரசிடெண்ட் வரக்கூடிய நிலைமை ஏற்படுகிறது. ஒரு ஊரில் ஒரு பிரசிடெண்ட் படிப்பில்லாமல் ஆனால் செல்வாக்குள்ளவனாக இருந்தால் அவர் மெஜாரிட்டியான போர்களால் தேர்ந்தெடுக்கப்பட்டு பிரசிடெண்டாக வந்துவிடலாம். ஆனால் நீதி செலுத்துவதற்கு அவரால் முடியாது. அவரிடம் யார் யாருக்கு சலுகையும் செல்வாக்கும் இருக்கிறதோ அவர்கள் சொல்லுகிறபடி தான் அந்த பிரசிடெண்ட் நடந்து வருகிறார். அதனால் அவர் தன்னுடைய மனசாட்சிக்கு விரோதமாகவே நடந்து வருகிறார். இவ்விதமே அநேகம் பஞ்சாயத்து போர்டுகளில் நடந்து வருகின்றன என்பது நாம் எல்லோரும் தெரிந்துகொள்ளவேண்டும். அது மாத்திரமல்ல. இன்னும் சில கிராமங்களில் பஞ்சாயத்து போர்டுகள் அமைக்கப்பட்டிருக்கின்றன. அங்கே கையெழுத்துக்கூட சரியாகப்போட தெரியாத பஞ்சாயத்து பிரசிடெண்டுகள் இருக்கின்றார்கள். அந்த கிராமத்திற்கு ரூ. 2,000, 10,000, 12,000 இருக்கிறது. அந்த ரூபாயை சரியான முறையில் சிலவு செய்ய முடியாத நிலைமையில்கூட அங்கே பிரசிடெண்டு இருக்கிறார். இவ்விதம்கூட சில பஞ்சாயத்துகள் நடந்து வருகின்றன. அவர்களால் தங்களிடம் இருக்கும் பணத்தை சரியான முறையில் சலவு செய்ய திட்டம் போடுவதற்குக்கூட முடியாமலிருக்கிறார்கள். இன்னும் பிற்போக்காக்கூட அநேகம் பிரசிடெண்டுகளிருக்கின்றார்கள். ஏன் இதைச் சொல்லுகிறேன் என்றால் தற்சமயம் படிப்பில்லாத காரணங்களால் ஒரு சமூகம் ஜனத்தொகையுள்ள ஊர்களில் ஜாதிப் பிரிவினையை உண்டாக்கிக் கொண்டிருக்கிறார்கள். இந்த முறையில் பஞ்சாயத்து பிரசிடெண்டுகள் வந்தால் ஏழை ஹரிஜனங்களுக்கும் மற்றவர்களுக்கும் சில தீங்குகள் உண்டாகும் என்பதை நான் இந்த சபையில் எடுத்துக்காட்ட விரும்புகிறேன். உதாரணமாக ஒன்று சொல்லுகிறேன். மோகனூர் பஞ்சாயத்து போர்டில் சில குற்றங்கள் நடந்திருக்கின்றன. அந்த பஞ்சாயத்து எக்சிக்யூட்டிவ் ஆபீசரும் சேலம் எஞ்சினீயரிங் டிபிரெயினிங்குக்கு பதினைந்து நாட்களுக்குப் போய் இருந்தபொழுது அங்கே

[Sri M. P. Periyaswami]

[20th December 1949]

இருக்கும் பஞ்சாயத்து பிரசிடெண்டும், கிளர்க்கும் சேர்ந்துகொண்டு எவ்வளவோ நேர் விரோதமாக நடந்து அந்த பதினைந்து நாட்களுக்குள் பல குற்றங்களைச் செய்திருக்கிறார்கள். அங்கு இருக்கும் பில்கலெக்டர் **dismiss** செய்தும் எக்கிசுடிவ ஆபீசரையும் மற்ற உத்யோகஸ்தர்களையும் சில குற்றங்களையும் வைத்து மாற்றி விட்டார்கள். ஏனென்றால் அவர்களுக்குள் ஏற்கனவே இருந்த குரோதங்களை வைத்துக்கொண்டு இந்த பதினைந்து நாட்களுக்குள் எவ்வளவு செய்யவேண்டுமோ அவ்வளவையும் செய்து விட்டார்கள். ஆனால் இப்பொழுது அந்த போர்டு **supersede** ஆகிவிட்டது. செல்வாக்குள்ளவர்களால் பஞ்சாயத்து ஏற்பட்டால் இன்னும் அதிகமாக கிரிமினல் குற்றங்களும் சிலில் குற்றங்களும் ஏற்படும். இவ்விதமான பிரசிடெண்டுகள் வந்தால் பல வழக்குகளும் குற்றங்களும் செய்வதற்கு அருகூலம் ஏற்படும். அவர்களால் குற்றங்களை கண்டுபிடிக்க முடியாவிட்டாலும் தங்களுக்கு வேண்டியவர்களை வைத்துக்கொண்டு அவர்கள் சொல்வதைக் கேட்காதவர்களோடு சண்டையிட்டு வழக்குகளை உண்டாக்கி விடுகிறார்கள். அதனால் அவர்களுக்கு விரோதமாக இருக்கும் சில யோக்கை அடக்க முடியும். ஹரிஜனங்களுக்கு இவர்களால் ஏற்படும் ஹிம்ஸைகளையெல்லாம் அதிகாரிகளால்கூட நிவர்த்திசெய்ய முடியவில்லை. ஹரிஜனங்களுக்கு அனுதாபமுள்ள அதிகாரிகளை மாற்றி விடுகிறார்கள். இன்னும் சில அதிகாரிகள் முக்யஸ்தர்கள் சொல்வதைக்கேட்டுக்கொண்டு ஹரிஜனங்களுக்கு ஹிம்ஸை செய்துகொண்டு வருகிறார்கள். சட்டப்படி சரியான முறையில் நியாயம் வழங்குவது இல்லை. ஒரு அதிகாரி ஹரிஜனங்களுக்கு நியாயமாக நடக்காவிட்டாலும் மற்றொரு அதிகாரியும் அவரைக் கேட்டுக் கொண்டே ஹரிஜனங்களுக்கு குற்றங்களை இழைத்து வருகிறார்கள். இந்த ஹரிஜனங்களும் தங்களுக்கு இழைக்கப்படும் குற்றங்களையும் எடுத்துக் காட்ட முடியாமலிருக்கிறார்கள். அதனால் ஹரிஜனங்கள் சில கேஸ்களில் ஹைகோர்ட்டுக்கு போகவேண்டியதாக இருக்கிறது. அங்கேயும் கீழ் அதிகாரிகள் சொல்வதைத்தான் அவர்களும் **approve** செய்கிறார்கள். மேல் அதிகாரிகளிடத்தில் அப்பீல் செய்தாலும் கீழ் அதிகாரிகள் எழுதுவதையே வைத்துக்கொண்டு அதன்படி நடந்து வருகிறார்கள். கனம் மந்திரிகள்கூட கலெக்டர்கள் எழுதுவதையே வைத்துக்கொண்டு தீர்ப்பு அளித்து விடுகிறார்கள். ஆகவே கிராம பஞ்சாயத்து பிரசிடெண்ட் ஒரு படிப்பில்லாதவராக இருந்தால் அவர் எழுதும் ரிபோர்ட்டுதான் கடைசியரையிலும் நிற்கிறது. இன்னும் ஏழை ஹரிஜனங்களுக்கு வேண்டிய பணமில்லாததால் அவர்களால் மேற்கொண்டு அப்பீல் செய்யமுடிவதில்லை. அதனால் அவர்கள் ரொம்பவும் கஷ்டமடைகிறார்கள் என்பதை தெரிவித்துக் கொள்ளுகிறேன். அது எப்படி இருந்தபோதிலும் கிராம பஞ்சாயத்து போர்டு பிரசிடெண்ட் ஹரிஜனங்களுக்கு சலுகைகள் காட்டவேண்டுமென்றிருக்கவேண்டும். ஹைகோர்ட்டுக்கு போவதற்கும் செஷன்ஸ் கோர்ட்டுக்குப் போவதற்கும் அவர்களுக்கு பணம் இல்லாமலிருப்பதால் அவர்களுக்கு தர்ம் அப்பீல் செய்துகொள்வதற்கு வசதிசெய்து கொடுக்க வேண்டும். எந்த கோர்ட்டுக்கு போவதற்கும் கடைசியில் நியாயம் கிடைக்கும் வரையில் அவர்கள் அப்பீல் செய்துகொள்வதற்கு தர்ம் அப்பீல் வசதியளித்து, பாதுகாப்பு அளிக்கவேண்டுமென்று கேட்டுக் கொள்ளுகிறேன். அதற்கு வேண்டிய வசதிகளை இந்த சட்டத்திலமைக்கும்படியாக கேட்டுக் கொள்ளுகிறேன். ஆகவே ஹரிஜனங்களுக்கு வேண்டிய சலுகைகளைக் காட்டி ஆதரிக்கவேண்டுமென்று சொல்லிக்கொண்டு இந்த பஞ்சாயத்து மசோதாவை ஆதரிக்கிறேன். ஏழை ஹரிஜனங்களுக்கும் பிற்போக்கு வகுப்பினருக்கும் தக்க முறையில் பாதுகாப்பு அளிக்கவேண்டுமென்று கேட்டுக் கொண்டு என்னுடைய வார்த்தையை முடித்துக்கொள்ளுகிறேன்.”

12-15 p.m. * JANAB M. S. ABDUL MAJID:—“ Madam, Deputy Speaker, the Bill that is now under discussion is, according to me, a revolutionary Bill in that it embodies one or two revolutionary ideas, particularly regarding the election of the president of the panchayat board. The procedure adopted for the election of the president is based on the assumption that the people in panchayat areas will act in a highly democratic manner and on democratic principles.

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I ask the Hon. Minister in charge of the Bill whether those people will really act on principles of democracy. In the elections to panchayat boards and other local bodies, voters are moved by powerful personalities, men of affluence and influence, and they cannot be expected to act on high democratic principles. I am sure the Hon. Minister knows what happens behind the scenes in the election of the president of a panchayat board, chairman of a municipal council or even the Mayor of a premier corporation like the City Corporation. When responsible people act in a manner that does not redound to their credit, will the people living in panchayat areas act in a better manner? I feel that the procedure proposed is unsuited and rather in advance of the times. It is the duty of the Government to educate the masses first and tell them that they must act in a democratic manner. But to-day we find that the people are not acting in a democratic manner. Surely they are going to be moved by powerful personalities. Whenever there is a difference of opinion between the members of a panchayat and its president, the question will come up before the Inspector of Local Boards and Municipal Councils or the Government for decision. I really cannot imagine the number of petitions that will pour in in the office of the Inspector or the Government. I feel that the procedure adopted will not be suitable to the conditions at present prevailing in the Province.

“ The Government have done away with separate electorates and reservation of seats for which I am grateful to them. I wonder why they have removed nomination and co-option. Leaving aside Muslim minorities, Christian minorities and other minorities, will there not be men of culture and education, men of intellect and integrity whose association with the panchayat will enrich its deliberations? Therefore I urge the Hon. Minister for Local Administration to provide for nomination and co-option.

“ The headman of every village coming within the jurisdiction of a panchayat is made an *ex officio* member thereof. We know how the village headmen rule their villages. They are almost like the great Moghul rulers. They can influence the people of the village in any manner they like. Their inclusion in the panchayat will only lead to faction. I am afraid that the objects of the Bill will not be fulfilled by including men of their type. If necessary, the advice of headmen and other officials in the village may be sought for by the panchayat more as experts than as members of that body.

“ These are the few remarks which I would like to place before the Hon. Minister. I once again say that the people in the rural areas of our Province are not yet ready for a revolutionary Bill like this and therefore I wish that the implementation of this Bill is postponed for some more time.”

* SRI M. S. PATTABIRAMIAH:—“ Madam, Deputy Speaker, I do not know whether the remarks or criticisms which we make at this stage of the Bill will have any effect in improving the Bill further. I expected that this Bill would emerge from the

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Select Committee more drastically revised so as to conform to our ideal. Some improvements have been made. But some of the changes are not as sufficiently drastic as they should be.

"Sub-clause (3) of clause 5 provides that any decision made by the Government under that clause shall not be questioned in any court of law. To a layman, it appears that the wording in the original Bill that the Government's decision shall be final is better. The Government will classify or reclassify panchayats on the basis of population and income prescribed in the Bill and where is the need for bringing this wording which is ominous and sometimes irritating to many lawyers?

"Clause 15 prohibits officers and servants of Government and local bodies from standing for election to a panchayat. That is really good.

"The changes made in clauses 82 and 83 are not an improvement. When it is the policy of the Government to liquidate big vested interests, why should they allow continuance of markets, the income from which is utilized for educational, charitable and religious purposes, in the hands of private people? It is a device invented and practised by very clever people to designate a private market as a market whose income is devoted to one of the purposes mentioned above. But it is very doubtful whether the income from any big private markets which are so endowed really goes to the maintenance of any educational, charitable or religious institution. Once for all these private markets should be abolished. When we are abolishing zamindaris and inams, when we are revising our ideas of religious and charitable endowments, why should we take a retrograde step in permitting markets to continue in the hands of private people by their simply earmarking the income derived from them to some educational, charitable or religious purpose? This will give rise to a good deal of troubles and a good deal of corruption in the working of the Act later on.

12-30 p.m. "Now, Madam, there is another clause in this Bill which permits the retention of the president or the vice-president of a superseded panchayat board to function as president or vice-president or as a member of the panchayat court. If the panchayat board had been superseded, I cannot understand, why the president of that board or a member thereof is permitted to function as president of the panchayat court. That is really surprising. Now the functions of the panchayat court are also given to the panchayat board. I believe that the Government have a right to supersede the panchayat board, if its function as a court also is derogatory, or is deteriorating or is not up to the mark.

"Then again, the delegation of the powers to the panchayat by the executive authority is also really curious. Madam, these executive authorities are the paid servants of the Government and so they are the servants of the panchayat also, in so far as their functions in the villages are concerned. Therefore the panchayat is really their master. What is the meaning of an executive authority delegating its powers to the president or vice-president

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of the panchayat board, who is its master? I submit, Madam, that the functions of the executive authority in regard to supervision, control or inspection should be in the form of tendering some friendly advice. These village panchayats are autonomous bodies, elected by the villagers on adult franchise. They are therefore republics in their own spheres in which they are functioning. The executive officer has no power or authority to dominate the president of the panchayat board, because the latter is elected by the people of the village as a whole, and so far as the village is concerned, his status is the same as that of the President of the Indian Republic.

"Then, Madam, the Government have taken powers under this Bill to create a cadre of officers and servants of the panchayat. That provision should be amplified and expanded and brought to the level of other cadres of Government service. That will greatly facilitate the function of the infant panchayats. I would suggest to the Hon. Minister in charge of this Bill to incorporate a small provision in the appropriate section for the appointment of an officer to advise and guide the village panchayats in their daily work. There are enough officers now to supervise the work of the village panchayats, such as the District Collector, the Regional officer and the Inspector of Local Boards and Municipal Councils. There should therefore be an officer, who should be a trained, impartial and a clever administrator, to advise the panchayat, in the matter of administration in the village. There should also be a Regional officer to whom the panchayat boards could turn for advice. If, even at this stage, it is possible for the Hon. Minister to include a provision in the Bill for the appointment of such an officer, it would go a long way towards the proper working of the village panchayat, which is an autonomous body for the administration of the village.

"With these words, Madam, I close my speech."

* SRI M. P. GOVINDA MENON:—"Madam, Deputy Speaker, I heartily congratulate the Hon. Minister in charge of this Bill for having brought forward before this Assembly, such an important—I would even say, a revolutionary—Bill which will affect all the villages in this Province. Madam, about the constitution that has been recently enacted by our leaders at Delhi, there is a complaint that it is highly centralized, and that its framers have not followed the teachings of the Father of the Nation, who had been insisting upon us, all throughout his life, that power must be decentralized to the villagers. Taking into consideration perhaps, the particular situation in which our country is at present, and taking into consideration perhaps, the international situation as well, our great leaders, who framed this constitution, might have thought it necessary to have an over-centralized Government at the Centre at the present juncture. But, at the same time, I would submit, Madam, that those departments which are not vital to the safety of the State, and those subjects which are not directly administered by the Centre may be

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decentralized to the utmost extent. If we are really independent, that independence must be felt by our people in our villages. That being the case, it is absolutely necessary that there should be as much decentralization in the administration as possible without affecting the integrity and the safety of the State and a Bill like this which provides for the autonomous administration of the affairs of the village by the villagers themselves, is absolutely necessary and it is not at all too late that such an important measure like this has been brought forward before this Assembly by the Hon. Minister for Local Administration.

"Madam, there is a feeling in the minds of certain hon. Members of the House that the people living in villages are not fit to administer their own affairs and that it is not safe to entrust these important functions to them. It is true that most of them are illiterate and are not in a position to administer their own affairs in the villages, and that is because they have not been given sufficient training in the matter of administration. They have been treated as slaves for a very long time under the foreign yoke, and having been brought up in that atmosphere all along, they are not at present in a position to undertake the responsibility that is thrown on their shoulders by this enactment. But, Madam, if you really believe in democracy, there is no other alternative but to entrust them with responsibility and train them in the proper direction. We have now become a republic and we are committed to democracy, and if we believe in it, we must take the risk and entrust the villagers with all the powers to carry on their own administration. We must wake them up from their slumber and lethargy. We must educate and train them in the art of administration, and must give them opportunities to exercise their power. Therefore, Madam, everybody who has the interests of the villages at heart will certainly welcome this measure.

"Madam, as I have already mentioned, I do realize that there is the other difficulty that in many of our villages there are not enough people fit to carry on the administration. Some sort of education, some knowledge of the provisions of the ordinary law and some capacity to administer the affairs of the village are required for the person who is to be the President of the Panchayat board. In many of the villages there are not enough literary people to be elected as the members and the president of the panchayat. That is the real problem that we have to face. The Bill provides for the appointment of an executive officer, but that is only with regard to major panchayats. I feel, that for some time to come, every panchayat, whether major or minor should have an executive officer to train, to assist and guide the panchayat in matters of administration. That does not mean that we are vesting the powers of the panchayat on the executive officer. People who are not literate, who could not understand the 'A.B.C.' of the ordinary law or the provisions of the Panchayat Act, if they are asked to administer the villages without any guide and help, there might be some trouble in the first instance,

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and therefore it is absolutely necessary to have an executive officer in the first few years in order to carry on the administration and to train the members of the panchayat. But it would involve a lot of additional expenditure to have so many executive officers for all the panchayats. Clause 3 of the Bill states that we might group villages with a population of less than 500 for purposes of forming a panchayat board. There must be enough persons in them competent to run the administration of the village panchayats. I know, as a matter of fact, Madam, that in Malabar in some villages it will not be possible to get even two or three persons who are literate enough to get into the panchayat board and in such cases, there must necessarily be a provision in the Act enabling the authorities to group villages irrespective of the population. In such a case, you could have executive officers for all the panchayats. I would even welcome the grouping of villages to begin with, and executive officers being appointed for each group, in order to guide and assist the members of the panchayat. Therefore, I think, that this clause might suitably be amended. I appeal to the Hon. Minister to think seriously this aspect of the question and see whether even at this stage he could not see his way to bring forward an amendment to this clause facilitating the formation of groups of villages irrespective of whether they contain a population of 500 or less. In such cases, as I have said just now, we could have a separate executive officer for each group of villages, because that would be a source of strength to the working of the village panchayats.

"Another important feature of this Bill is the provision for the direct election of the president. From a democratic point of view, it may sound well. But, I am afraid it would be a very dangerous procedure in certain cases. If we have a panchayat elected by the people of the village and its president elected by means of a direct vote, I am afraid it will create friction in the village and among the members of the panchayat themselves. The president of the panchayat may think that because he is elected by all the adult members of the village, he is not responsible to the other members of the panchayat board and that he is responsible only to the people of the village who elected him. If you want a democratic institution to function properly and efficiently and without any friction among its members, it is absolutely necessary that the president must be elected and controlled by the members of the panchayat and he must be amenable to them. If we, by this method of election, begin to create friction not only between the members of the panchayat but also between the president and the other members, then I am afraid, the whole village administration would get into chaos and this measure will not at all work satisfactorily and smoothly. I appeal to the Hon. Minister, if it is not too late now, to drop this provision altogether. It may be theoretically all right. We have not yet experimented it in our Presidency so far, nor have we had any experience of direct elections so far in any of our other democratic institutions

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in this country. I am afraid this provision is fraught with serious dangers. We should be cautious in breaking away with our past traditions, because it is very problematic whether we would be able to succeed in the end.

"Then, Madam, clause 72 of the Bill provides for the setting apart every year of a sum not being less than $12\frac{1}{2}$ per cent of the total land revenue (excluding water-cess) collected in the province during the year and to distribute that sum towards the finances of the panchayats. I am afraid, Madam, that this will not be sufficient for the proper and efficient discharge of the functions of the panchayat board. You would have observed, Madam, that after the 15th August 1947, when our country attained independence, there is a great awakening in our rural parts. People in the villages cry for roads, hospitals, schools, electricity and other amenities.

12-45 P.M. "If we institute panchayats, they must satisfy the demands of the people. There should be sufficient money for all the amenities to be provided. The villagers have been crying for all these facilities. These panchayats are new institutions, and if they cannot satisfy all the yearnings of the villagers, they will be doomed. The Government must give the panchayats at least one-fourth of the revenue. After all, when all the important matters are given to panchayats, the Provincial Government can afford to set apart one-fourth of the revenue to these panchayats. We have given them powers to carry on the administration of hospitals, educational institutions, and the maintenance of roads. Unless sufficient finance is given to them, they will not be able to run the administration efficiently. I am glad that the present leaders on the Treasury Benches have decided to confer powers on the village panchayats. When the hon. Mr. Prakasam was in office, he wanted to give greater powers to the villagers. If there had been no disturbance the villagers would now be fit to rule over the affairs of the panchayat administration, and they would exercise the powers which are proposed to be entrusted to them under the provisions of this Bill very efficiently. The Hon. Minister has come forward with this Bill for giving powers to the villagers. The villagers feel that conditions in the country are very bad. In spite of the fact that we have a popular ministry, people in the villages do not feel that they have a popular ministry. They do not feel that the Government is theirs. They do not feel that they have achieved independence. To infuse that confidence, it is absolutely necessary that a Bill like this should be brought forward. With these words, Madam, I strongly appeal to the Hon. Minister to seriously consider some of the suggestions that I have made, especially the grouping of the villages, the appointment of executive officers for all panchayats, the giving of more finance to the panchayats and the avoidance of the direct election of the president. With these words, I support the Bill."

* JANAB K. M. SEETHI:—"Madam, Deputy Speaker, I have great pleasure in supporting this Bill which is a move in the right direction. As a member of the Joint Select Committee, I have

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been in agreement with the decisions of the Joint Select Committee on almost all the provisions of the Bill as modified by the Joint Select Committee except in the case of one or two provisions. After all, as has been said by many of my hon. colleagues, unless the villagers are given the right of self-Government and are given responsibilities in civic life, the self-Government and Independence that we have achieved will not be worth what they ought to be. If the villagers are kept out of touch with the political developments and are made to feel like dumb driven cattle, the top leaders who are responsible for running the administration in independent India will feel obstacles at every stage in successfully holding the reins of administration. The serious responsibilities that are now entrusted to the villagers should be handled by those who are put in charge of them in a proper, correct and efficient way. If that consummation is to be brought about, the pre-requisite for that is the ensuring of compulsory and primary education throughout the Province. There may be financial and administrative difficulties in achieving this purpose. But, unless education is taken to the door of the poorest man in the Province, panchayat administration cannot be as efficient and as useful as it ought to be. In western countries where there is decentralization of powers, and the people enjoy local self-Government, the success of local self-Government is due to the civic consciousness of the people. The advance in education in those countries is responsible for this. In the same way, illiteracy and ignorance have to be liquidated in our villages also, and for that the spread of compulsory and free primary education is the essential condition. So, what I respectfully urge upon the attention of the Government is that along with this entrusting of responsibility to the village panchayats, the spread of education should also go hand in hand. The people who are put in charge of the village administration should be worthy people and they should be competent to handle the responsibilities entrusted to them. There may be difficulties in the initial stages for want of experience, enlightenment and civic consciousness on the part of the persons put in charge of the administration. But this is an experiment that is worthy of being tried. It is only the handling over of responsibilities by people which will make them really fit and competent to carry on the administration. They may make mistakes and serious mistakes too. They may even create chaos in certain villages. But, after all, these are all sacrifices that are inevitable for making people fit for working local self-government in villages.

"There are one or two matters to which I wish to invite the attention of the Hon. Minister. He should stick to the recommendation of the original Bill with reference to the representation of minority communities like Christians, Muslims and Harijans: In the original Bill there was a provision for co-opting representatives of these communities in case members are not elected from these communities. Unfortunately during the discussions in the Joint Select Committee, there was an all round opposition to this provision, and it was subsequently deleted. There is another provision enabling the executive officer to suspend the resolutions

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passed by panchayats if they happen to be prejudicial to the interests of the people of the village or something to that effect. What I would respectfully urge upon the attention of Government is that prejudice to the cause of minorities should also be made a specific ground on which the executive officer should be enabled to suspend the operation of a resolution passed by a panchayat. After all, we have to reckon with realities. In certain villages, there may be prejudices, clashes and conflicts between people who are in a numerical majority and others who are in a numerical minority on the basis of religion or community or other interests. In places where such troubles exist, it will be very easy for the majority to carry resolutions which are prejudicial to the interests of the minorities. The minorities, as long as they are minorities, will not be able to make their voice heard by the strength of their votes. In such contingencies the only safeguard that they can think of is the interference of the executive officer. He will certainly intervene if authorized by law when he finds that a resolution passed by the panchayat is patently prejudicial to the interests of the minorities. In cases like that, the executive officer must be in a position to suspend the operation of the particular resolution. In fact, there is a provision in the Bill which enables the executive officer to interfere for certain reasons. But what I am pleading for is that there should be a specific ground based on prejudice to the minorities as a ground for the executive officer to interfere and suspend the operation of a resolution passed by the panchayat. I submit that Government will not be detracting from the utility and usefulness of this Bill if they make one or two provisions in the Bill for meeting the apprehensions and fears of communities and sections of people who are numerically in a minority. More than towns, in villages such safeguards for creating a sense of security in the minds of minorities are absolutely necessary. In many villages it may not be necessary to make use of these provisions because in regular elections they might come in. But in some villages it may not be possible for the minorities to come in by regular election. To associate these people also with the efficient administration of the panchayats, the Government rightly had a proposal that members of the minority communities might be co-opted in cases where their representatives have not been elected. That provision should be retained or some provision which would achieve the purpose of the original proposal should be there. But in co-opting or selecting persons, the representatives of the respective communities must be those who command the confidence of at least the majority of those communities. To find out whether the representatives command the confidence of the majority aforesaid, there should be some device by which the panchayat should be in a position to find it out. I feel that this is a matter in which the Government may not find any insurmountable difficulty in acceding to the request made on behalf of the minorities. Even in the general discussion I am referring to these matters for the information of the Government so that they may consider the matter and be agreeable to provide for the suggestion I have made before the Bill comes to be passed into law.

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"With regard to the various other provisions, I say that we have made very drastic provisions in matters like the direct election of the President. There are several other provisions which are really very drastic. All the same, these provisions deserve to be experimented upon by the villagers. After they are worked for sometime we should find out whether any amendments are necessary. If in the course of the actual working of the Panchayat Act, an amendment of the Act is found necessary, it will be time enough for this Assembly to make the amendment and to rectify errors wherever they may be found to exist. This Bill is a very great piece of legislation which will go down to history as an experiment which will train and educate the ordinary villager in the art of self-Government. Let us all hope and pray that this will lead to the increased prosperity, happiness and contentment of the villagers in this Province."

SRI P. S. VELUCHAMY GOUNDER :—"கனம் துணைத் தலைவி அவர்களே! கிராம பஞ்சாயத்து மசோதாவை கனம் சந்திர மௌலி அவர்கள் கொண்டுவந்திருப்பதை நான் வரவேற்கிறேன்.

"கடலிலே சிப்பிகள் மழைத்துளியை விழுங்குவதற்கு வாய் பிளந்து கொண்டு இருப்பதைப்போல், இன்று லக்ஷக்கணக்கான மக்கள் கிராம பஞ்சாயத்து எப்பொழுது வரும், எந்த செஷனிலே பாசாகுமென்று ஆவலோடு காத்துக்கொண்டிருக்கிறார்கள்.

"'பழையன கழிதலும் புதியன புகுதலும்', என்ற அழகான சொல் லுக்குத்தக்கபடி தொன்மை காலத்தில் வழங்கி வந்த கிராமிய பஞ்சாயத்து இப்பொழுது பரிபூரண பஞ்சாயத்து பில்லாக வந்திருக்கிறது—

'ஐந்தாயிரம் பேருக்கு
ஐந்துபேராக பஞ்சாயத்து செய்து'

வந்தார்கள். இந்த பஞ்சாயத்து ஆதியிலே ஐந்து பேர்கள் கொண்டதாக இருந்தது. ஐந்து—பஞ்ச—ஆயத்துகள் இப்போது இதே பஞ்சாயத்தில் 9 பேர் அல்லது 11 பேர்கள் ஸ்தானம் வகிக்கிறார்கள். அதிலும் இந்த முறையில் வார்டு வார்டாக தேர்ந்தெடுக்கப்பட்ட பஞ்சாயத்து போர்டு மெம்பர்களில் கொஞ்சம் செல்வாக்குள்ளவர்கள் ஆளுக்குத் தக்கபடி ஆடு, கோழி, பணம் இவைகளைக்கொடுத்து பஞ்சாயத்து போர்டு பிரசி டெண்ட் ஆகி விடுகிறார்கள். இதைப்பற்றி பஞ்சாயத்து போர்டு தேர்தல் களில் அனுபவம் உள்ளவர்களுக்கு நன்றாகத் தெரியும். துர்யோதனனுக்கு ஏற்பட்ட சகுனி மாமாவைப்போல, ராவணனுக்கு ஏற்பட்ட மகோ தரன் முதலிய துர்ப்புத்தி மந்திரிகளைப்போல இந்த கிராமங்களுக்கு கிராம உத்தியோகஸ்தர்கள் அமைந்து இருக்கிறார்கள் என்பதை யாரும் மறுக்க முடியாது.

"இந்த கிராம உத்தியோகஸ்தர்களைப்பற்றி என்னுடைய கிராம அனுபவத்தைச் சொல்லுகிறேன். எங்கள் கிராமம் மேஜர் பஞ்சாயத்து, அதில் 22,000 பேர் ஜனத்தொகை; வருமானம் 8,000 ரூபாயேதான். இந்த கிராமத்தில் இரண்டு கிராம முனிசிபு. இரண்டு பேரும் லக்ஷாதிபதிகள். இந்த லக்ஷாதிபதியே வேலை பார்க்கிறார்களா என்றால் இல்லை. கண்ட் ராக்ட் விட்டு விடுகிறார்கள் அல்லது சம்பளத்திற்கு இவர்கள் ஆள்வைத்துக் கொண்டிருக்கிறார்கள். இதைத் தவிர வேறு இரு கர்ணம். அசிஸ் டெண்ட் கர்ணங்கள் இருவர். ஆகவே இந்த லக்ஷாதிபதிகள் வேலை பார்க்க முடிவதில்லை. அது போகட்டும், இந்த கிராம பஞ்சாயத்து போர்டுக்கு யார் மெம்பராக வருகிறார்கள் என்று பார்த்தால் இந்த கிராம முனிசிபினுடைய மைத்துனன், மாமன், தம்பிதான் வருகிறார்கள். ஜில்லா போர்டு தேர்தலில் பார்த்தாலும் அவர்களுடைய 'சித்தப்பன், பெரியப்பன்' தான் வருகிறார்கள். எந்த இடத்தில் பார்த்தாலும் இந்த முனிசிபுகள், கர்ணங்களுடைய குடும்பத்தினரே நுழைந்துகொண்டு ஊழல் கள் செய்கிறார்கள்.

[Sri P. S. Veluchamy Gounder] [20th December 1949]

“பத்தரை மாத்து தங்கம் போன்ற இந்த கிராம பஞ்சாயத்துக்கு **ex-officio** மெம்பராக இந்த கிராம உத்தியோகஸ்தர்களை இனியும் வைப்பது சற்றும் நன்மையைத் தருது. இதற்கு சமாதானம் சொல்வார்கள் மந்திரி அவர்கள்; எனக்குத் தெரியும். ஒரு குடும்பமே போல நன்மை நிறைந்திருக்கிறதே இந்த கிராம பஞ்சாயத்து பில் எனச் சொல்லுவார்கள். ஒரு குடும்பமே ஒரு துளி மோர் குத்தினாலென்ன எனச் சொல்லுவார்கள். இந்த ஒரு துளி மோர் அந்தக் குடும்பமே தயிராக்கிவிடும்; மோராக்கிவிடும். அதைக் கட்டையும்படி செய்து விடும். அதைப் போல இந்த கிராம பஞ்சாயத்து பில்படி கிராம உத்தியோகஸ்தர்களை **ex-officio** மெம்பராக இருக்க வைத்தால் அந்த முழு திட்டத்திற்கே ஆபத்து ஏற்படுவிடும்.

“இப்போது பஞ்சாயத்து போர்டு கோட்டுகளிலே என்ன நடக்கிறது? தனக்கு வேண்டியவர்களுக்கும், இன்னொருவருக்கும் சண்டை நடந்தால் இன்னொருவர் கேஸ் கொண்டுவிடும் காலத்தில் தங்களுக்கு வேண்டியவர்களும் கேஸ் கொண்டுவிடுவார்கள் என நினைத்து ஒரு வாரம் இரண்டு வாரம் கேசை பதிவு செய்யாமலேயே வைத்துவிடுகிறார்கள்.

“தங்களுக்கு வேண்டியவர்களுடைய மாதோ, ஆடோ பெண்டிற்குப் போய் விட்டால் உடனே அதை **pound-keeper**-இடம் சொல்லி காசு இல்லாமல் விடுவித்து விடுகிறார்கள். இதேபோல் வேறு யாருடைய மாதாக இருந்தால் இதன்மூலம் சரியான வருமானம் செய்கிறார்கள். இது மட்டுமல்ல, அவர்கள் இப்போது என்ன சொல்லுகிறார்கள் என்பதை கனம் மந்திரி அவர்களுக்கு தெரியப்படுத்த விரும்புகிறேன்.

“பிரிட்டிஷ் அரசாங்கமாய் இருந்தாலும் சரி, நவாப் அரசாங்கமாய் இருந்தாலும் சரி, ஜஸ்டிஸ் ஆஃபீஸாய் இருந்தாலும் சரி, காங்கிரஸ் ஆஃபீஸாய் இருந்தாலும் சரி, மந்திரிகள் நாங்கள் எழுதி அனுப்பக்கூடிய ரிப்போர்டுகளிலேதான் நடவடிக்கைகள் எடுத்துக் கொள்ளுகிறார்கள். ஆகவே தாங்கள்தான் ராஜ்ய கர்த்தாக்கள்,” என்று சொல்லுகிறார்கள்.

“ஜமீன்களை ஒழித்தோம், ‘பிரிட்டிஷ் ஏகாதிபத்தியத்தின் தூண்களென்று.’ அவர்களை ஒழித்ததுகூட பெரிய காரியமல்ல. இன்று திருமலை நாயகன் மஹாலே தாங்கும் மிகப்பெரிய தூண்கள்போல பிரிட்டிஷ் ஏகாதிபத்தியத்தைத் தாங்கிக்கொண்டிருந்த இந்த கிராம உத்தியோகஸ்தர்களை புதிய கிராம பஞ்சாயத்து திட்டத்தில் **ex-officio** மெம்பராக இருக்க விடக்கூடாது.

“தோட்டி, மானியம், வெட்டியான் மானியம், தலையாரி மானியம், கணக்குப்பிள்ளை மானியம், வண்ணன் மானியம், இவைகளை கொடுக்கிற காலத்தில் ஏதும் இவர்கள் பேசவில்லை. ஆனால் காங்கிரஸ்காரர்களுக்கு வீர மானியம் கொடுக்கிற காலத்தில், எனது நண்பர் சென்னை சட்ட சபை அங்கத்தினர் எஸ். சி. பாலகிருஷ்ணன் அவர்களுக்கு சுருகாட்டு சர்வே நம்பரை குறித்துக் கொடுத்தார்கள். அடிமைப்பட்ட நாடு சுதந்திரம் அடைய போராட்டத்தில் ஈடுபட்டு, குண்டடிப்பட்டு, சிறையில் அவதியுற்ற காங்கிரஸ் காரர்கள் இனி சுருகாட்டுக்குப் போகவேண்டியதுதான் பாக்கி என்பதை சொல்லி கொடுத்தார்கள்போல் இருக்கிறது.”

THE DEPUTY SPEAKER :—“இதற்கும் பஞ்சாயத்து பில்லிற்கும் என்ன சம்பந்தம்.”

SRI P. S. VELUCHAMY GOUNDER :—“இந்த கிராம உத்தியோகஸ்தர்களை இந்த பஞ்சாயத்து பில்லில் **ex-officio** மெம்பராக இருக்க அனுமதிக்கக்கூடாது என்பதற்காகத்தான் அவர்கள் செய்கின்ற அக்கிரமங்களை கூறுகிறேன்.

“இன்றும் கிராமங்களிலுள்ள கூட்டுறவு போன்ற பொது ஸ்தாபனங்களில் பிரசிடெண்டாகவும், செக்ரட்டரியாகவும் இருந்துகொண்டு பிளாக் மார்க்கெட் பண்ணுகிறார்கள். இந்த கள்ள மார்க்கெட்டை ஒழிப்பதற்காகத் தான் மகாத்மாஜி ‘டி கண்ட்ரோல்’ பண்ணவேண்டுமென்று சொன்னார். அப்பொழுது இந்த ஸ்தாபனங்களை கைவிட்டிருந்தார்கள். மறுபடியும் கண்ட்ரோல் போட்டவுடன் சீனி, மண்ணெண்ணெய், துணி இவைகளை அதிகம் பெறுவதற்காக அந்த ஸ்தாபனங்களை கைக்கொண்டுவிட்டார்கள்.

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“அதோடுகூட ‘அப்பப்பா! இந்தக் கூட்டுறவு ஸ்தாபனம் ஆரம்பிக்கும் காலத்தில் இது மிகவும் மோசமானது. பணம் நஷ்டமானால் எல்லோருடைய பணமும் போச்சு. பணத்தை இதில் போடுவது ரொம்பவும் ஆபத்து,’ என இந்த கூட்டுறவு ஸ்தாபனத்திற்கு எதிராக கேவலமாகப் பிரசாரம் செய்கிறார்கள். அவர்கள் செய்கின்ற இடைஞ்சலை யெல்லாம் இவ்வளவு, அவ்வளவு என்று சொல்ல முடியாது.

“உதாரணமாகச் சொல்லுகிறேன். நான் சட்டசபை மெம்பராக வந்ததிலிருந்தே எங்கள் ஊருக்கு எலக்டிரிசிடியை கொண்டு போக வேண்டுமென்று பார்க்கிறேன். இன்னும் முடிந்தபாடில்லை. காரணம் உங்களுக்குத் தெரியும், மின்சார உற்பத்தி குறைவாயிருக்கிறது. ஆனால் ஒரு காலத்தில் எலக்டிரிசிட்டி உங்களுக்கு வேண்டுமா, வேண்டாமா என்று கேட்டபோது, இந்த கிராம சில்லரை தேவதைகள், ‘ஊம் வேண்டவே வேண்டாம், நாக்கீகம் அதிகப்பட்டு நமது கிராம வாழ்க்கை கெட்டுவிடும் என்று சொல்லிவிட்டார்கள்.

“வேண்டாமென்று சொன்னதற்குக் காரணம், ‘எலக்டிரிசிடியை நீர்பாசனத்திற்கு உபயோகப்படுத்தினால், இந்த கிணற்று நீரில் எலக்டிரிக் கரண்டு பாஸ் ஆகி நீரை உஷ்ணப்படுத்தி வெள்ளாழமையை அழித்துவிடும் மென்று சொன்னார்கள்.

“இது மட்டுமா! பள்ளிக்கூடத்தில் மாணவர்கள் படிப்பதற்கு, ‘சீ சீ! படிக்கக் கூடாது. படித்தால் பையன் கெட்டுப்போய்விடுவான். வீட்டிற்கு உபயோகமாக அப்புரம் வேலை செய்யமாட்டான்,’ என்றெல்லாம் துஷ்பிரசாரம் செய்கிறார்கள். ஆகவே **ex-officio** மெம்பராகக்கூட இந்த கிராம உத்தியோகஸ்தர்களை வைக்கக்கூடாது என கனம் மந்திரி அவர்களுக்குச் சொல்ல விரும்புகிறேன். அவர்கள் சர்க்காருக்கு வேண்டிய புள்ளி விவரங்களையும், குறிப்புகளையும் எடுத்துக்காட்டுபவர்கள். எடுத்துக் காட்ட கடமைப்பட்டவர்கள். இந்த நிலமையிலேதான் அவர்களை வைத்திருக்கவேண்டும்.

“திருவாங்கூர் சமஸ்தானத்தில் இன்னும் மதுவிலக்கு செய்யவில்லை. அதன் எல்லைப்புர கிராமத்திலுள்ள கிராம உத்தியோகஸ்தர்கள் கள்ளச் சாராயம் கொண்டுவர உடைந்ததையாக இருக்கிறார்கள். மதுவிலக்கு போலீசார்கள் இருக்கிறார்களே என்று சொல்லலாம். அவர்களுக்கு தற்போது கொடுக்கும் சம்பளம் மிகக் குறைவாக இருக்கிறது. ஆதலால் இந்த கிராம உத்தியோகஸ்தர்கள் அவர்களுக்கு நெல்லும் பணமும் உதவி சட்டவரம்பை மீறுகிற இந்தத் தொழிலையும் செய்கிறார்கள். இதை யெல்லாம் புரிந்துகொள்ளவேண்டும்.

“அடுத்தபடியாக இந்த பஞ்சாயத்து பில்லிலே வருமானத்திற்கு ஏற்பாடு செய்யவேண்டும். கிஸ்தியில் கொடுக்கும் 12½ சதவிகிதத்தைவிட இன்னும் அதிகமாக அவர்களுக்கு வருமானம் கிடைக்கும்படி செய்தால் இப்பேர்ப்பட்ட பஞ்சாயத்து பீர்டின் வருமானம் 8,000 ரூபாய். இதில் அந்த கிராமத்திலே செலவு போக நவதானிய தரகு விட்டால் 20,000 ரூபாய் கிடைக்கும். இந்த 20,000 ரூபாயையும் கிராம உத்தியோகஸ்தர்களின் உதவிகொண்டு யுத்த காலத்திலே திரட்டி **war-க்கு** எடுத்துச் சென்றுவிட்டார்கள். இப்பொழுது இந்தப் பணத்தை கிராம பஞ்சாயத்து போர்டுக்கு கிடைக்கும்படி இருக்கவேண்டும்.

“இந்த பஞ்சாயத்து சபைக்கு வருகின்ற **ex-officio** மெம்பர்களுமே எலக்ஷன் மூலமாகவேதான் வரவேண்டும். இவர்கள் எந்தக் கஷ்டியை சேர்ந்தவர்களாகவும் இருக்கக்கூடாது. அதாவது எல்லா கிராமத்திலும் கணக்குப்பிள்ளை கஷ்டி, நாட்டாண்மைக்காரன் கஷ்டி என இரு கஷ்டிகள் இருக்கின்றன. இதில் ஒரு கஷ்டிக்கு வேண்டியவன் மற்றொரு கஷ்டிக் காரனோடு எப்போதும் பகைத்துக்கொண்டேயிருப்பான். ஆகவே **ex-officio** மெம்பராக வருகிறவர்கள் எந்தக் கஷ்டியையும் சேராதவர்களாக இருந்தால்தான் ரொம்பவும் நன்றாக இருக்குமென்பது என்னுடைய அபிப்பிராயம்.

“அடுத்தபடியாக இந்த பஞ்சாயத்தினால் கிராமங்களிலுள்ள ஹரிஜனங்களுக்கு கஷ்டம் ஏற்படுமென்று நண்பர் பெரியசாமி அவர்கள் சொன்னார்

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கள். இந்தப் பஞ்சாயத்து சபையிலே ஹரிஜனங்களும் இடம் பெற்று நிர்வாகத்தை நடத்துகிற வழியில் ஏற்பாடு செய்யவேண்டும். ஹரிஜனங்கள் நிறைய பஞ்சாயத்து சபையிலே வந்தால்தான் தேவலை.

“இப்பொழுது மைனாரிடி மைனாரிடி என்று பேசுகிறார்கள். அதைப் பற்றி எனக்கு விளங்கவில்லை. மைனாரிட்யாக இருந்தாலும் அவர்கள் யோக்கியதாம்சம், வேலை செய்யும் சிறமை, பொதுஜன அபிமானம், இவைகளை யொட்டி மைனாரிடிகளே பஞ்சாயத்து சபையின் பிரசிடெண்டாகவும் வந்துவிடலாம்.

“தற்போது இந்தப் பஞ்சாயத்து சபையிலே பெண்களுக்கு சரியான ஸ்தானம் கொடுக்கப்படவில்லை. முன்பெல்லாம் கிராம பஞ்சாயத்துகள் இரவில் கூடுவார்கள். அவரவர்கள் கணவன்மார்கள் இரவில் பஞ்சாயத்து பேசும்போது அவர்களுடைய மனைவிமார்கள் அதைக் கேட்டுக்கொண்டு பக்கங்களில் ஒதுக்குப்புறமாக உட்கார்ந்திருப்பார்கள். பஞ்சாயத்து முடிந்து வீட்டிற்கு வந்தவுடன், ‘என்னங்க அப்படி பஞ்சாயத்து பேசினீர்கள்! அது எப்படி முடியும்!’ என என்னுடைய பிளந்தாற்போல் தெளிவாக நியாயம் சொல்லுவார்கள். ஆகையால் பெண்களிடையே தீர்க்க புத்தி யிருக்கிறது. யோசனை கூறும் தன்மையிருக்கிறது. அடக்க மிருக்கிறது. பெருந்தன்மையிருக்கிறது. அப்பேர்ப்பட்ட பெண்களுக்கு இதில் அதிகமான ஸ்தானம் கொடுக்கவேண்டும். ஜந்தில் மூன்று பங்கு ஜனத்தொகையுள்ள பெண்களுக்கு 15 ஸ்தானத்திற்கு ஒன்றாக வைத்திருப்பது அவர்களை கௌரவிப்பதாகாது.

“ஆகவே இந்த மசோதாவை நான் முழு மனதுடன் ஆதரிக்கிறேன். கிராமவாசிகளுக்கு நன்மை கொடுக்கக்கூடிய விதத்தில் இந்த பஞ்சாயத்து பில் இருக்கிறது. கிராம பஞ்சாயத்து என்பதில் கிராம இராஜ்யம் என இருந்து அதில் ‘கி’ இல்லாமல் இருந்திருந்தால் இது தேச பிதா காந்திஜி அவர்கள் சொன்னபடியான ‘ராம ராஜ்யமாகவே’ இருந்திருக்கும். ஆனால் பெயர் எப்படி யிருந்தால் என்ன? நமக்கு காரியம் தானே முக்கியமானது. ஆகையால் இந்த பஞ்சாயத்து பில்லில் *ex-officio* மெம்பராக இந்த கிராம உத்தியோகஸ்தர்களை நியமிக்க வேண்டாமென்றும், அங்கத்தினர்கள் எல்லோரும் இந்த பில்லை ஒப்புக்கொள்ளவேண்டுமென்றும் கேட்டுக்கொள்ளுகிறேன்.”

JANAB MAHIN SCHAMNAD:—“Madam, Deputy Speaker, this Panchayat Bill introduces a new system of village administration by panchayat boards which will not successfully work in the villages. According to the functions delegated to the panchayat board under this Bill, it will have to incur a large amount of money. How can the panchayat board get this money? Even if all the income derived in the village is left in the hands of the panchayat board, it will not suffice to carry out the functions allotted by this Bill. Even if new taxes are levied on the people, the amount will not be sufficient to carry out half of the business prescribed by this Bill. So, this system of panchayat board in the villages will be a complete failure. The people in the villages will be dissatisfied and the panchayat board will have to incur the displeasure of the people in levying new taxes. The people will oppose all the measures adopted by the panchayat board as burdening them with new taxes. Therefore, the panchayat board will be a deadlock in the villages.

“Madam, it will be very difficult to find efficient men in the villages to do the work of the board. There will be factions. If members are elected from both the parties, they will be pulling in opposite sides and if only one party is taken in, the other party

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will oppose all the actions of the board. Even if there are respectable efficient men in the villages, they may not come forward to serve in these boards. They won't accept presidentship in the panchayat board because the Inspector is given extraordinary powers over the panchayat. He can do and undo everything done by the panchayat board. The members will not be able to do anything at their own discretion. They will be naturally at the mercy of the Inspector and will have to remain as slaves under the Inspector. There are also many other difficulties and so this system of panchayat board in the village will not be successful.”

SRI PYDAH VENKATANARAYANA:—“Madam, this is a very useful and important measure. The prosperity of the country largely depends on the successful administration of the autonomous village panchayats, for the village is taken as the basis for the all-round nation building activities of the country. This is a long felt reform and I congratulate the Hon. Minister for Local Administration on his determination to introduce this reform. However, I may tell the House that the provisions of the Bill have fallen very much short of our expectations in respect of granting a large measure of autonomy to the proposed village panchayats. The rights and powers of the Government department and the District Collectors over the president, the panchayat and even the members and their proceedings and resolutions passed by them, are so great that in practical working these panchayats will convert themselves into mere agencies of the Government at different places. The autonomous aspect of the proposed panchayats is the most essential thing and I hope the Hon. Minister will rectify the defects even to-day by bringing forth suitable amendments.

“Madam, there is a provision that the village headman will be an *ex-officio* member of the panchayat without the power of voting. I would like to know why the karnam should not become a similar *ex-officio* member without the right of voting. There is absolutely no harm as he cannot exercise his vote. The village headman is not in charge of the office records and he cannot possibly enlighten the members in the several important discussions that take place during the meeting and it is proper that the village karnam should be an *ex-officio* member.

“In respect of the elections of the members of the panchayat, it is said that they shall be elected in such manner as may be prescribed by the Government under their rule-making power. It must be made specific that the elections should take place by way of secret ballot. If it is by mere raising of hands, it may not be of a healthy nature. I hope that provision will be made clear.

“As regards the president, there is a provision for direct election. The president has to carry on the business of the panchayat by means of the resolutions passed by the panchayat board and if he does not command a majority in that body, it is not possible for him to carry on the administration successfully; there may be deadlock and stalemate. As the vice-president will be elected, naturally the members will look forward to him considering him to be a very popular officer, and it may not be a healthy

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affair if the president has been elected by direct voting instead of by the representatives of the people that form the panchayat board. I hope that the Hon. Minister will look to this also.

"As regards the disqualifications of candidates, it is said in clause 17 (2) (g) that a person shall be disqualified for election as a member if he is the servant or employer or the official subordinate or official superior of a member holding office at the date of nomination or election. No doubt this may work well in respect of a casual vacancy, but if in general elections both a superior and a subordinate will be candidates for election, there is no provision here as to who would be disqualified. In the Local Boards Act, I think the subordinate or the servant is generally disqualified and I feel there must be a specific provision in this regard in this Bill.

"In clause 18 (k), it is said that a member shall cease to hold office as such if he *'absents himself from the meetings of the panchayat for a period of three consecutive months . . . or if within the said period, less than three meetings have been held, absents himself from three consecutive meetings held after the said date'*. The word 'ordinary' should be inserted after the words 'less than three' and before 'meetings'. No doubt under item (ii) of the proviso to sub-clause (k) it is said 'the meeting was held after giving shorter notice than that prescribed for an ordinary meeting'. But that will not suffice. Even special and extraordinary meetings are held after giving due notice but such meetings should not be counted.

"Again, in clause 22, in respect of the eligibility of a person or a member to stand for election as president, it is said *'Provided that no member shall be eligible to stand for election as president.'* If it is a matter of casual vacancy how does it work out? If it is a matter of general election, no doubt some may be candidates for election as members and some others for presidentship. After the election of the full panchayat board, there may be a casual vacancy in the office of the president. Is it necessary for the member to resign his membership and stand for election as president? It is highly unworkable and this disability must be removed. It should be in this way *'Provided that if a member is elected to the office of president, automatically he ceases to be a member.'*

"What all I would like to emphasize is that the Hon. Minister should see that the village panchayats should be something like village republics having an autonomous constitution and they must have independent powers to formulate their own schemes and pass resolutions and introduce such reforms as are necessary to suit the local conditions. No doubt the Government may always have powers to supersede them. Even power has been given to Government to dismiss or remove a member from office and this is a very novel thing. They can supersede the whole panchayat board; but that is quite different from removing the president or a member; as member he is not entitled to do anything except to sit and deliberate in a panchayat board meeting and it is really surprising why the Inspector of Local Boards has been given

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powers even to remove a member. I hope such defects will be cured by the Hon. Minister by way of amendments. I request him to pay attention to all these things."

*SRIMATHI V. LAKSHMI AMMAL :—“உப அக்கிராசனாதிபதி அவர்களே, கிராம பஞ்சாயத்து 'பில்' செலக்ட் கமிட்டிக்குப் போய் சில மாறுதல்களுடன் வந்திருப்பதை நான் மனப்பூர்வமாக ஆதரிக்கிறேன். அப்படி ஆதரிக்கும் முறையில் ஒன்றிரண்டு வார்த்தைகளைச் சொல்ல விரும்புகிறேன். ஒவ்வொரு கிராமத்திலும் கிராம பஞ்சாயத்து ஏற்பட்டு கிராமத்திலுள்ளவர்கள் அவர்களுடைய நன்மைகளையும் தங்களுக்கு வேண்டிய காரியங்களையும் செய்துகொள்ள ஒரு சந்தர்ப்பம் கொடுக்க வேண்டியது மிகவும் அவசியம். இந்த 'பில்'லினால், ஒவ்வொரு கிராம வாசியும் அவரவர்களுக்கு வேண்டிய சௌகரியங்களைத் தேடிக்கொள்வதற்கு மிகவும் பெரும் வசதி கொடுக்கப்பட்டிருக்கிறது. ஆகையினால் ஒவ்வொரு கிராமவாசியும் இதை வரவேற்கிறார்கள் என்பதில் சந்தேகமில்லை.

"இந்த கிராம பஞ்சாயத்து போர்டை அமைக்கும் விஷயத்தில் ஜாதி வாரியாக பிரதிநிதித்துவம் கொடுக்காமல் இருப்பது மிகவும் போற்றத்தக்கது. ஆனால் சில மைனரிட்டி கம்யூனிட்டிகளுக்கு சில பேர்களை Co-opt செய்துகொள்ளலாம் என்பதாக முதன் முதலில் கொடுத்த 'பில்'லில் கண்டிருந்தது. ஆனால் இப்பொழுது செலக்ட் கமிட்டியிலிருந்து வந்த பிற்பாடு அதை எடுக்கப்பட்டிருக்கிறது. அதை நான் ஒரு வாரறு ஆதரிக்கிறேன். தனிப்பட்ட ஜாதிகளிலிருந்து பொறுக்கி எடுப்பதை விட அவரவர்கள் பொதுஜனங்களின் வோட்டுப்பெற்று வருவதுதான் மிகவும் சிலாக்கியம். ஆனால் ஸ்திரீகள் விஷயமாக ஸ்ரீமான் வேலுசாமி கவுண்டர் அவர்கள் ஸ்திரீகளுக்கு பரிந்து பேசியதை நான் பாராட்டுகிறேன். அதற்காக அவர்களுக்கு என்னுடைய நன்றியையும் தெரிவித்துக்கொள்கிறேன். வாஸ்தவத்தில் ஸ்திரீகளுக்கு ஸ்தானங்கள் கொடுக்கவேண்டியது அவசியம்தான். ஏனென்றால் கிராமங்களில் எப்படி ஹரிஜனங்கள் பிற்போக்கானவர்களாக இருக்கிறார்களோ, அதே மாதிரி ஸ்திரீகள் முன்னுக்கு வந்து அவர்கள் ஜெனரல் தொகுதியில் இடம் அடையும்படியான நிலைமையில் கிராமங்களில் இருக்கமாட்டார்கள். ஆகையினால் ஸ்திரீகளை Co-opt செய்துகொள்ள வேண்டியது அவசியம்தான். ஒரு சில வருஷத்திற் காகவாவது அப்படி வைத்துக்கொண்டு பிற்பாடு பார்த்துக்கொள்ளலாம். கணம் மெம்பர் ஸ்திரீகள் சார்பாக பேசியதற்காக நான் அவருக்கு என்னுடைய நன்றியை மறுபடியும் தெரிவித்துக்கொள்கிறேன்.

"தவிர கிராம பஞ்சாயத்து போர்டுக்கு ஏராளமான அதிகாரங்கள் கொடுக்கப்பட்டிருக்கிறது. முக்கியமாக கவர்ன்மெண்டிலிருந்து அவர்களுக்கு கொஞ்சம்தான் சிலவிற்கு பணம் ஒதுக்கப்பட்டிருக்கிறது. அதாவது 12½ சத வீதம் கவர்ன்மெண்டிலிருந்து கொடுக்கப்படுகிறது. இன்னும் ஜில்லா போர்டில் வசூல் செய்யப்படும் Cess லிருந்தும் ஒரு சில பகுதிதான் கிடைக்க வசதியளிக்கப்பட்டிருக்கிறது. ஆனால் வேறு விதமாக ஏராளமான வரி போட்டு பணம் வசூல் செய்துகொள்ள நிறைய வசதி செய்துகொடுக்கப் பட்டிருக்கிறது. இதைப்பற்றி இந்த 'பில்' முதன் முதலாக வந்த காலத்திலேயே பேசியிருக்கிறேன். கிராமங்களெல்லாம் இப்பொழுது ரொம்பவும் சிதறிப்போயிருக்கின்றன. கிராமங்களில் வீடுகளைப் பார்த்தால் வெறும் குடிசைகளாகத்தானிருக்கின்றன. வீட்டுத் தீர்வையாக பஞ்சாயத்து போர்டுக்கு வரக்கூடிய தொகை ரொம்ப சொல்பமாகத்தானிருக்கும். ரூ. 1, 1½ என்றுதான் வீட்டிலிருந்து போர்டுக்கு வரி கிடைக்கும்படியான நிலைமையிலிருக்கிறது. நூறுக்கு அல்லது இருநூறு வீடுகளுக்கு ஒன்றில் தான் ரூ. 2, 4, 5 என்று வரி கிடைக்கும்படியாக இருக்கின்றது. இப்பொழுது கிராமங்கள் சிதறுண்டு கிடப்பதால் வீட்டு வரியிலிருந்து அதிகமாக வரும்படி ஏற்படவே முடியாது. வண்டிகளுக்கு வரி போடலாம், Bicycle-க்கு வரி போடலாம், அங்கே விற்கக்கூடிய சாமான்களுக்கு கெல்லாம் வரி போடலாம், காய்கறிகளுக்கு வரி போடலாம், நெல்லிற்கு வரி போடலாம். இன்னும் வீடுகளை விடே பேசி விற்பனையும் ஒத்திக்கு வீடுகளை வைத்தாலும், மற்றும் இதர சொத்துக்களை ஒத்திக்கு வைத்தாலும்

[Srimathi V. Lakshmi Ammal] [20th December 1949]

அவைகளுக்கெல்லாம் வரி போடலாம் என்பதாக பலவிதமாக வரிகளைப் போடும் அதிகாரத்தை இந்த பஞ்சாயத்து போர்டுக்கு கொடுக்கப்பட்டிருக்கிறது.

* THE DEPUTY SPEAKER:—"The hon. Member will continue her speech after lunch. The house will now adjourn and meet again at 2-30 p.m."

(After lunch--2-30 p.m.)

MR. SPEAKER:—"We have been discussing this Bill for the last two days. So I want to reduce the time-limit to 10 minutes."

* SRIMATHI V. LAKSHMI AMMAL:—"அக்கிராசனாதிபதி அவர்களே, கிராம பஞ்சாயத்து போர்டுக்கு வருமானம் அதிகமாக்குவதற்காக பல வித துறைகளிலும் Cess மூலமாகவும் வரிகள் மூலமாகவும் அதிக வரும்படியை செய்துகொள்ளலாம் என்றும் அதற்கு வேண்டிய வசதிகளும் அளிக்கப்பட்டிருக்கிறது என்பதற்குச் சொன்னேன். ஆனால் கிராமங்களில் எவ்விதமாகவும் ஏராளமான பணத்தை வசூல் செய்வதற்கு முடியாது. டோல் கேட் வைத்து வேண்டுமென்றாலும் கொஞ்சம் பணம் வரலாம். இன்னும் கல்வி Cess விருந்தும் கொஞ்சம் பணம் வரலாம். வண்டிகளுக்கும் பைசைக்கிள்களுக்கும் வரி போட்டு அவைகளிலிருந்தும் சொற்ப தொகை வரலாம். ஆனால் ஏராளமான பணத்தை நாம் எதிர்பார்க்க முடியாது. ஆனால் கிராமங்களை அபிவிருத்திசெய்வதற்கு பஞ்சாயத்து போர்டுக்கு இந்த 'பில்' லில் அதிகாரம் இருக்கிறது. அவைகளைப் பூரணமாக நிறைவேற்றவேண்டுமென்றால் மாகாண கவர்ன்மெண்டார் இன்னும் கொஞ்சம்கூட பணத்தை அதாவது 12½ சதத்துக்கும் ஜாஸ்தியாக கொடுத்து ஆதரிக்கும்படியான வசதி இருக்கவேண்டுமென்பதாக நான் தெரிவித்துக்கொள்ளுகிறேன். ஆனால் இந்த செலக் கமிட்டியார் இது விஷயமாக ஒன்றுமே சொல்லவில்லை. ஆனால் இந்த கிராமங்களில் மாஜிஸ்ட்ரேட்களினால் விதிக்கப்படும் தண்டனை மூலமாக வரும் அதாவது Fine மூலமாக வரும் வரும்படியையும் வைத்துக்கொள்ளலாம் என்று சொல்லப்படுகிறது. அதன் மூலமாக அதிகமான வரும்படியை நாம் எதிர்பார்க்க முடியாது. அப்படி வசூல் செய்யும் பணத்தில் பத்தில் ஒன்பது பங்கு பஞ்சாயத்து போர்டுக்கு வரும் என்பதாக கண்டிருக்கிறது. அதன்மூலம் சொற்ப தொகைதான் வரலாம்."

"இந்தக் காலத்தில் ஒரு காரியத்தைச் செய்யவேண்டுமென்றால் ஆயிரக்கணக்கான ரூபாய் இருந்தால்தான் செப்பனிட்டு மற்ற விஷயங்களைச் செய்யலாம். அந்தக் காலத்தில் குளங்கள் கிராமங்களின் கையிலிருந்தன. அந்த குளங்களிலிருந்து வரும் ஒரு வருமானம் முதலியவைகளை வைத்துக்கொண்டு நீர்பாசன குடிமராமத்து முதலியவைகளைச் செய்துகொள்ள வசதி யிருந்தது. இன்னும் பாசன வசதிகளையெல்லாம் விருத்திசெய்து கொள்வதற்கு பஞ்சாயத்து போர்டுக்கு அதிகாரம் கொடுத்திருக்கிறது. இவைகளை யெல்லாம் கிராம நிறைவேற்றவேண்டுமென்றால் ஏராளமான பணம்தான் தேவை. அவைகளுக்கு வேண்டிய பணத்திற்கு அதிகமான வசதி மாகாண கவர்ன்மெண்டுதான் செய்து கொடுக்க வேண்டுமென்பதாக நான் கேட்டுக்கொள்ளுகிறேன்."

"இன்னொன்றை இந்த 'பில்' லில் வற்புறுத்தவேண்டுமென்று நான் நினைக்கிறேன். அதாவது ஒவ்வொரு கிராமத்திற்கும் ஒரு மருத்துவ ஸ்திரீயை அவசியமாக நியமிக்கப்படவேண்டும். எதைச் செய்தாலும் செய்யாவிட்டாலும் எந்தப் பள்ளிக்கூடத்தையோ ஆஸ்பத்திரியையோ ஏற்படுத்தினாலும் சரி ஏற்படுத்தாவிட்டாலும் சரி கிராமங்களில் ஒரு மருத்துவ ஸ்திரீயை நியமிக்கவேண்டியது ரொம்ப அவசியமாக இருக்கிறது. அப்படி ஒவ்வொரு கிராமத்திலும் நியமிக்க வேண்டும். இந்த 'பில்' லில் கூட அதைப்பற்றி குறிப்பிட்டிருந்தால் ரொம்பவும் நன்றாக இருந்திருக்கும்."

[Srimathi V. Lakshmi Ammal] [20th December 1949]

"என்னுடைய இன்னொரு அபிப்பிராயத்தை சொல்லிக்கொள்ள விரும்புகிறேன். கிராம பஞ்சாயத்திற்கு கொடுக்கப்பட்ட அதிகாரத்தை வைத்துக்கொண்டு கிராமங்களை விருத்தியடையும்படி செய்யவேண்டுமென்பதையே அதுவாக அதிகாரத்தை துஷ் பிரயோகம் செய்யாமல் நல்ல முறையில் கிராம வாசிகளெல்லாம் செழிப்பாக முன்னடையவேண்டுமென்பதுதான். அதற்கு வேண்டிய வசதிகளும் அளிக்கப்பட்டிருக்கிறது. ஆனால் அவைகளுக்கு வேண்டிய பணம்தான் எங்கிருந்து வரும் என்பது எனக்குத் தெரியவில்லை."

"இன்னும் இந்த கிராமங்களுக்கு போடவேண்டிய ரோடுகளை யெல்லாம்—Highway ரோடுகளைத் தவிர மற்ற ரோடுகள்—பஞ்சாயத்து போர்டே போட்டுக்கொள்ளலாம் என்பதாக காணப்படுகிறது. ரோடு போடுவதற்கு பணம் வேண்டுமென்றால் ரொம்ப பணம் வேண்டும். ஆகையால் இந்த ரோடுகள் எல்லாவற்றையுமே Highway-ல் எடுத்துக் கொண்டோ அல்லது ஜில்லா போர்டில் எடுத்துக்கொண்டோ இந்த பஞ்சாயத்து போர்டு ரோடுகளை செப்பனிட்டு வேண்டும். மற்ற வசதிகளாகிய கல்வி, வைத்தியம், இன்னும் பாசன வசதிகள், பள்ளிக்கூடம், விளையாட்டு மைதானம் (playground), தோட்டம் போடுதல் முதலியவற்றிற்குள்ள சிலவுகளை மாத்திரம் இந்த பஞ்சாயத்து போர்டினிடம் கொடுத்து விட்டு ரோடுகள் போடுவதை ஜில்லா போர்டின்கையில் கொடுத்தால் ரொம்பவும் நன்றாக இருக்கும் என்பதாக தெரிவித்துக் கொள்ளுகிறேன். இந்த 'பில்' லில் முழு மனதுடன் செலக் கமிட்டியிலிருந்து வந்திருப்பதை ஆதரித்து நான் முடித்துக்கொள்ளுகிறேன்."

* DR. D. S. RAMACHANDRA RAO:—"Mr. Speaker, Sir, I have much pleasure in welcoming this Bill. It has been a Bill long overdue to train our people in the art of self-government. No doubt the Bill is not complete. It is only a first step in the right direction. If you want in future to have men and women trained up in the art of administration who are used to the methods of ruling the country, you must begin at the very bottom and gradually build up our race and class of rulers. I take it, Sir, that this is the first attempt in that direction. I am glad, Sir, that my hon. Friend, the Hon. Minister for Local Self-Government has seen his way to bring in a measure that is nearly all-comprehensive. The method of election is wide enough. A great many people are afraid whether the President or Chairman who is elected would fit in into the council elected by a certain number of voters on a restricted franchise. But there need not be any scruple in that direction. Because, when once a man is elected and he knows his position, he would be able to be controlled by the majority of the people who are in the panchayat itself. Still, there are a certain number of people who are nervous that it may lead to undesirable results where the President would altogether flout the opinion of the majority in the panchayat and carry on the administration as he liked, because he was not elected by the panchayat itself. But that, which may not be frequent, might possibly be controlled by introducing a checking element; that is, if the President carries on the administration against the wishes of the panchayat and if three-fourths of the majority are against him or her at some meetings, I think the Government should have liberty to call him to order and try to check the drifting situation; and if that should continue, the Government must have the right or freedom on the adverse vote of the three-fourths of the majority to remove that President. But that is more imaginary than real."

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“ Sir, the good point about this Bill is that it takes the President into confidence and puts him on the pedestal, because he is directly elected by the people. No doubt in the higher spheres of Government, we are putting more obstacles and controls so that the man at the top may not run wild. Even then, Sir, when adult franchise comes in, we do not know really what is in store for us. Of course it is a leap in the dark. If the major problems of the country could be faced with such courage, I do not see why a village problem should not be solved with the same courage. If mistakes are made—I dare say mistakes will be made—they will be on a small scale and perhaps a corrective method might be employed thereto. But I for one believe that we need courage here also. A man who is afraid to commit mistakes will never be able to achieve anything in life just like a man who is afraid of getting into water will never learn to swim. It is thus that the panchayat administration can afford scope and opportunity for successive generations of young people who would some day hold the destinies of the country in their hands, as a veritable training ground. This training should be so moulded with courage and experience that, at a later time, the recipients would be able to meet greater responsibilities which time and opportunity may call them to shoulder. Here also the same difficulty faces us, that is lack of courage. We ought to trust each other. Trust begets trust. Hitherto we have been saying that when the British were ruling us, lack of opportunities have unnerved us and unmade us and have struck at the very root of our moral idealism and sense of responsibility. Here, we are beginning at the very bottom and therefore, while the Government will have an eye on possible mistakes—even blunders of high magnitude, still, a way of correction must be there. That should not deter us from following a policy of liberalism and trust and as an opportunity for training the people to the great future that is going to be theirs before long.

“ Sir, here the experience, rather the responsibility given to the panchayat is diversified. The methods of imposing taxes, controlling taxes and every sphere of life are included. If the panchayats or the boards are really anxious to use them as stepping stones to greater responsibility, then you could not have better experience than that. Sir, in the past we have had not much experience. The responsibilities too were few. That is why, the leaders of the nation, like Pandit Jawaharlal Nehru and Sardar Vallabhai Patel have been insisting time and again that first-class elements could not be had in our administrative machinery at the present day and that this mistake should not be allowed to continue. I am glad that the inspiration which this opportunity would give to the rising generation of India would be so great that they would be able to fight the great battle that India may have to cope with, with regard to poverty, insanitation, etc.

2.45 p.m. “ Again, Sir, the method of bringing in members into the panchayat board is wide enough. At the same time I am wondering whether it is not an unmixed good. It is not always the best elements in the village that would care to get into the struggle of

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election. The best elements fight shy of election and, therefore, if you want some inspiration, you must look for the time being to some kind of nomination. I do not mean communal nomination or religious nomination or caste-war nomination. But I believe there are thinkers, there are people who advocate views that may not coincide with those of the majority of the people who are in the panchayat. Their voice will be a cry in the wilderness. I feel that for the good of the administration, you must have their views also represented. There need not be only one side to the question; there may be two sides, three sides or even four. All I say is some method should be devised either by co-option or by nomination which will bring in people of sterling worth, people who have ideas and ideals. It might not seem democratic to follow this method. But I think real democracy must find a way of helping the several views existing in a particular village to be expressed. I trust my Hon. Friend, the Minister for Local Administration, who has shown such a breadth of vision in framing this Bill, will also find some way by which real talent in the country which may not be recognized under the system of ordinary elections is got in. With this, Sir, I welcome the Bill and congratulate the Hon. the Minister in charge for bringing in a measure which is long overdue. I trust that this measure will succeed in not only bettering the administration of village panchayats but also in finding a training ground for the future administrators of the country.”

* SRI K. KOTI REDDI:—“ Mr. Speaker, Sir, I rise to congratulate the Hon. the Minister for Local Administration for having attempted to bring in a measure which, with all its defects—some of them are very serious in my opinion—will go a good deal towards giving some opportunity and relief to the rural population, in the matter of providing for themselves amenities which are not so easy for them to get from the Provincial or the Central Government. The success of the village panchayats, as things are at present, depends largely on the method of election. It is a well-known fact, Sir, that in most of the villages there are factions and I am afraid unless we devise a system by which further factions would be avoided, we would be very sorry indeed for having introduced this measure. I can claim to have some experience and some fairly intimate knowledge of the villages—I was myself a member of the district board, though not a member of a panchayat board—in my part of the country. (At this stage, Chairman Sri R. V. Swaminathan occupied the Chair.) I had occasion to visit certain places after this Bill had been published and wherever I went the people said to me, ‘Are you going to introduce panchayats in all villages and help to contribute to further factions in the villages.’ I am a great enthusiast of panchayat raj and was surprised to hear such fears expressed by the villagers for whose benefit this Bill is intended. I really believe that if the panchayat boards are properly developed, a good deal of improvement in the villages will result. This is not a question of merely doing something good for the

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villages, but one of saving a lot of unnecessary expenditure incurred by way of travelling allowance by big officials of Government and the presidents of the district boards who are otherwise expected to take up the work which we are going to entrust to the panchayat boards.

"Sir, there are certain defects, as I have already said, in this Bill. For instance, the procedure that is going to be adopted in the matter of election is left to the sweet will and discretion of the Inspector of Municipal Councils and Local Boards and ultimately controlled by the Government. I do not know whether the elections are going to be held as they are to-day, in a majority of cases, that is, asking the voters to gather in some compound or at the end of some street and to raise their hands for selecting the panchayatdars, or whether the method of secret ballot is going to be followed, which is in vogue in the case of a few local boards and the Houses of Legislature. I find that this important aspect of the matter has not been made clear but is left to be decided later on by the Government when the rules under the Act are framed. If the Government decide that the old method of raising hands should be followed for electing members to the panchayat board, I feel that certain difficulties which are inherent in it under the present conditions should be specially mentioned. What is happening in most of the villages under the present system? The influential man by the terror he creates commands all the votes, he makes his own choice of the other panchayatdars, and no villager would ever dare raise his hand against him or his nominees. If, however, the villager raises his hand against the influential man, the inevitable result is more factions. Therefore, the matter should not be left over to be decided at the sweet will and pleasure of the officers but there should be a specific provision made here and now that elections shall be by secret ballot. This is a safeguard for which I had been fighting for a quarter of a century in this Assembly and this was introduced during the British rule in the matter of election to the legislatures.

"Again the mere secrecy of ballot alone will not be a sufficient safeguard against factions. The president has to be elected by the entire village direct. I am one of those who believe in it and one who has been asking for election direct by the whole village. But still I cannot ignore the fact that there are difficulties and factions which prevent the man who commands the confidence of—not the influence over—the villagers from coming into the open and standing against the influential man in an election to the office of president. So the purpose sought to be achieved by introducing secrecy of ballot will be defeated, inasmuch as there will be no opposition. There will be many cases where this method will be of no use. I have been thinking over this problem for a number of years and am convinced that unless a suitable system is devised to meet the peculiar conditions in the villages, the extension of panchayat raj will not achieve the end in view.

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"Now as regards the wards, I would like to say a few words. Under this Bill, it is sought to divide the village into a number of wards, based on the population of the village. That is, a Class I panchayat will be divided into not less than five wards. This provision applies to the smaller villages also. Now, what is happening in some of these small panchayats to-day, the union panchayats, and the municipalities? The member representing a particular ward concerns himself with that particular ward only and the village as a whole does not benefit by his experience. There should be a system, therefore, by which the whole village is made one unit for purposes of election and all candidates should contest the election irrespective of the wards they may come from. This will help the whole village to express its voice. The candidate who secures the highest number of votes in the election to the panchayats should automatically become president. This will incidentally avoid the contingency of the president being elected by the whole village uncontested, which system, as I have already said, is fraught with grave consequences.

"You can elect men who get more votes than the others as 3 p.m. president, vice-president, members and so on. If you want five members you can select the first five, if you want ten, you can select the first ten. In the case of Scheduled castes also there may not be much difficulty. We know who are these men. We can select one or two from among them.

"May I give an instance which came to my personal knowledge in connexion with selection of a member for the district board election. I do not want to mention that village. It was one of the villages in Bellary district. At one time there was no one for a number of years to contest against him, for the panchayat board. It is a village with a population of about eight thousand people and no one came forward to contest against him. After all what sort of person was he? He was not a man very much interested in the welfare of the village. He had bad influences, terrorised the villagers and thus he was able to maintain his position. With very great difficulty we had to put up a candidate against him. He himself offered to stand as a Congress candidate but we were not willing to take such a man. There would be many such instances in our villages. If you want to avoid this sort of thing the only safeguard that we can devise, the only procedure that we can adopt is to treat the whole village as a unit and elect the president, vice-president and members by means of a common vote, distributive or cumulative, it does not matter. Distributive vote is preferable. You can use ballot papers with different colours or print the photographs of the different candidates, as each man in the village knows the other man. Actually there will be no difficulty in adopting this. Perhaps this may be a little costly. After all the benign Government can bear the expenditure. Unless you do this our panchayats are not going to be those republics from which we expect a good deal. I lay great stress on this, Sir, because I believe the rural population as such are not quite anxious about these

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panchayat boards and if the methods that we are going to adopt are not going to lead to further happiness for them but probably only to more taxes, we really want to avoid them. I support this Bill."

* JANAB N. MUHAMMAD ANWAR:—"Mr. Chairman, Sir, something is wrong somewhere (Question: Where?) On the Treasury Bench, Sir. (Laughter.) I do not understand why when all the world over people are agitating for centralization, we must now hasten this legislation for decentralization. (Hear, hear.) In a country where democracy is in doldrums, I feel that we have to strengthen the foundations of the Central Government before we can indulge in adventures of decentralization. Very many expressions which I had listened to in the course of this day recall to memory things which I studied in college, such as Plato's Republic and Moore's Utopia. I believe, we are not trying here to build up so many city states or village republics and add to the confusion which is already prevalent, and to the fissiparous tendencies which are already doing havoc against the larger interests and the solidarity of the State. After all the Hon. Minister should know that the legislation that he proposes should be in keeping with the genius of the people. But what exactly is the genius of our people? Fictions, frictions, factions and factions. This is exactly the problem. Are you now going to add politics, take elections to the villages and create factions where there should be none. I would rather turn round to the Hon. Minister and say 'Thus far and no farther'. Stop this rot. Let us have no more politics. We have had enough of it. Happy is a village that has no panchayat. Do not carry these panchayats to villages such as mine where we have got the freedom and harmony of life. I look round my neighbouring villages and see how they have a striking contrast of panchayat politics with the peaceful atmosphere of harmony and freedom that prevails in my village.

"It is really paradoxical for friends who have been advocating in one and the same breath blowing hot and cold, and speaking of a strong Central Government and at the same time of village republics all over the country. It is really paradoxical because you have either the one or the other. There can be no question of trying to have both. It is impossible to have it as a measure of transition or as an experimental measure for some years. If you are going to have these village panchayats, you will not be able to find the men to run these village republics. That is the hard reality of the situation. We do not have enough men of capacity in public life to-day to fill the Treasury Bench and how do you expect such a thing in every republic which needs men of calibre and commonsense and how do you expect the villages to turn out so many men to run these republics.

"Mr. Chairman, one more thing which I feel is, where are you going to have these panchayat boards when under the new constitution our Provincial Assembly itself is going to be turned into a panchayat board. The Hon. the Finance Minister is

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rather amazed but I cannot understand why. He should know himself that his coffers are being emptied under the new provisions of the constitution. The Governments in the Provinces are going to be at the mercy of the Central Government under the new constitution and I believe even the most prolific source of revenue, the sales tax is not to be allowed to remain in the hands of the Provincial Government. When the Finance Minister of the Province is reduced to the position of a pauper (laughter) how do you expect him to have the sinews for the village republics all over the Province. After all democracy means meeting demands of public amenities and if the Provincial Government with a Provincial Assembly is itself not in a position to meet the demand for so many public utility services, are you going to multiply the demands for public utility services from hundreds and thousands of these village panchayats? Create more and more of funds before you can start upon adventures like creating these public bodies. Mr. Chairman. . . (Sri V. M. Ramaswami Mudaliar: 'You have to address as Mr. Speaker.) Mr. Chairman, the hon. Gentleman who hails from my native district is yet to know the difference between the position that you occupy and that of the speaker of his House. (Laughter.) I want to say one thing, Mr. Chairman, that these village republics after all, even under the provisions of this Bill are going to be only an insult to the very high ideals which the Hon. Minister has entertained for this legislation. I do not think, Mr. Chairman, that these republics are going to be free agents even in trying to execute certain schemes for the public uplift. After all every village republic is to be under the direct superintendence and control of the Inspector of Local Boards which in simple words reduces this arrangement to a farce. I think you are only allowing the presidents of village republics to be more unpopular than you confidently expect them to be to-day. I therefore plead that Government should withdraw this Bill.

"Quite possibly the Government may be having in mind the idea of creating vested interests and expecting them to be behind the party in power at the time of the next elections. But I should not like to question the intentions of the Government but if that should be the policy, if that is at the back of their minds, I am afraid they may be very sadly disillusioned, because at least to-day you can expect in every village a certain section of the society behind this Government but when this village autonomy comes, you will find that even that section is a house divided against itself and the Ministry. The Party in power will have to face the music of dissensions in every village. And quite possibly so many of these village people who are disillusioned, will certainly turn to be opponents and enemies of this Government. Even as electioneering tactics I feel that the Government will come very soon to regret this policy which is a bad policy, a sad policy and a mad policy."

SRI L. C. PAIS:—"Mr. Chairman, since the introduction of the Bill, various amendments have been made in it. I have myself been a member of Select Committee and I have to pay my

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need of tribute to the way things were done in the Select Committee. Every point of view was considered, every argument was heard and we practically came to agreed conclusions. I particularly welcome two amendments that have been made in the Bill. The first is as regards the giving up of separate or special representation so far as particular communities are concerned. I remember what the Governor-General told us some time back that we have learnt many things but one thing more which we have still to learn that is the art of living together and the art of acting together. Perpetuating communal distinctions and perpetuating reservations cannot help us in this regard, and we are glad the Select Committee has given up co-option and special representation and confined them to the case of Harijans alone. The second change which has to be welcomed is the giving of power to the Inspector of Local Boards to appoint the necessary engineering staff, so that panchayat works may be carried out speedily and at once. This is a very welcome change; it will mean that the works which the panchayat would embark upon would be done speedily.

"On the question of direct elections, so far as the President is concerned, I have to say there is bound to be considerable difference of opinion; but this much may be said in favour of the change that by this proposed method, the life of the panchayat and the work of the panchayat will be continued; because we know that even if the panchayat is superseded and brought to an end, the work of the panchayat will be taken up and attended to by the president. There is also bound to be considerable difference of opinion on the other question of investing civil and judicial powers on the panchayats. Knowing the villages as we do and the party factions there, there is considerable fear expressed to-day whether this would work properly. But on this matter I know we have had various discussions in the Select Committee; we also heard the evidence given by Mr. C. V. Nayudu, who went to the extent of saying that even though there may be a set-back in the beginning, ultimately things would be alright. We do hope everything will be alright and the villagers will act up to their responsibilities and that even as regards civil and criminal matters, things will be ultimately managed properly. There is absolutely no doubt that this measure is to be taken as a wise and progressive measure. We are independent to-day, and one implication of our freedom is that we are ourselves responsible for the future welfare and progress of our country. We are aware equally that this progress of our country is intimately connected with the welfare of the rural parts. Any legislation, therefore, which will rouse up the enthusiasm of the villagers to a sense of better living and better acting certainly is to be welcome. I would only mention a word of caution: and that is, that we should go rather slow so far as this measure is concerned. We had our bitter experience, so far as prohibition is concerned; we went very fast and now we find that we require as many as 400 propagandists to prop up our programme. We only hope that as days pass, propagandists will not be necessary to prop up this new measure. At the same

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[Sri L. C. Pais]

time, it must be admitted—even though there will be arguments to the contrary—that is a bold and correct experiment so far as decentralization of economy is concerned; villagers have to be given more power and more responsibility and ultimately we hope that things will shape themselves in such a way as to add to the welfare and prosperity of the community. With these few words, Sir, I support the Bill."

SRI B. VENKATANARAYANA REDDI :—"అధ్యక్ష, ఈ పంచాయితీ బిల్లును ప్రథమంగా చర్చించిన సందర్భంలోనే పంచాయితీలను గురించి కొన్ని ముఖ్యమైన సూచనలను నేను చేసియుంటిని. అందులో ఒక ముఖ్యమైన విషయమును గురించి Select Committee లో ప్రస్తావనగూడ వచ్చినట్లు. కన్సింపడం లేదు కనుక ఆవిషయమును గురించి మరిల ప్రభుత్వవారికి తెలియజేయదలచినాను. ప్రస్తుతం రాష్ట్రంలో అనేక డిపార్టుమెంటులు రోజు రోజుకు పెరిగిపోతున్నవి. ఈనాడు పంచాయితీ పరిపాలన యావత్తు ఒక ప్రత్యేక శాఖ క్రిందలేకుండా, Local Board Inspector, Deputy Inspector, Panchayat Officer మొదలైనవారే కాకుండా అనేక ఇతర డిపార్టుమెంటులవారి అజ్ఞాయిషీ క్రింద జరుగవలసి వస్తుంది. దీనివలన పంచాయితీ పరిపాలన సుకరంగా జరగకపోవడమే కాకుండా అనవసర ఆలస్యం జరగటానికి అవకాశం కలుగుతుంది. కాబట్టి ఇకముందైన పంచాయితీ పరిపాలన ఒకే శాఖవారి అజ్ఞాయిషీ క్రింద ఏర్పాటు చేసినట్లులే వాగడంబుంది. ముఖ్యంగా Revenue Department వారికి గ్రామములలో ఎక్కువపని ఉంటుంది. అనేక సందర్భాలలో వారు గ్రామాలకు వెళ్లి అజ్ఞాయిషీలు జరుపవలసిన అవసరమంటుంది. గ్రామస్తులతో ఎక్కువ సంబంధములున్నటువంటి Revenue Department వారికి పంచాయితీ పరిపాలన అజ్ఞాయిషీగూడ కలిగించినట్లు చే చాలవరకు పనులు సులభముగా సేరవేరుచే కాకుండా, గవర్నమెంటువారికి ఖర్చులు తక్కువగుటకు అవకాశము విస్తృత గలదు. ఈ సూచనను ముగ్ధులగు సావకాశంగా గమనించవలసి యున్నదని నునచి చేస్తున్నాను.

"ఈ బిల్లులోని 54 వ సెక్షను ప్రకారము గ్రామాలలో ఉన్నటువంటి unreserved forests లు అన్నియు ఆయా గ్రామపంచాయితీల అజ్ఞాయిషీ క్రిందకు వచ్చునని ఉన్నది. ఇదివరలో మన రాష్ట్రంలో కొన్నిచోట్ల ఆడవి పంచాయితీలు ఉండేది. కొన్నిచోట్ల వాటిపరిపాలన స్వీకరంగా నిర్వహించబడటం లేదనే ఉద్దేశముతోనే లేక వేరొక కారణంచేతనో ఈ ఆడవి పంచాయితీలను రద్దుచేసియున్నారు. ఈ బిల్లు ప్రకారము పంచాయితీ వట్టము అనుబంధముగా ఉన్నటువంటి unreserved forests గా ఉన్నవో అవి మూత మే పంచాయితీల అజ్ఞాయిషీ క్రిందకు వచ్చును. మిగతా అడవులు పంచాయితీల అధీనములో వుండవు. కాబట్టి ఈ చట్టము అనుబంధముగా ఉన్న unreserved forests గా ఉన్నవాటినే కాకుండా ఎప్పుడైనా Forest Panchayats క్రింద ఏర్పాటుచేయబడి, ప్రస్తుతము రద్దు చేయబడినటువంటి అడవుల నన్నింటినీగూడ గ్రామ పంచాయితీల అజ్ఞాయిషీ క్రిందకు తీసుకొనివచ్చుటకు ఏముగా ఈ సెక్షను సవరించవలసిందని మంత్రిగారిని నేను ప్రార్థిస్తున్నాను.

"60 వ సెక్షనులో కుడిమరకుత్తు పనులు చేసుకొనుటకుగాను గ్రామములలోని రైతులపై కొంత వస్తువేయటకు పంచాయితీలకు అధికారము ఇచ్చియున్నారు. కాని ఈ అధికారము ప్రభుత్వవారు విస్తరించుట కొన్ని కుటుంబములకు, కట్టుదిట్టములకు లాభి ఉండవలసియున్నది. కుడిమరకుత్తుపనులు చేసుకొనుటకు Local Boards

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Inspector గారి ఆమోదముకూడ కావలసియున్నది. ఇటువంటి నిబంధనలవల్ల కాలహరణమగుటకు అవకాశము ఉన్నది. కాబట్టి పంచాయితీలు కుడిమరమ్మతు చేసుకొనుటకు ఆమోదమును తెలిపేటటువంటి అధికారము గ్రామాలయొక్క మంచి వేడ్లు బాగుగా తెలిసినటువంటి తాసీల్దార్లు, లేక Revenue Divisional Officer గో ఇచ్చినట్లయితే బాగుంటుంది. తాసీల్దార్లు, Revenue Divisional Officer మొదలగు Revenue ఉద్యోగులు గ్రామములకు తరచు వెళ్తు ఉంటారు. ఏడు ప్రాంతాలలో కుడిమరమ్మతు పనులు చేసుకోవడము అవసరమో ఈ పనులకు ఎంతెంత ఖర్చు అవుతుందో వివిధంగా ఈ పనులు చేస్తే రైతులకు ఉపయోగపడుతుందో మొదలైన వివరాలన్ని వారికి బాగుగా తెలిసి ఉంటాయి. కాని ఎక్కడో గ్రామాలకు దూరంగా ఉండేటటువంటి Local Boards Inspector గారికి ఈ వివరాలను తెలియకపోవచ్చును కాబట్టి కుడిమరమ్మతు పనులు చేసుకోవడానికి పంచాయితీలకు ఆమోదాన్ని ఇచ్చే అధికారము Revenue Divisional Officer లకుగాని తాసీల్దార్లకు గాని ఇప్పించవలసినదని నేను మంత్రిగారిని కోరుచున్నాను.

“ 64 (b) section లోకూడ కొన్ని ప్రత్యేక పనులను చేసుకొనుటకు కొన్ని అదనపు పన్నులను విధించే అధికారము పంచాయితీలకు ఇచ్చిఉన్నారు. ఇందుకు Local Boards Inspector గారి అనుమతి పొందవలసియున్నది. రాష్ట్రములో ఉన్నటువంటి వేలకొలది పంచాయితీలయొక్క అవసరాలను తెలుసుకోవడం Local Boards Inspector గారికి కష్టమైనటువంటి పని. పంచాయితీలు వారి వారి అవసరాలనుగురించి Local Boards Inspector గారికి తెలియజేసుకొంటే అక్కడనుంచి వారి అర్జీలు Deputy Inspector గారికి, Panchayat Officer గారికి, వారివద్దనుంచి జిల్లాలో ఉండే ఇతర శాఖలవారికి పంపవలసినటువంటి అవసరము ఏర్పడుతుంది. ఇటువంటి పద్ధతివల్ల ఈ అధికారుల అందరియొక్క ఆమోదము పొంది వారి వారి అభిప్రాయాలు తెలియచేయబడేలావుగా ఎంతో కాలహరణమై ఆ పనులయొక్క అవసరమే లేకుండా పోయేటటువంటి పరిస్థితులు ఏర్పడగలవు. కాబట్టి ఇటువంటి పద్ధతికి పంచాయితీవారు వారి దరఖాస్తులను Revenue Divisional Officer గారిలో ఇంకా అవసరమైతే జిల్లా కలెక్టరుగారిలో పంపుకొని వారి ఆమోదమును పొంది పనులు చేసుకోవడానికి వీలుకలుగజేసినట్లే బాగుంటుంది. అంతేకాక బిల్లులో సూచించినటువంటి విధానాన్ని అనుసరించినట్లే సమయా సమయాలకు అనుగుణంగా కాకుండా వై అధికారిల తీరికనుబట్టి పనులు జరిగిండుకొనవలసిన పరిస్థితులు ఏర్పడవచ్చును. ఆ పనులయొక్క అవశ్యకతకూడ నష్టపడును కాబట్టి ఈ విషయాన్ని పునరాలోచించి అధికారము జిల్లా కలెక్టరుగారిలో Revenue Divisional Officer గారిలో ఇప్పించవలసినదని ప్రభుత్వంవారిని ప్రార్థిస్తున్నాను.

“ ఇంకొక ముఖ్యమైన విషయమునుగురించికూడ మనవిచేస్తాను. గ్రామాలలో ఇప్పుడు కంట్రోలు వచ్చినతర్వాత కంట్రోలు వస్తువులకు ప్రజలు అనేకమైన చిక్కులు అనుభవించవలసి ఉంటున్నది. గ్రామాలలోని ప్రజలకు ఈ వస్తువులు సరసమైన ధరలకు అందుబాటులో ఉండాలంటే వాటిని గ్రామస్తుల పరినిధులైనటువంటి పంచాయితీ వారియొక్క ఆధ్వర్యాన్న పంపకంచేయడం అత్యవసరం. ఇదివరలో ఈ అభిప్రాయముతోనే గ్రామాలలో Food Committee లు ఏర్పాటు చేసియున్నారు. ఆ Committee లు ప్రస్తుతం పనిచేయటంలేదు. కాబట్టి మరల గ్రామ కమిటీలను ఏర్పాటుచేసి వాటిద్వారా సరాసరి ప్రజలకు కంట్రోలు వస్తువులు అందజేసే ఏర్పాటు చేయగోరుతాను. ఇప్పుడు ఈ కంట్రోలు వస్తువులు గ్రామాలలో దొరకని కారణంచేత ప్రజలు మద్రాసులో లేక వారి జిల్లా headquarters లో, తాలూకా

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headquarters లో వెళ్లి కష్టనష్టాలకు ఓపు విపరీతమైన ధరలకు ఈ వస్తువులను కొనుగోనవలసి వస్తున్నది. ఇటువంటి పరిస్థితులు తొలగించాలంటే కంట్రోలు వస్తువులు పట్టెటూళ్లకు వంటి పంచాయితీలద్వారా ప్రజలకు అందుబాటులోకి తేవలసినదని మంత్రిగారిని కోరుచున్నాను.

“ నేను తెలియజేసిన విషయములలో అడవులపరిపాలన పంచాయితీలకు అప్పగించవలసినటువంటిది. పంచాయితీలకు కొన్ని ప్రత్యేకమైన పనులు చేసుకొనుటకు జిల్లాలోని Revenue అధికారులే అనుమతి ఇచ్చే అవకాశాన్ని కల్పించే విషయంలోను మంత్రిగారు సవరణలను చేయవలసినదని కోర్కూ ఈ బిల్లును ఇంతత్వరగా ఇంత స్పష్టముగా గ్రామములను అభివృద్ధిచేసే సమర్థవంతమైన తయారీచేసి ఈ సభవారి ఆమోదమునకు తీసుకొనివచ్చినందుకు మంత్రిగారిని అభినందించుచున్నాను.”

SRI K. LINGA RAJU:—“ Mr. Chairman, Sir, I extend general support to this very important Bill which makes a very honest attempt at the formation of village republics. Several hon. Members have expressed doubts about the success of this measure in view of the existence of factions. Sir, factions there are in the villages, in towns and perhaps in several other places; the existence of factions cannot be taken as a reason for ruling out such a desirable piece of legislation. It is the function of a popular Government to take a bold step in bringing forward legislation of this type. Several hon. Friends have expressed their opinion that this Bill seeks to give large powers to the panchayats. From a perusal of the actual provisions of the Bill, I am afraid we will find there are too many extraneous authorities curtailing or interfering with the powers of the panchayats. I am afraid the Select Committee does not seem to have taken notice of several of the criticisms offered by various hon. Members of this House at the first reading of the Bill. I would like to refer to a few points dealt with by the provisions of the Bill. Constitution of a panchayat for a population of 500 seems to be too bold an experiment; I think it should be at least for a thousand. This fact has been brought out well at the first reading stage, but somehow the Select Committee does not seem to have taken notice of it. Another important point is about the karnam. An invidious distinction between the karnam and the munsif is somehow being made in the Bill. The creation of this distinction will be the foundation for a quarrel or a faction in the village. I would urge that even at this stage the karnam should be given the same status as that of the village munsif or the headman who has been given an ex-officio status in this Bill. On a previous occasion, I advocated that either both the karnam and the village munsif should be removed, or if they are to be included in the scheme in any capacity, whether as ex-officio or as regular members, both of them should be permitted to occupy the same status so far as the panchayat is concerned. Several friends have also given notice of amendments to clause 8 and I hope the Government will see their way to accept amendments to this effect.

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"Another point I would like to mention is the question of the election of the president. It results in the creation of two elected authorities, namely, the members and the president of the panchayat. Clashes are likely to arise and the president is likely to be an autocrat and it may not be quite consonant with democratic principles. Having regard to the sound democratic principles and to the fact that education has not so far advanced in the villages, it is not proper that the president should be made such a powerful man without getting his support from the elected members of the panchayat.

"I would like to say a few words with regard to the powers of supersession that are vested in the Government in the various provisions of this Bill. The Inspector seems to be an almost guiding factor in the panchayat administration and the panchayat seems to have precious little initiative for itself. Between the Inspector and the Government, the panchayat seems to be functioning at the dictates of one or the other authority. So, Sir, at least at this stage, I appeal to the Government to accept several of the amendments that have been given notice of by friends so as to rectify these mistakes. With these remarks I support the Bill."

* JANAB SINNA KAZIAR HAJI MOULVI S. A. F. IBRAHIM:—

"Mr. Chairman, though I am not prepared to be dragged into an awkward position by my hon. Friend Mr. Anwar still, Sir, I would like to take part in the discussions as the subject is a very important one. Mr. Chairman, there is a Tamil proverb:

‘குனிய குனிய அடிப்பவனும் முட்டாள
அடிக்க அடிக்க குனியிரவனும் முட்டாள.’

the meaning of which is one who goes on beating a person who keeps on bending his back is a fool and also he is a fool who goes on bending his back allowing another to go on beating him on the back. It is a general proverb which might apply to so many persons and institutions. Like this, till now the villagers have been suppressed and they have been bending their backs when we were going on beating them and it is a sin and we also on our part were going on beating them as they kept on bending their backs; that unfortunately, has been the relationship between us and the villager all these days. It is high time that the position is changed. You know, Sir, about 60 per cent of the taxes is being paid by the villager and his needs have not been taken note of. The majority of these poor dumb creatures are in the rural areas. We have seen from the books what is the difference between democratic principles and the Nazi and Fascist principles; in the case of the Nazis and the Fascists, power gets from the top to the bottom but in democracy, power goes from the bottom to the top. But with all that the villagers all these days have been there without being able to do anything even for themselves. Of course, I should thank the Hon. Minister for bringing in this measure; it is very late of course but not too late. I am really surprised to hear that 12½ per cent finance is not enough and the

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panchayat cannot run the administration efficiently with this; such a way of consoling the villagers would not do nowadays; even the villagers have realized what is going on in this world. I feel, Sir, that the Bill must be passed and the villagers must be given the power to govern themselves; unless you do that, they will bring about a revolution. We should thank the Hon. Minister that he has brought in this measure to avoid a revolution in the mufassal parts. It was said that the finances provided for the panchayats, namely, 12½ per cent of revenue was not sufficient. I wish to ask, in that connexion, whether our provincial budget is a surplus budget; if we do not have enough, we approach the Centre. Likewise if the panchayats do not have enough funds, they can go to the Provincial Government and they are not going to be so harsh with them and refuse them but on the other hand they will give them enough help to run the administration. Another thing is: What is our present day policy? We are going on introducing nationalization, we only yesterday passed the Bill to nationalize the electrical undertakings and we have already nationalized the motor transport industry. When we are nationalizing all these key business, what about the *sundakkai vatthal* of markets in the panchayat areas? Vested interests must be sacrificed for public interests and so this question of markets and other things must not stand in the way of the passing of the Bill. So many legislations have been passed and they may take a little time to implement them but regarding this, it must be passed and implemented immediately and within three months we should see that the panchayat elections are over and new panchayats are brought into being. With these words, I support the Bill."

* SRI D. V. RAMASWAMI:—"Mr. Chairman, Sir, I have great pleasure in supporting the principles adumbrated in this Bill which are to the advantage of the village side. The dreams of not only Mahatma Gandhi but several other village re-construction workers have centred around the question of how to resuscitate them which have been almost ruined by long centuries of neglect. The hon. Sri Prakasam was dreaming about the village republics, the 'panchayat raj' which ought practically to be the firm foundation for any real democracy. By giving effect to the aims and ideals of the Congress and tackling this huge problem we are really laying the foundation stone for real democracy. Those patriotic people who have been working in the villages know the difficulties they were facing in their re-construction work and it is not a matter for surprise that hon. Gentlemen like Mr. Raza Khan and others have not been able to appreciate the question and have made light of the idea behind the Bill. Rural re-construction workers have always felt that there were many handicaps on all sides in the matter of rural progress of the Province, both from the beginning, from holding elections up to the question of finding the ways and means for village development work. For the first time, we are happy that

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due provision has been made to give very wide powers to raise sufficient revenue and also to execute certain plans which are absolutely necessary for the well being of the villages and for bringing all round progress and happiness to them. Unless responsibility is given to the people, they cannot really make any progress. As long as a man is taught theoretically only to swim on the land, how can he become a good swimmer in water? Therefore, I say, you give them power to tax themselves, you give them the opportunity to build up their own village life. Although the task is difficult, though it is difficult at this stage for want of sufficient enlightenment and co-operative activity, still it is a necessary thing. This endowing of responsibility on the village community will certainly be very beneficial and would ensure the progress of the village.

"Sir, it has been said that the conferment of such wide powers on the Inspector of Local Boards or the Regional Deputy Inspectors will practically negative the very conferment of autonomy that is aimed to be given to the villages under the provisions of the Bill. Some hon. Members criticized the provisions of the Bill and said that in view of the illiteracy in the village parties and factions abounding there, the Bill will not be effective but it they also suggest that there should not be any supervisory authority to check factions and to guide the village administration properly, I feel, Sir, it is thoughtless and unfair. For a certain period such provision regarding supervisory authority ought to be there and it is absolutely necessary for the proper exercise of the powers that are being given to the village panchayats for the first time.

"One hon. Member pointed out that as in the case of the Harijan community which has to be helped up, in the case of women also some reservations of seats is necessary at the beginning. I am not pleading for separate electorates for them at all. Even women themselves in the last conference of the Indian Women's Association said that they did not want it and that they were prepared to face the electorate alongside men. But that may apply to the urban areas where women are generally more educated but having regard to the general position of women in the village parts and having a true perspective of affairs we certainly feel justified in asking that there may be some reservation for them in the beginning. When the system of adult franchise works properly in the urban areas, after that experiment, we can certainly give it up and work the election on an absolutely equal basis.

"The other point is the question of election of the chairman of the panchayat. The system of direct election is very good but the question is raised that as members who are elected from the various wards have no voice in his election how far there would be co-operation between the president and members of the panchayat and whether co-operation would be possible? I admit it is a very good experiment and if as a result of working it, it is shown that the system of direct election has not worked for

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co-operation between the members on the one hand and the president on the other, it can be amended and we can revert to the usual system of election of chairman by the members. The co-operation of all sections of the community is necessary. When the Government introduce a measure and pass it into law, though it is a national Government, it expects all sections of the community to pull together and give the fullest co-operation for the success of its measures. The success of any measure depends not only upon the power of the Government to implement it but also upon the public and the various sections of the people at large. I commend the Bill for the acceptance of the House."

SRI R. S. MANICKAM :—"கனம் தலைவர் அவர்களே ! இப்பொழுது இந்த கிராம பஞ்சாயத்து பில்லானது சில வகைகளில் அழகாக வர்ணிக்கப்பட்டிருக்கிறது. கிராமம் விவசாயிகள் நிறைந்தது. அங்கே உத்தியோகஸ்தர்கள் இருக்கமாட்டார்கள். ஜாஸ்தியான அனுவசியமான அளவு தொழிலாளர்கள் இருக்கமாட்டார்கள். கிராமங்களில் பெரும்பாலும் மெஜாரிடி ஏழை தொழிலாளர், ஹரிஜனங்கள்தான் அதிகம்.

"இந்த ஹரிஜனங்களைத் தவிர கொஞ்சம் ஜாதி ஹிந்துக்களும் ஜாதி ஹிந்துக்களல்லாத விவசாயிகளும் தான் அதிகம். இன்று இந்த ஹரிஜனங்களும், விவசாயிகளும் அந்த பணக்கார நிலச்சுவாந்தார்களுக்கு அடிமைப்பட்டிருக்கிறார்கள். இந்த அடிமை தனத்தை நீக்க கவர்மெண்டார் என்ன சட்ட திட்டம் கொண்டுவந்தாலும் முடியாது. அவர்களை இந்த ஹரிஜனங்கள் பகைத்துக் கொண்டால் இவர்கள் குடும்பமே நாசமாகிவிடும். சந்தேகமில்லை.

"இப்பொழுது இந்த கிராம பஞ்சாயத்து பில்லைக் கொண்டுவரும் போது அதில் மெஜாரிடி மெம்பர்கள்தான் அதிகம் இருக்கவேண்டும். அப்படி யில்லாத பக்கத்தில் இன்று பணக்காரர்களிடமும் நிலச்சுவாந்தார்களிடமும் அடிமை பட்டுக் கிடக்கிற ஹரிஜனங்கள் மறுபடியும் இந்த பஞ்சாயத்து திட்டத்தின் மூலம் தீராத அடிமைகளாக வேண்டிய நிலை ஏற்படும். இப்படி இல்லாத அவர்கள் இரு வகையிலும் மறுபடி அடிமைகளாகாது கவர்மெண்டார் தடுக்க ஏற்பாடு செய்யவேண்டும்.

"இந்த பில்லின்படி தற்போது அந்தச் சபை மெம்பராக கிராமத்திலுள்ள பெரிய பணக்காரர்களும், நிலச்சுவாந்தார்களும், தான் வருவார்கள். சர்வ அதிகாரமும் இந்த பில்லினால் அந்தச் சபைக்கு ஏற்படுகிறது. இந்த புதிய அதிகாரங்களையும் வைத்திக்கொண்டு முன்பே தங்க ளிடம் அடிமையாயிருக்கிற ஹரிஜனங்கள் இன்னும் அடிமை படுத்தி விடுவார்கள். இதிலும் இந்த பஞ்சாயத்து ஏற்படுகிற எலக்ஷன் முறையை பார்க்கும்போது ஒரு ஊரில் பத்து முதலாளிமார்கள் நிலச்சுவாந்தார்கள் இருந்தால் அவர்களை ஆதரித்தே இந்த மெஜாரிடி வகுப்பார் வாழவேண்டுமே தவிர அவர்களுக்கு எதிராக ஒன்றும் செய்ய முடியாது. ஏனென்றால் அவர்களை பகைத்துக் கொண்டால் சமயத்தில் ஒரு பத்து ரூபாய் கடன் வாங்க முடியாது போய்விடும். இந்த நிலைமையில் இருந்து கொண்டிருக்கிற ஹரிஜனங்களுக்கும் பிற்போக்கு வகுப்பார்களுக்கும் இந்த பில்லினால் கஷ்டமேதான் ஏற்படும் என்பதை சுட்டிக் காட்ட விரும்புகிறேன்.

"உதாரணமாக ஒரு மைனாரிடி அதாவது 500 பேர்கள் ஜனத்தொகை, கொண்ட ஒரு கிராமத்தை எடுத்துக்கொள்ளுகிறேன். எலக்ஷன் மூலமாக அந்த ஊர் பஞ்சாயத்து சபைக்கு பத்து பேர்கள் தேர்ந்தெடுக்கப்பட்டால் இதில் 5 பேர்கள் கவர்மெண்டு நாமினேஷன் ஹரிஜனங்களுக்கு இருக்கவேண்டும். படிப்பும் முன்னேற்றமும் அதிகம் இல்லாத இந்த மெஜாரிடி ஹரிஜனங்களுக்கு இந்தச் சபையில் ஐந்து ஸ்தானங்களாவது கவர்மெண்டு நாமினேஷனாக கொடுத்தால்தான் அவர்களுக்கு இந்தப் பெரிய பணக்கார நிலச்சுவாந்தார்களால் ஏற்படுகின்ற கஷ்டத்தை குறைக்க முடியும்.

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“அப்படியின்றி இந்த பில்லில் கண்ட எல்க்குன்படி பார்த்தால், நிலச்சுவாந்தார்களுக்கு அடிமை பட்டிருக்கின்ற ஹரிஜனங்களை இரண்டாந்தரம் அவர்களுக்கு அடிமை பண்ணுவதைத் தவிர வேறு ஒன்றுமில்லை.

“இந்த பில் சம்பந்தப்பட்டவரை சாதாரணமாக எல்லோருக்கும் அமைந்திருக்கலாம். ஆனால் ஹரிஜனங்கள் சம்பந்தப்பட்டவரை கண்டிப்பாக கவர்மெண்டு ‘நாமினேஷன்’ இருக்கவேண்டும்.

“இந்தக் காலத்தில் கஷ்டப்பட்டு சம்பாதிக்கிற பணத்தில் கொஞ்சம் கூட மிச்சம் பிடிக்க முடியவில்லை. அப்படி யிருக்கையில் இந்த ஹரிஜனங்கள் மிகக் கஷ்டப்பட்டு 5, 10 ரூபாய்கள் சேர்த்தாலும் அதை பாதுகாக்க தக்க வசதி கொடுக்கவேண்டும். ஹரிஜனங்களுடைய முன்னேற்றத்திற்கும், அவர்களுடைய உடமைகளுக்கும் போதிய பாதுகாப்பும் இந்த பில்லில் ஒன்றுமில்லை. ஆகையால் அவர்களுக்கு எந்த விதத்திலும் செளகரியம் ஏற்படுகின்ற முறையில் விசேஷமாக இந்த பில் அமையவில்லை யென்பதை நான் எடுத்துக் காட்டுகிறேன்.

“ஆகையால் அந்த ஹரிஜனங்களுக்கு இந்த பஞ்சாயத்து சபையிலே இடங் கிடைக்கும்படி அவர்களுக்கு கவர்மெண்டு ‘நாமினேஷன்’ கொடுக்கவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.”

* SRI N. VENKATASUBBAYYA:—“Mr. Chairman, Sir, on a previous occasion speaking on this Bill I welcomed it as being a charter of liberty for the rural population, a Magna Carta, that would revivify and infuse a new spirit in our villages, which have been neglected in the past. Many invasions and many changes have come over this vast sub-continent of India. In spite of them all these villages have survived and even to-day, through trackless centuries the voice of Mother India comes to us. Sir, on the last occasion I asked the question ‘how is it our villages still survive’ and did not hesitate to answer it because they have preserved their individuality as self-governing units. India lives in these villages; and the neglect of villages will mean neglect of the country. Freedom of the country must mean freedom for the villages. That is, they must be made autonomous units with power to manage their own affairs and improve their conditions. This is the fundamental idea behind this Bill.

“Sir, I was rather amused this afternoon to hear many hon. Friends in this House express doubts and fears saying that there are factions in villages and so this Bill would spell ruin and disaster for our village life. A few friends also said that direct election of president would likewise bring about great troubles. Sir, all these criticisms amused me very much. I was particularly amused by the criticism of Mr. Anwar. You know he is a very amusing personality, and when he speaks he speaks in an amusing style and we also sometimes laugh with him. On an occasion like the present one, when a serious Bill is under consideration his humour was awkward and out of place, particularly his last sentence, in which he said that this is a bad Bill, a sad Bill and a mad Bill. Mr. Anwar might be a literary man and he might know the use of words to produce alliteration but they carried no sense. Mr. Anwar and men of his ilk must know that we cannot expect in our villages the urban character of things, in which he is interested. Sir, it must be remembered that we acquired power with the help of the people and we must not fear

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or grudge to hand over power to the people who helped us to acquire it from the Britisher. Trust begets trust, and we must trust the people who have sent us here to this Assembly. The power that has been transferred to us must in its turn, be transferred to the people. In fact, the new Constitution Act which has been recently passed and which is to guide our administration lays down as the most important directive principle that the villages must be constituted into self-governing units. For the edification of friends like Mr. Anwar and Mr. Raza Khan, Mr. Chairman, you will allow me to read the relevant section in the Indian Constitution Act. Article 40 of that Act states:

‘The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.’

That is the main directive principle of State policy adumbrated in our Constitution Act. Such being the case, I was, therefore, sorry, amused and also sad that people like Mr. Anwar should say that this is a sad Bill, a bad Bill and a mad Bill. He might have desired to exhibit a little of his ability at word-building for the sake of alliteration. But this is not the occasion for it.

“Now, coming to the main provisions of the Bill, apart from such hon. Gentlemen being sad and so on, I do not find any force in certain objections raised by some speakers regarding the manner in which the president of the panchayats is to be elected. We have seen how municipalities and district boards have been working. Most of these institutions have become pocket boroughs of some bosses, these municipalities or district boards. It is good that the man who administers village life must be a man elected by the people directly, and not elected from the people who are elected by the villagers, a man who will listen but not allow himself to be swayed this way and that way by the panchayatdars.

“As regards secrecy of polling I entirely agree with Sri Koti Reddi that without secrecy of poll this Bill would prove a disaster and would do more harm than good. The people must not be placed at the mercy of village bosses or tyrants or made their creatures. Then there is one more point and I have done, Mr. Chairman; and that is about the setting apart of funds, giving a grant of 12½ per cent of land revenue. Sir, it only fixes a lower limit. Mr. Chairman, there are tracts in this Province which are very backward, where 12½ per cent of land revenue would be only a small sum, and so it may not be sufficient to run village administration. Therefore a proviso may be added making a distinction in favour of poor villages. The clause should be suitably modified so that it may be a guide to future administrators. With these words I entirely support the Bill.”

(At this stage Mr. Speaker occupied the Chair.)

SRI N. ANNAMALAI PILLAI:—“கனம் தலைவர் அவர் 4 p.m. களை! இன்று இந்தச் சபையில் விவாதிக்கப்பட்டு வரும் கிராம பஞ்சாயத்து மசோதாவை ஆதரிக்கிறேன். அதிலும் இந்த மசோதாவை இந்தச் சபைக்கு கொண்டுவந்த கனம் ஸ்தல ஸ்தாபன மந்திரி சந்திரமௌலி அவர்களை பாராட்டி சில வார்த்தைகள் சொல்லுகிறேன்.

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“சுதந்திரம் அடைந்த பிறகு, கிராமங்களுக்கு சுதந்திரம் வழங்கப் படுவதை காணும்போது அனலில்லாத மகிழ்ச்சி என்போன்று உள்ளவர்கள் அடைவார் என்பதில் சந்தேகமில்லை.

“கிராம பஞ்சாயத்து நன்றாக நடைபெறுது. அதில் அனேகம் தவறுகள் நிகழ்மென்று இங்குள்ள பல அங்கத்தினர்களும், வெளியிலுள்ளோர்களும் சந்தேகப்படுகிறார்கள். இன்று அரசாட்சி நடத்துபவர்கள் கிராமினல் சட்டங்களாலும், பிணல் கோடு சட்டங்களாலும் அரசாங்கத்தை நடத்துகிறார்கள். இன்னும் எத்தனையோ விதமான சட்டங்களை எல்லாம் சரியான முறையில் அமூல் நடத்த முடியாமல் இருந்து வருவதை யாவரும் அறிவார்கள். இன்றும் எத்தனையோ திருத்தங்கள் இந்தச் சபையில் வந்து கொண்டிருக்கின்றன. அதேபோல இந்த பஞ்சாயத்து பில்லையும் சட்டமாக இந்தச் சபையிலே தீர்மானம் செய்துவிடுவோமானால் அமுலுக்கு வருகிறபோது அதிலுள்ள குறைபாடுகளை காலக்கிரமத்தில் மாற்றிவிடலாம்.

“சில பேர்கள் நினைக்கிறார்கள். ‘நம் நாட்டிலே தூற்றுக்கு பத்து பேர்கள் கூட படித்தவர்கள் இல்லையே! அவர்களிடத்தில் பஞ்சாயத்து ராஜ்யத்தைக் கொடுத்தால் அவர்கள் எப்படி நிர்வகிக்கப் போகிறார்கள்? இதனால் விபரீதமே ஏற்படும்,’ என்று; நல்ல காரியத்தை செய்ய முயற்சிக்கும்போது விபரீதம் ஏதாவது ஏற்பட்டாலும் அதை வரவேற்று எடுத்து நடத்தத்தான் வேண்டும். சிறிது காலத்தில் அந்த விபரீதங்கள் தானே நீங்கிவிடும்.

“ஒரு உதாரணம் சொல்லுகிறேன். பல வருஷங்களுக்கு முன்பு தாலுக்கா போர்டுகள் ஸ்தாபன இலாகாவில்கீழ் இருந்து வந்தது. அப்போது கனம் பொப்பிலி அவர்கள் பிரதம மந்திரியாகவும், பனங்கல் ராஜா அவர்கள் பிரதம மந்திரியாகவும் இருந்தார்கள். அந்த காலத்தில் கிராமங்களில் நடந்த வேலை இன்று எந்த கிராமத்திலும் நடக்கவில்லை. அந்தக் காலத்தில் ஏற்படுத்தப்பட்ட பள்ளிக்கூடங்களைப் போல் இந்தக் காலத்தில் ஏற்படுத்த வில்லை. அந்தக் காலத்தில் படித்து, பயிற்சி பெற்று உபாத்தியாயர்களாக வந்தவர்களைப் போல் இந்தக் காலத்தி யாரும் வரவில்லை. சர்க்கார் கல்வியிலே மாறுதல் செய்தபோது அவர்கள் அதற்கு உதவியாக இருந்திருக்கிறார்கள். அது மாத்திரமில்லை. காடு, மலை, வன வனத்திரங்கனையெல்லாம் பல ரோடுகளாயும், நிலங்களாயும் அமைத் திருக்கிறார்கள். அந்த நிலைமை இந்த பஞ்சாயத்து பில்லினால் மீண்டும் ஏற்படும் என்பதில் சந்தேகமில்லை. ஒரு காரியத்தை செய்யும் போது அதனால் லாபம் ஏற்படுவதைப்போல் சிறிது கஷ்டமும் ஏற்படத்தான் செய்யும். வரும் சொல்ப கஷ்டத்தை நிவர்த்திப்பதற்கு பதிலாக இந்த பஞ்சாயத்து பில்லே வேண்டாம் எனச் சொல்வது கூடாது.

“நம் நாடு சுதந்திரம் அடைந்த பிறகு கிராமங்களுக்கு சுதந்திரம் வழங்க முன் வந்திருப்பதைக் குறித்து நாம் எல்லோரும் அரசாங்கத்தை பாராட்ட வேண்டும் என தெரிவித்துக்கொள்ளுகிறேன். சுதந்திரம் அடைந்திருப்பதைப்பற்றி பாரதியார் சொன்னார்கள்

‘எல்லோருமோர் குலம்

எல்லோருமோரினம்

எல்லோரும் இந்நாட்டு மன்னர்,’

என்று பாடிச் சென்றார்கள். இன்றைய தினம் இந்தக் கிராம பஞ்சாயத்து பில் இந்தச் சபையில் நிறைவேற்றப்பட்டால் நிச்சயம் இந்நாட்டு மக்களையெல்லாம் மன்னர் ஆக்கினதாகும். இந்த பாக்கியம் கனம் மந்திரி சந்திரமௌலி அவர்களுக்குக் கிடைத்ததானது அவர் செய்த பூர்வ புண்யம் தான் எனத் தெரிகிறது.

‘இவனைப் பெற்ற வயிருடையான்

என்ன தவம் செய்தானோ,’

என்ற அரும் பெரும் புகழ் இந்தப் பில்லே கொண்டு வந்ததாலேயே அவர்களுக்கு ஏற்பட்டிருக்கிறது என்பதை இந்தச் சபையில் சொல்லாமல் இருப்பதற்கில்லை.

“இந்த பஞ்சாயத்து சபைக்கு படிப்பில் அவ்வளவு முன்னேற்றம் அடையாத பிற்போக்கு வகுப்பினருக்கும், ஹரிஜனங்களுக்கும் ‘நாமி

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னேஷன்’ மூலமாக இடம் ஒதுக்கப்படவேண்டுமென்று சிலர் சொன்னார்கள். அது சரியல்ல. தாழ்ந்தவர்களாய் இருந்தாலும், எவ்வளவு கீழ்ப்பட்டவர்களாய் இருந்தாலும் அவர்கள் தேர்தல் மூலமாகவேதான் பதவியைப் பெறவேண்டும் அதுதான் உயர்ந்தது. வெறும் கவர்ன்மெண்டு நாமினேஷன் மூலம் வருவது சரியாகாது.

‘பயங்கொள்ள லாகாது பாப்பா,’

என்று பாரதியார் பாடினார். ஆதலால் பயப்படாமல் அங்கத்தினர்களை யும், வெளியோரையும் இந்த பஞ்சாயத்து பில்லே ஆதரிக்குமாறு கேட்டுக் கொண்டு இந்த பில்லே ஆதரிக்கிறேன்.”

* SRI P. VENKATASUBBIAH:—“Mr. Speaker, Sir, I heartily congratulate the Hon. Minister for Local Administration in introducing this revolutionary piece of legislation. I come from a village and I am the president of the panchayat there. I know how these panchayats will work well after this Bill is passed into law. Several hon. Members expressed doubts about the efficient working of panchayats under this Act and said that there would be factions and murders in every village. It is not a correct reading of the situation. So many people think that the villagers are factious and that they will be always quarrelling without caring for the welfare of the village. But I may tell the House that though the villagers are illiterate in the sense that they do not know the three R's, they are people with sturdy commonsense and know how to manage the local affairs and to work for the well-being of the people at large.

“I request the Hon. Minister to include in this Bill some of the good features that are found in the Panchayat Acts in force in other areas. In the Panchayat Act of the Sandur State, there is one good feature. It provides that the State Government shall give to every panchayat a cash grant of five rupees for every adult residing within the panchayat area. If there are one thousand people in a village, the State Government give five thousand rupees for providing amenities for the villagers. I request the Hon. Minister to think over the inclusion of a similar provision in this Bill.

“Election of president directly by the voters is a good feature of this revolutionary Bill. If he is elected from among the villagers directly, he will be responsible for the well-being of the entire village and will not be swayed by party politics that may exist among the members of the panchayat. Most of the villages are now dominated by people who do not care for the well-being of the villagers. It will be very difficult if secret ballot is not introduced. So I request the Hon. Minister to provide for secret ballot in the elections to panchayats.

“I wholeheartedly support this piece of legislation and I daresay the name of the Hon. Minister who introduced this Bill will go down in the history of this Province.”

“DR. M. J. SAMUEL:—“Mr. Speaker, Sir, I do not want to let this occasion pass without signifying my wholehearted approval to the Bill. We have been expecting a Bill of this sort for many many years. Our great Indian National Congress has

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of the members of the panchayat, and while that is so, I fail to see the reason why one section of the office-bearers of the panchayat should come by one method of election and a different section by a different method. It might, on the other hand, lead to some sort of a stalemate between the members and the president. If you have the same method of election for both the president and the members, you may at least be sure that the president would be a member of that party which has got a majority on the panchayat, and therefore, so far as the working of the panchayat is concerned, everything will be smooth sailing. But, on the other hand, if we have direct election for the president, it might so happen that the president may not enjoy the confidence of the majority of the members and if that is so, what would happen in the meetings of the panchayat board, you might very well imagine.

"Now, Sir, so far as the scope of the powers of the panchayat is concerned, perhaps it might dazzle the eyes and the imagination of the villagers, if we tell them, 'Oh! what a really wonderful thing this is which we are giving you. You can work wonders with this measure in your village'. But what are the real facts? Have they the skill, the capacity and the requisite training to do all those things? Are they given enough finance to carry out what they want? The house tax, the land cess, the pilgrim tax, the vehicle tax even if all these taxes are imposed, what will be the total revenue that would be derived in a village? I am sure, Sir, that they will not be able to get any substantial revenue, even if they impose all these taxes, and it will not be possible for them to carry out any major improvements in the village. Perhaps, with this revenue, it may be just possible for them to maintain the roads to provide lighting in the streets and to pay the salaries of the panchayat officers and their establishment. I do not think, Sir, that these taxes would enable them to embark on any major schemes of rural development or the improvement of village communications, etc. Therefore, to carry out any other big schemes of improvement, they will have to fall back upon the 12½ per cent grant which the Government say, they are going to give to second-class panchayats, out of the total land revenue. How are they going to allot these grants to the various panchayats? Will it be on an overall basis of the total revenues of the Province as a whole, or will it be district-war or village-war? We are not told about the details of how they are going to distribute this 12½ per cent. But anyhow the Government are going to give these panchayats a 12½ per cent grant.

"In conclusion, Sir, I think this is a very clear endeavour on the part of the Government to hoodwink the masses. Now that we are nearing the days when we are going to have a general election in the country under the new constitution, this is probably a very clever move on the part of the Government to confuse the minds of the villagers and to divert and to distract their attention from the grievances and hardships they are suffering on account of the various acts of omission and commission

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of the Congress Government, and perhaps this measure is just as it were, a bone thrown before the villagers so that they might quarrel over it, and the Government might carry on their job with this device and get along with their administration and their elections."

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, I am glad I am coming almost at the end of the debate. But I do wish to say a few things and that in the shortest time possible. I have already expressed my views on this Bill at an earlier stage. I personally consider, Sir, that this Panchayat Bill would have served its purpose far better if the total number of panchayats had not been as numerous as the number of revenue villages in the presidency. Unfortunately, Sir, we have imported, what is called, a party system everywhere. I do not see why the panchayats should function on a party basis. In fact, the things to be done by a panchayat are so few, that they could be done well only if party considerations are eschewed. What will happen is this. On questions of policy which apply to the Province as a whole, a party system could usefully function and the people could get themselves divided into parties on the basis of opinions held and policies pursued by members belonging to the various groups of thought, but in the panchayats and even in the local boards, I think, the party system should be eschewed entirely, if we want to work them to any advantage. If the area of the panchayat was sufficiently large and if the elections held throughout the Province did not become so numerous, and if the Bill were to confine itself to large areas so as to test the capacity of every person, irrespective of party considerations, to prove his general popularity with the people, then I think that the panchayats contemplated under this Bill would make the best arrangement for the administration of the villages in this Province. But all that is not to be. I hope, Sir, that there will be improvements in this Bill so as to create, what I might call, efficient panchayats. The panchayats contemplated under this Bill will no doubt come into being, and will also function. But I am afraid they will be bloodless and anaemic panchayats. The test of a sound panchayat is its ability to do things that it undertakes to the full satisfaction of the local population. As was pointed out by many hon. Members and also by me on the former occasion, there is not enough finance put into their hands to enable them to fulfil their functions efficiently and satisfactorily. What is the 12½ per cent of land revenue which, according to this Bill, the Government are going to give to the panchayats as grant? No doubt it is put down as a percentage of the land revenue. But in a dry district, the panchayats would not even get a few hundred rupees for the whole year and even if we give them powers to tax as mentioned in the Bill, their finances can never be such as would enable them to function as full-blooded panchayats. Sir, that is my fundamental objection to this Bill. But there is no use pressing these objections until our outlook on the social order is completely changed. If we want to have decentralisation and to see that village communities

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function efficiently, we must strengthen these centralised units by placing enough finance at their disposal, enabling them not only to carry on their day-to-day functions, in regard to the maintenance of roads and other works in a satisfactory condition, but also to start new works of capital expenditure. We should not have made the mistake of creating these numerous panchayats had we exercised sufficient forethought to see that a panchayat, if it is to function in the proper manner, should be able at least to raise a contributory cost for such works.

"Sir, what are the functions which these panchayats are expected to do? They must provide good water-supply in the village. They must see that there is proper drainage. They must maintain the streets clean and above all, they must find the necessary seeds for agriculture, which is the foremost industry in the villages. Have we got the necessary ability and the necessary facilities to build up panchayats on the lines contemplated in this Bill. Perhaps the Hon. Minister will say, 'Yes'. I am not quite sure of that. I wish him all success in his endeavour. Perhaps a few of the panchayats might work well, but most of them, on the whole would not function properly. While they will not be able to find enough money to maintain their present capital works, and while they have to hang on the Government and to look forward to their aid for any scheme to be implemented for their benefit, I am afraid, that even for the maintenance of the roads, wells and other works which are already there, they would find very great difficulty. I therefore submit that it is wrong to create a body with power, but with little resource and responsibility. Of course, I admit, there is a little power given to them under this Bill. But we are creating a body with power, but divested of responsibility. If we had large units and if we had elections to those large units, which would establish at once the general popularity of all people comprising the panchayats, and if we had provided them with sufficient funds, which would enable them to undertake even small capital works, if necessary on a contributory basis, then I say that this Bill should have taken a different shape altogether.

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p.m.

"But it is claimed by some of my friends as a very revolutionary measure. I do not know what to say about the word 'revolution'. Is it revolution to create here and there all over the country a few bodies with very little finance in their pockets and tell them 'you go ahead with your work; we will bless you'. It is an empty blessing which a father gives to his son when he goes out on his endless voyage to find out employment. If the father at least gives him a few months' sustenance and says 'all right; I give you so much; this is your capital; hereafter put your own effort into it and find out fresh employment and make fresh resources for yourself', that would be well and good. What capital works can these panchayats undertake? They cannot undertake anything. Never mind that I have criticised this Bill to this extent. It does not mean that I am not in favour of Panchayat Raj. I am in favour of Panchayat Raj.

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I am in favour not on the narrow territorial basis of each revenue village being provided with a panchayat, but I am in favour of decentralised units where unsophisticated people (and not on party affiliations) group themselves together to co-operate in the common endeavour necessary for the reconstruction of all our rural areas into fine centres of health, beauty and wealth. I say that this is not enough to make me call it a revolutionary measure. It is not revolutionary, but it is no doubt an advance on the present. (Interruption by Sri T. Viswanatham.) What it should be I have already indicated. If my friend Mr. Viswanatham finds that the municipality of Visakhapatnam has not sufficient funds to undertake water-supply schemes and has to hang on Government for funds continuously, what does he think will be the fate of a poor village with not even Rs. 200 for the whole year? With this amount, it cannot dig even a single well for water supply. I ask, is this revolution? I am glad my friends understand what is revolution and what is not revolution. I do not want revolution. I want only quick progress and effective progress in a few areas and by enlightened people free from party affiliations. Further, I think there are serious disadvantages in enveloping the entire country with election fever. Elections are coming on. We have the adult suffrage. There are a large number of elections. Specially in one village, where the total number of voters may not be more than 500 (and this village will be further divided into wards) what will happen? God alone knows what will happen. There is no general popularity assured for each one of the members but there is enough opportunity given to each one of the members to go to his ward and find out how many Harijans he has got nearest to him, and then get into the panchayat. This is a disadvantage. But all the same I am glad that Government have at last recognised the necessity of going in for some decentralisation. A beginning has to be made somewhere, and it has been made. But let me hope that the present Government and the successive Governments will, later on, examine the whole thing in an impartial spirit and see that the present bloodless panchayats—bloodless, I call them deliberately because they have no finance at all—are re-armed and re-invigorated with fresh life, fresh finance, fresh endeavour and new blood irrespective of party affiliations."

SRI B. S. MURTHI:—"Mr. Speaker, Sir, I rise to make a few remarks on this Bill. I am not satisfied with the Bill. At the same time I cannot hold over my congratulations to the Hon. Minister Mr. Chandramouli who has spent a lot of time to make the panchayats really a success in this province. I put a question, Sir, how can you make the panchayat a real success in any village where there are only a handful of people possessing the whole landed property in the village, and hundreds and thousands of other people are the have-nots? How can you make the lion and the lamb drink from the same rivulet? Therefore, as long as landed property is being monopolised by a few people in these villages and others are driven as dumb cattle by these

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heartless capitalists, it is not possible to establish any Panchayat Raj in this country. My friend Mr. Varadachari has been talking that there must be new blood. I ask, Sir, where is blood? The blood of these toiling millions has been drunk deep by these capitalists and landed aristocracy. To-day, this Bill is giving more powers to these heartless people who will make use of this Bill, and in course of time we will see that there comes really a bloody revolution, when the Panchayat Bill, which we are now discussing will be treated as a scrap of paper. Gandhiji has been telling us that there must be a change of heart. We have enjoyed freedom for the last two years. But can the Government tell us that there is any change of heart in these people? The communities are becoming communal-minded. The capitalists are becoming more and more avaricious. The labourer is becoming more and more despicable. Therefore, the first warning that I would like to give to the Hon. Minister is that he shall not be satisfied with bringing forward a Bill like this and say 'we should establish Panchayat Raj, Rama Raj, or Grama Raj'. It will become not a Raj, but a chaotic rule by a few people interested and able to wield power not only in the villages but also at the centre and in the Secretariat. Therefore, it is no use simply beguiling ourselves saying that we have got freedom. Now we are introducing Panchayat Raj. We got freedom from London, and we are now decentralising power. It is no use trying to deceive ourselves. Freedom has brought many troubles, many trepidations and many tribulations to these suffering millions. I assure you, Mr. Speaker, that this Panchayat Bill will create a chaotic condition in the villages. We are thankful to Lord Ripon for having brought out a Panchayat system of Government long, long ago. The hon. Member Mr. Prakasam, my leader, has been promising to give us the rule of Panchayat Raj. Now my Hon. Friend Mr. Chandramouli has brought forward this Bill. But there is a vast difference between professions and performance. We have been expecting not a mere rule of law, but a rule of humanity. When humanity has been denied to Harijans, the so-called untouchables, how can they be allowed to sit with others and discuss and then decide as to how many Harijans can be elected. This Bill is half-hearted and halting, and it is not providing for adequate representation of Harijans. You are aware, Sir, that the Central Parliament in the Constitution Act has provided for reservation according to the population basis. But what does this Bill say? It says that reservation will be made to Harijans with due regard to their population in the village. I do not quite understand this."

THE HON. SRI K. CHANDRAMOULI:—"There is no difference at all."

SRI B. S. MURTHI:—"I thank the Hon. Minister for the assurance. But I am afraid that the words 'with due regard' are not equivalent to saying that reservation is made on a population basis. Well, because of the assurance, I am sure the officers will take note of this and see that no Harijan seat is being

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deprived because of any ambiguity in the language that is being employed here. I am sorry I come as the last speaker, and that my time is limited. Any how, I would like to say a few words about the difficulties which my community is undergoing in the villages. I can cite hundreds and thousands of cases where social boycott of Harijans is going on under this very Congress Government of which my hon. friend Mr. Chandramouli is a Minister."

MR. SPEAKER:—"Hon. Member should come to the subject."

SRI B. S. MURTHI:—"It is relevant to the subject, because even to-day, when independence has been got by us, Harijans are not being allowed to take water in the common well and pass through the villages. When Harijans ask for providing sanitary facilities in their cheris, social boycott is the result. You know, Sir, that in Tamil Nad, when Harijans requested the Panchayat Board to provide a burial place, a well, or a footpath or a foot-bridge, they are subjected to a ruthless persecution."

SRI K. RAJARAM NAIDU:—"This is a sweeping remark, Sir. Let the hon. Member quote the places where these things are done."

SRI B. S. MURTHI:—"It is not only in one place, Sir. I can quote umpteen places. Open your eyes and see for yourself. Listen to the voice of these dumb millions who are crying hoarse. Recently a friend of mine, one Mr. Arulappan, B.Sc., has been working for the Harijans in his own village. There the Harijans have been subjected to a lathi charge not once but twice, because it appears that in the last district board elections they have not gone along with the ryots of the village. I can give you umpteen places in Andhra Desa, because I am well aware of them, and I can stand any challenge in that behalf. There are places like Kasakuru, Dupudi, etc. . . . (The Hon. Sri B. Gopala Reddi: Karukudu.) My hon. Friend Mr. Gopala Reddi is speaking of a place where atrocities have been committed by his own people. I do not want to speak on that. In Merupodu, things like this are going on. From Alukur, near Kondapalli, I have received to-day a petition from 300 Harijans that for the last three weeks. . . . (Interruption by Sri K. Rajaram Naidu.) Well, Sir, if Tamil Nad is not guilty I congratulate it and the Tamil people. But I do not accept the opinion given by the hon. Member Sri Rajaram Naidu. Sir, I have now exhausted all my time. I would make this final appeal. Let us not be deceiving ourselves and telling people that we have introduced Panchayat Raj. There must be a change of heart in us. We must carry on a tearing propaganda in the villages without any party considerations. Party affections, group mentality and communal-mindedness must be eschewed. Unless these defects are eschewed, no Panchayat Raj can be assured, and our independence will become a questionable thing."

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4-45 P.M. SRI T. VISWANATHAM:—"Sir, we shall sit till 6 o'clock and finish off the whole thing."

MR. SPEAKER:—"I have no objection if it is the wish of the House that we shall sit till 6 o'clock."

THE HON. SRI B. GOPALA REDDI:—"We shall sit till 5-15, Sir."

THE HON. SRI K. CHANDRAMOULI:—"Sir, I shall not take much time."

"I am very glad that several hon. Members have expressed their views once more upon the Panchayat Bill very freely and liberally. I am also very glad that they have made my work very easy. Some Members have gone no doubt to extremes and yet contradicting themselves in their own terms and all the more emphatically supporting my view-point. There are also some Members who have expressed their fears, particularly some of the friends from minority communities, that this Bill may not give any solace to their respective communities. There are also other Members who have given a wrong orientation to the Bill and said that we have not gone deep into the conditions of the villages and with their superficial knowledge—I am sorry to observe—and also with the western type of idealism which they have inherited in their education and life, they have condemned the Bill in such terms. I am sorry to express that Mr. Anwar has gone to the extreme in this respect saying that the Bill is mad legislation. I can assure the House that he has gone mad in his view of the Bill. He has not understood the real implications or the real congenial position of the villages and he may not have ever lived for a very long time in the villages. With the western type of education he has imbibed and also with the urban life which he is enjoying, he has not understood the village life. (Mr. Raza Khan: 'He is a villager.') He may have been a villager but he never understood the villager, I can say."

"Mr. Raza Khan has said that he does not care for the powers or efficient administration of the panchayats. He needs money and more money. That sentiment, I am very sorry, has been emphatically supported by my hon. Friend Mr. Varadachari. No doubt, we cannot ignore in the modern world the value of money. I admit it to some extent, but if you give the primary value to money and money alone and bank for your existence upon that paper coin or any other thing, which has been created by our British lords, I think we are leading towards a wrong direction. I can say that much. The main intention of the Bill is to enable the villagers particularly to stand on their own legs and live their lives lively and happily. Further, the primary requisite is to see that they are not disturbed, at least to a great extent by the outside elements. Generally what is it that we are doing? Most of us who oppose the direct election of the president because it will work havoc in the panchayat, profess to believe in democracy and say that democracy is the panacea for all the evils. Such people say that they are inherently believing in it and that it is the only thing that should be achieved

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and urgently wanted at this juncture. In the same breath they say they do not believe in the electorate, the direct election of the president is a bad thing and that it does not conduce to harmony among the members and the president, etc. I will come to that point a little later on. But what I say is when you believe in democracy and want democratic rule to be established, believe in it thoroughly and to the core and then work out the logical conclusion from the basis. From time immemorial in India the village has been the unit for all the good things that have been done in the name of the country. To-day the miserable plight of the people is largely due to the destruction of the village organism by the alien masters and some of us are blindly following in their footsteps. They have also contributed to a great extent to ruin the very nature of the villagers and thus made them mere hewers of wood and drawers of water without giving them any initiative or opportunity to carry out at least the little things needed for the daily existence of life. That is why to-day the whole country, though fortunately in an independent state, is starving. You have neglected the villages, you have exploited the villages, you have not cared for the villages, you have only utilized them to satisfy your own individual interests or your foreign masters. If Mr. Anwar and other friends still think that individualism can save the world, they are thoroughly mistaken and we assure them they will never succeed. Therefore, we must again go back and see if there are any small defects or obstructions and remove them and bring the villagers in line with the rest. Let the villagers at least carry on their small things which are essential for their revival. Let us not go every time into their affairs, lay our hands on them without any hearts, poke our nose into their affairs and create factions and discord among them in order to satisfy our own individual welfare or our vanity. That is one point and I say it whether any individual likes it or not. If the basis of the village organization were to be destroyed, you will be destroying yourselves. If you destroy the root, you can be sure that you cannot enjoy the fruits. That is the basis with which the Bill has been brought forward."

"Sir, I would like to touch one more point. I can assure Mr. Raza Khan that the Bill has not been brought simply to earn some cheap name or even to satisfy our vanity. People want it and they are very eager and earnest in demanding their ordinary legitimate rights, especially when we are talking of democracy."

"Mr. Raza Khan raised another peculiar point contradicting himself in his speeches several times. In one breath he says minorities have been ignored by the Government and in another that we have respected the feelings of minorities and conceded their requests and created communalism. The minorities must be bold enough hereafter and settle their minds once for all. I am not enamoured of separate electorates or of the theory that reservation of a few seats would save the country or the villagers. I am not personally in favour of them, but when all the spokesmen of the Harijan community wanted it to continue for some time at least,

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the Government did not want to interfere with their feelings and so we yielded to some extent so that we might create confidence in them and gradually bring them in line with other people. If we do not give any reservations, you say we have ignored minorities and if we give reservations, you say we are importing communalism. It is all, I can say, only some minorities who are creating this thing due to unnecessary fears or suspicions in their minds.

“ Sri Murthi has raised a question which, I think, is not very reasonable. He said that in the villages capitalists were ruling. As far as the Panchayat Bill is concerned, I can say that no voter need pay anything and all adults irrespective of their property can vote. In the new set up whether he is a rich man or a poor man, each man will have only one vote. Simply because a man is rich or pays more taxes, he will not have more votes. There will not be that set-up of things. I can assure Mr. Murthy that with the advent of adult franchise, the condition will be strengthened and the Harijans may also stand on a par with other people and assert their rights.

“ Sir, I want to say something about the direct election of the president. According to the British set-up of our Constitution, the members will be elected and one out of the members will be elected as president. In this system, will there be no parties? There will be; a few members will take hold of some votes and then pass over others and we can see many other evils also. For two fundamental reasons, I have preferred the direct election of the president. The one thing is that there should be in the village a sort of homogeneity or an administrative set-up where all people could at least look towards one individual in whom they have got confidence. Particularly in the interest of the minorities only, I have put in this direct election because the man who wants to become a president must approach not only the Harijans, Muslims and other community people but every voter and take them into his confidence. Another thing is this: There is always difference of opinion; always mixed feelings exist. Some people want that there should be executive officers. If you have faith in democracy and in your own people, why should you not believe them?

5 p.m. “ If you have faith in your own people and if you have faith in elections, why not make it clear? Personally, I am not enamoured of these Executive Officers. In the present set-up of things, we wanted to see that as far as possible, these Executive Officers should be eliminated and the elected elements should be given a predominant place (hear, hear). If the president is elected directly, he need not be responsible to the members in the execution of his work. He has to cater to the needs of the common people as a whole and not according to the whims and fancies of individual members. I would like this Hon. House to note that.

“ There is also another small point with regard to the president who is elected directly. He is only doing the executive work.

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As far as policies, principles, resolutions and other things are concerned, it is the members who have been elected by the people that will be passing these resolutions and laying down the principles. These elected representatives will be responsible to the people and they will be generally guiding most of the executive work of the panchayats. This is the case in most of the panchayats. But there are certain individual cases of big panchayats which have got more and larger amount of money. In the case of these panchayats, the idea of the Government is to watch whether these panchayats are properly administered and when the funds of these big panchayats are found to be mismanaged or some such thing takes place, then only we want to have recourse to the Executive Officers. That is why we have made certain changes—some healthy changes too—in the Select Committee. So we have not restricted that this category of panchayat will have Executive Officers and that other categories will not have. We have only generalized the thing and kept it as a general matter so that as and when necessity arises, it may be utilized. Otherwise it will not be used and the president himself may be the Executive Officer. That is the idea of the Government. I want the hon. Members to take these points into consideration.

“ Sir, this is not a novel thing or a new thing. In our ancient India, when Panchayats were ruling and administering their own affairs properly, they were having election by selection without adopting the present methods of modern elections, partly because of frictions and factions and other things about which we all know. So, we wanted to make at least a small beginning. That is why the election of the president directly by the people has been put here.

“ There is one more matter about which there was some misunderstanding; and that is regarding the distribution of the 12½ per cent of the land revenue including the water-cess which the Government are going to give to the Class II panchayats. Sir, 12½ per cent, i.e., two annas in the rupee of the land revenue, will be set apart for distribution to these panchayats. This may amount to nearly a crore of rupees. In this connexion, a small misunderstanding has arisen. That is, the dry areas will not get more and they will get only very very little, and the deltaic or wet areas, because of the water-cess, will be getting more. In the distribution of finances, the Government have made it clear even in the Bill that the money will be distributed not on the basis of delta area, dry area or wet area and not because we are getting some water-cess here or there. The money will be distributed equally on a population basis irrespective of dry or wet areas. We want to see that these dry areas get something more so that they may develop themselves. The whole idea is not to create big and huge schemes or anything like that. But the idea behind the bringing of this Bill is to see that for small ordinary elementary needs, such as drinking water well, cleaning of streets, encouraging cottage industries, and the like, these villages may not depend upon the foreign countries or the cities. The villagers

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should not be at the door of the Provincial Government always demanding for such small necessities of life. That is the whole idea behind this Bill.

"I do not want to say anything more as far as the other things are concerned. When individual clauses are taken into consideration, we can go into other details. With these words, I request the hon. Members to ponder over the Bill. At the time of taking up the clauses, if hon. Members have got anything to say, I will be only too glad to welcome any good and useful amendments. I now request that the Bill may be taken into consideration."

MR. SPEAKER:—"The question is—

'that the Madras Village Panchayats Bill, 1949 (L.A. Bill No. 22 of 1949), as reported by the Joint Select Committee be taken into consideration at once'."

The motion was carried.

MR. SPEAKER:—"I think the arrangement arrived at was that the House should sit till 5-15 p.m. to-day. But, if hon. Members want the House to be adjourned now, I have no objection. Let me know what the Hon. Leader of the House wants to say."

THE HON. SRI B. GOPALA REDDI:—"Sir, we may take up the clauses to-morrow."

MR. SPEAKER:—"I now adjourn the House to meet again to-morrow at 11 o'clock."

THE MADRAS LEGISLATIVE ASSEMBLY.

Wednesday, the 21st December 1949.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Alleged charges against certain Provincial Ministers.

* 251 Q.—JANAB ABDUL HAMEED KHAN (on behalf of Janab Mohamed Abdul Salam): Will the Hon. the Premier be pleased to state whether it is a fact that the Central Government have asked this Government whether they have any objection if they (the Central Government) proceeded to order a judicial enquiry into the alleged charges against certain Provincial Ministers?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—"The Government have not received any such communication."

JANAB MUHAMMAD RAZA KHAN:—"Is it not a fact that the Congress Working Committee or the Government of India feels that the matter is closed and that there is no necessity for an enquiry or pursuing the matter further against the members of the Madras Cabinet?"

THE HON. SRI B. GOPALA REDDI:—"The Government of India do not come into the picture at all."

JANAB S. MUHAMMAD ISMAIL:—"Although the Central Government has not thought it fit to institute a judicial enquiry into the alleged charges against some Ministers about which so much is talked of in the Province, will it not be proper and advisable on the part of this Government to conduct a judicial enquiry so that the people may know that after all those charges are not genuine?"

THE HON. SRI B. GOPALA REDDI:—"It is not necessary that this Government should appoint any enquiry committee, because they think that the charges are frivolous."

Operation of the Gaming Act.

* 252 Q.—JANAB M. S. ABDUL MAJID: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether Government propose to postpone the operation of the Gaming Act in view of the advice tendered by the Hon. the Prime Minister of India; and

(b) if so, whether the Government will place a copy of the letter of the Hon. Prime Minister on the table of the House?

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THE HON. SRI M. BHAKTAVATSALAM:—“(a) & (b) The Government have decided that sections 2 and 4 of the Madras City Police and Gaming (Amendment) Act, 1949, should be enforced with effect from 1st April 1951.”

Admission of Muslim students in certain colleges.

* 253 Q.—BEGUM SULTAN MIR AMIRUDDIN: Will the Hon. the Minister for Education be pleased to state the number of Muslim students that were refused admission this year in the Government Arts College (formerly known as Government Muslim College), Madras, and in the Queen Mary's College, Madras, in (i) the B.A. class and (ii) the Intermediate class?

THE HON. SRI K. MADHAVA MENON:—“The number of Muslim students that were refused admission to the classes referred to in the two Colleges is as follows:—
Government Arts College, Madras—

- | | | | | |
|------------------------|-----|-----|-----|----|
| (1) B.A. Class | ... | ... | ... | 3 |
| (2) Intermediate Class | ... | ... | ... | 42 |

Queen Mary's College, Madras—

- (1) B.A. Class—All the four that applied were selected but two did not join.
- (2) Intermediate Class—Out of fourteen applicants, three were refused admission. Out of the eleven that were selected, five did not join.”

BEGUM SULTAN MIR AMIRUDDIN:—“Is the Hon. Minister aware that the number of persons refused admission is, as a matter of fact, greater than what is mentioned in the statement laid on the table of the House in reply to my original question?”

THE HON. SRI K. MADHAVA MENON:—“My statement shows that in the Intermediate Class 42 Muslims were refused admission and in the B.A., three, and so on. I do not see how the refusals are more than what I have said.”

MR. SPEAKER:—“What is exactly the question of the hon. Member?”

BEGUM SULTAN MIR AMIRUDDIN:—“It has come to my notice, Sir, that more persons than the number indicated in the statement have been refused admission. I want to know whether this information is correct.”

THE HON. SRI K. MADHAVA MENON:—“No, Sir. The hon. Lady Member's statement is not correct.”

BEGUM SULTAN MIR AMIRUDDIN:—“In view of the fact that there is no Muslim College for women—the one formerly existing having been abolished by this Government—will the Government revive the old order of the Director of Public Instruction that all Muslim girls who apply for admission to the Queen Mary's College should be admitted?”

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THE HON. SRI K. MADHAVA MENON:—“Sir, it is not possible to issue any such direction.”

BEGUM SULTAN MIR AMIRUDDIN:—“In view of the fact that Muslim women are particularly backward and that it is the declared intention of this Government to help all backward communities including women, will the Government reconsider the matter and see that the old order of the Director of Public Instruction is revived?”

THE HON. SRI K. MADHAVA MENON:—“It is because of the backwardness of the Muslims and of certain other communities that a much lower standard has been fixed for them in the matter of selection by the Committees or the Principals concerned.”

JANAB MUHAMMAD RAZA KHAN:—“Is it not a fact that the Government of Madras by abolishing the Muslim Women's College and changing the Government Muhammadan College into Government Arts College have caused a greater set-back to the education of the Muslim community in the Province?”

THE HON. SRI K. MADHAVA MENON:—“The question does not arise at all. If, however, it does arise, then it is absolutely wrong.”

SRI K. RAJARAM NAIDU:—“May I know the percentage of Muslims admitted in the previous years in these colleges?”

THE HON. SRI K. MADHAVA MENON:—“I cannot give the percentage but shall give the figures. In the year 1947-48, when the Presidency College was not transferred, eight persons in the B.A., and 82 in the Intermediate classes were refused admission and in 1948-49, 6 in B.A., and 68 in Intermediate were refused, which works out to a bigger percentage of refusal than has taken place this year.”

BEGUM SULTAN MIR AMIRUDDIN:—“Am I to take it that it is the intention of the present Government to perpetuate the backwardness of Muslim women in the matter of education for ever?”

THE HON. SRI K. MADHAVA MENON:—“I do not understand this argument. The whole assumption is wrong.”

JANAB MUHAMMAD RAZA KHAN:—“Is our new Minister for Education aware that the very purpose of starting the Government Muslim College two or three decades ago was to give impetus to the Muslim women in the matter of education and that by abolishing this and by changing the name of the Muhammadan College—which the Muslims were feeling was the one college where they could get admission always—into the present Government Arts College, the Government have caused the greatest set-back to the cause of Muslim education?”

THE HON. SRI K. MADHAVA MENON:—“About the question of changing the name of the colleges, Muhammadan College into Arts College or the Arts into Muhammadan, it

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does not form part of the present subject.[†] As regards the motives of those who started the Women's College two or three decades ago, I cannot get into their motives."

JANAB M. S. ABDUL MAJID:—"May I at least get an assurance from the Hon. the Minister that these new arrangements will not undermine the Muslim education in this Province and to that effect will the Government revise their policy?"

THE HON. SRI K. MADHAVA MENON:—"It is not at all the intention of the Government to undermine Muslim education or the education of any other backward community."

JANAB MUHAMMAD RAZA KHAN:—"If this college was started because the motive of the then Government or the then administration was just to perpetuate communalism, how is it that even to-day the present Government is perpetuating communalism by retaining the communal Government Order in its worst form?"

THE HON. SRI K. MADHAVA MENON:—"The question does not arise at all."

Extent of land under the Cauvery-Mettur Project irrigation.

* 254 Q.—JANAB M. A. MUHAMMAD IBRAHIM: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) what the total extent of land under the Cauvery-Mettur project irrigation is;

(b) what the extent under double crop cultivation in that area is;

(c) what the extent under single crop cultivation in that area is;

(d) whether the Government have received any representations from the public or officials for changing the whole area from double crop to single crop cultivation; and

(e) if so, what the Government propose to do in the matter?

THE HON. SRI H. SITARAMA REDDI:—" (a) 219,760.62 acres.

" (b) 47,110.41 acres.

" (c) 172,650.21 acres.

" (d) No.

" (e) Does not arise."

JANAB M. A. MUHAMMAD IBRAHIM:—"Is it not a fact that some Government officials have expressed an opinion that by converting the land from double crop into single crop the yield will be better and if so, whether the Government think that their opinion is correct?"

THE HON. SRI H. SITARAMA REDDI:—"I have already stated 'No' to (d)."

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SRI V. M. RAMASWAMI MUDALIYAR:—"May I ask whether there is enough supply of water in the Cauvery-Mettur Project to irrigate the full extent of land, namely 25 lakhs and odd acres? If so, what is the position to-day in regard to the project?"

THE HON. SRI H. SITARAMA REDDI:—"I have no idea of its position because I do not have the figures with me just now. This was done after due consideration of the capacity and availability of water."

JANAB M. S. ABDUL MAJID:—"The Hon. the Minister in reply to clause (d) of the question said 'No'. May I know whether the hon. Member's suggestion to convert the land to single crop will be considered by the Government?"

THE HON. SRI H. SITARAMA REDDI:—"I cannot say that now. The hon. Member may write to the Government about it."

Admission into certain colleges communitywar.

* 255 Q.—JANAB ABDUL HAMEED KHAN: Will the Hon. the Minister for Education be pleased to state—

(a) the number of applications for and the admissions made to the Intermediate, B.A., B.Sc. and Honours classes for the current year in (i) The Muslim College, Madras, now designated as "The City Arts College" and (ii) Queen Mary's College, Madras; and

(b) how many of them in each case are Non-Brahmans, Brahmans, Muslims, Christians, Backward Non-Brahmans and Harijans?

THE HON. SRI K. MADHAVA MENON:—"A statement is laid on the table of the House."

SRI V. M. RAMASWAMI MUDALIYAR:—"With reference to the statement laid on the table of the House, may I know whether the attention of the Government has been drawn to the low percentage of admission in the Government Arts College of Non-Brahman applicants to the Junior B.Sc. and other courses? In the Junior B.Sc., out of 48 applicants only 7 have been taken and in Queen Mary's College, out of 56 only 15 have been taken in the B.Sc."

THE HON. SRI K. MADHAVA MENON:—"Admission to the Arts Colleges is not based on communal considerations alone."

BEGUM SULTAN MIR AMIRUDDIN:—"I find that in the Junior Intermediate out of 14 Muslim girls that applied only 6 were given admission in the Queen Mary's College. Have not the Government, by refusing admission to more than half the number of applicants, been damaging the cause of Muslim women's education in the Province?"

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THE HON. SRI K. MADHAVA MENON:—“All those who have been refused admission were found much below the average, compared to the other applicants.”

JANAB P. K. MOIDEEN KUTTY:—“May I know whether there is any Government Order to the effect that all Harijans who apply for admission should be admitted?”

THE HON. SRI K. MADHAVA MENON:—“I cannot say exactly that all the Harijans should be admitted. There is a Government order that Harijans should be given preference.”

SRI T. VISWANATHAM:—“In view of the answer given by the Hon. the Minister that admissions are not made on communal basis, will not the Government hereafter refuse to answer questions of this type?”

THE HON. SRI K. MADHAVA MENON:—“Sir, when once a question is allowed by the Hon. the Speaker, either it should be declined to be answered on public grounds or should be answered, in obedience to the orders of the Chair.”

JANAB ABDUL HAMEED KHAN:—“Is it not a fact that the Hon. the Minister has stated that admissions are not made merely on communal basis? I do not see any objection, therefore to answering questions of this type.”

THE HON. SRI K. MADHAVA MENON:—“This is a question which should be addressed to the Chair.”

SRI T. VISWANATHAM:—“Is it not proper for the Government not to analyse these admissions with reference to communities when they are not made on communal basis?”

THE HON. SRI K. MADHAVA MENON:—“I said that admission to the Arts Colleges is not based on communal consideration alone.”

11-15 a.m. SRI R. V. SWAMINATHAN:—“In the Junior B.Sc., out of the 10 Non-Brahman (backward) that applied for admission only 3 have been admitted. May I know the reason for it, Sir?”

THE HON. SRI K. MADHAVA MENON:—“For the same reason that I just now answered. It does not depend only on communal considerations.”

SRI D. V. RAMASWAMI:—“Out of the 56 applications received from the Indian Christians, only 22 have been admitted. Did the Government receive any representation or complaint that the percentage is low?”

THE HON. SRI K. MADHAVA MENON:—“No, Sir. In almost all the cases, the students applied for seats in various colleges and though admission is given in one place they joined in another place.”

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SRI G. NARASIMHA RAO:—“As the admission to these colleges are not made on any specific orders of the Government or on communal basis, are the Principals of these colleges given option to admit students as they like or are they advised by an advisory committee in regard to these admissions?”

THE HON. SRI K. MADHAVA MENON:—“There are advisory committees in relation to certain Government colleges. In the case of the Queen Mary's College there is no advisory body. The principal has got the discretion.”

SRI K. BRAHMANANDAM REDDI:—“Of the seven Muslims who applied for admission to the junior class there were admitted although all the seven were offered admission. If it is so, Sir, why were not the other Indian Christian and Non-Brahman candidates given admission?”

THE HON. SRI K. MADHAVA MENON:—“As I have already said, the standard fixed for the Muslim candidates is not the same as other advanced communities.”

SRI G. NARASIMHA RAO:—“May I know, Sir, when there are advisory bodies for the other colleges, why not the Government appoint advisory bodies for these two colleges also?”

THE HON. SRI K. MADHAVA MENON:—“The suggestion will be seriously considered.”

JANAB MUHAMMAD RAZA KHAN:—“The Hon. Minister stated that there is an advisory committee for the Arts College. May I know, Sir, as to who constitute the advisory committee?”

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

Cash payment to Political sufferers.

* 256 Q.—JANAB MOHAMED ABDUL SALAM: Will the Hon. the Minister for Land Revenue be pleased to state with reference to question No. 555 answered on 24th January 1949—

(a) whether the Government have decided to give cash payment to certain political sufferers; and

(b) if the answer to (a) is in the affirmative, the names of such political sufferers and the amounts granted to them?

THE HON. SRI H. SITARAMA REDDI:—“(a) The Government do not propose to grant any cash payment to political sufferers.

“(b) Does not arise.”

JANAB S. MUHAMMAD ISMAIL:—“May I know, Sir, whether the Government paid cash payment of some thousands to one Dr. (Mrs.) Cousins who fortunately happened to enter into the list of political sufferers?”

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THE HON. SRI H. SITARAMA REDDI:—“I could not give definite information. I would suggest to the hon. Member to put a separate question. That was a case treated on quite different grounds and not on political grounds.”

SRI M. P. GOVINDA MENON:—“Since there are no Government lands available in the district of Malabar to be assigned to the political sufferers and there are not going to be cash payments, is there any alternative scheme as far as the political sufferers in this district are concerned?”

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

Madras Provincial Educational Conference.

* 257 Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government have received a resolution passed at the 39th Madras Provincial Educational Conference held at Kurnool in May 1949; and

(b) if so, what steps the Government have taken on the resolution?

THE HON. SRI K. MADHAVA MENON:—“(a) & (b) The Government have received a copy of all the resolutions numbering 13. It is not clear to what particular resolution the questions relate to give an answer.”

SRI K. T. KOSALRAM:—“Is the Hon. Minister aware that the difference in scales of pay seriously affects the standard of education in different schools, private, local boards, etc., and if so, whether the Government would issue immediate orders to rectify the same?”

MR. SPEAKER:—“How does this arise out of the question?”

SRI K. T. KOSALRAM:—“This is contained in the resolution referred to by me.”

THE HON. SRI K. MADHAVA MENON:—“The question is whether the Government have received a resolution passed at Kurnool and what steps have been taken on the resolution? We have 13 of these resolutions and I do not know to which particular resolution my hon. Friend refers to. It is not possible to equalize the pay of all teachers because there is inequality in other departments than education also.”

Supply of Khadi to certain employees of the municipalities.

* 258 Q.—JANAB S. MUHAMMAD ISMAIL: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether any instructions have been sent to the municipalities in the Province to purchase and supply only Khadi clothing to their lower grade staff and other employees; and

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(b) if so, whether the municipalities have made any representations about their difficulty in adhering to this?

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

“(b) Certain municipalities have requested permission to buy mill cloth for the purpose, but the khaddar industry has to be encouraged in the larger interests of the country and the need for developing cottage industries.”

JANAB MUHAMMAD RAZA KHAN:—“Is it a fact, Sir, that the municipal councils are asked to purchase khaddar at higher cost?”

THE HON. SRI K. CHANDRAMOULI:—“Certainly not, Sir. It is not a question of paying higher cost or whatever it is. In view of the encouragement given to the khadi production by the Government, the local bodies have been asked to take to khaddar.”

JANAB ABDUL HAMEED KHAN:—“When the cost of khaddar is higher than that of mill cloth, is it not reasonable, Sir, for the Government in the Local Administration Department to give the excess amount to the local bodies on account of their order that khaddar alone should be supplied to the servants of these bodies?”

THE HON. SRI K. CHANDRAMOULI:—“In some cases the cost of khaddar is cheaper than mill cloth. The general policy of Government is to see that the local bodies stick to the policy of encouragement of khaddar.”

SRI G. RAJAMANNAR CHETTI:—“Apart from the political aspect of it, in view of the comparative non-durability of khadi (question: Is it so?) and in view of the representation made by the workers who are being asked to put on khaddar may I know, Sir, whether the Government will also insist on more sets of uniforms being supplied to these servants in order that it may last for the whole year?” (Laughter.)

THE HON. SRI K. CHANDRAMOULI:—“On the other hand khaddar is much better and more durable than the mill cloth.”

JANAB M. S. ABDUL MAJID:—“Will the Government at least subsidize such of those municipalities who have to spend more money in purchasing khaddar?”

THE HON. SRI K. CHANDRAMOULI:—“After all the amount spent is so small. It is not worthwhile to ask for subsidy.”

JANAB MUHAMMAD RAZA KHAN:—“Instead of the Hon. Minister expressing his own opinion, will it not be advisable to ask the employees of these municipalities and local boards whether they like khaddar and whether these local bodies are prepared to pay the price?”

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THE HON. SRI K. CHANDRAMOULI:—"No complaint has come from employees though there are complaints from Members of this House."

SRI B. S. MURTHI:—"Is it a fact, Sir, that khaddar is good for rough use as well?"

MR. SPEAKER:—"It is a matter of opinion."

Absorption of the Pudukottai Police with the Madras Police.

[* 259 Q.—

MR. SPEAKER:—"As the hon. Member Sri T. S. Pattabiraman is not in his seat, the answer will be printed in the proceedings.]

* SRI T. S. PATTABIRAMAN: Will the Hon. the Premier be pleased to state—

(a) whether the entire police force of Pudukottai State was absorbed into Madras Police when Pudukottai Province was merged with the Province of Madras;

(b) whether the scales of pay of the above Pudukottai Police were much lower than that of the Madras Police;

(c) whether the former Pudukottai Police are still drawing their salaries on the old scales;

(d) whether the Government have received a petition from the above police requesting that they may be paid like others in the department retrospectively from the date of merger; and

(e) if so, what action has been taken on the same by the Government?

THE HON. SRI P. S. KUMARASWAMI RAJA:—" (a) The entire Police force of the erstwhile Pudukottai State was not absorbed into Madras Police immediately the Pudukottai State was merged with the Madras Province. Orders laying down the general principles of absorption of the erstwhile State staff were issued in March 1949. Orders on the proposals of the Inspector-General of Police regarding the absorption of the police subordinates of the State were issued in June 1949.

" (b) The answer is in the affirmative.

" (c) The answer is in the negative. Orders have been issued sanctioning Madras scales for them with effect from 1st January 1949.

" (d) The answer is in the negative.

" (e) Does not arise."

The Krishna-Pennar Project.

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

(a) the progress made in the investigation of the Krishna-Pennar Project; and

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(b) when the project is likely to be taken up?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) A good deal of field work relating to the dam and reservoirs across the Krishna and the Pennar has been completed and sufficient data for preparation of preliminary designs and estimates collected. Further field work consisting of large number of tests such as calyx drill work, pumping pile driving, etc., is in progress and will continue for some months. Field work relating to the canal across the Mitta Kondala ridge connecting the two reservoirs and also relating to Pennar South Canal has been completed. Some more minor field work will, however, be continued up to June 1950. Field work relating to Pennar North Canal has just been started and about 28 miles have been covered. This field work may go on till April 1950. It is expected that all field work will be completed towards the end of 1950-51. However, the preliminary report and estimates for the project are expected to be ready by April 1950.

" (b) It is proposed to consider the sanctioning of the project as soon as investigation is over."

SRI N. VENKATASUBBAYYA:—"May I know, Sir, whether the Kottikanava scheme which takes water across the Nallamalai hills to the plains of Cumbum and Markapur taluka has also been included as part of the preliminary investigation?"

MR. SPEAKER:—"Does it come under this project?"

THE HON. SRI M. BHAKTAVATSALAM:—"Yes, Sir That is also being examined."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I ask, Sir, whether it is not a fact that a deputation waited on the Hon. Minister in charge to extend the scope of the Krishna-Pennar Project so as to connect it to Palar to make it useful to the southern districts also?"

THE HON. SRI M. BHAKTAVATSALAM:—"The representation received has been communicated to the Chief Engineer for examination."

SRI N. VENKATASUBBAYYA:—"May I know, Sir, whether the Gandikottah Project will be modified as to be able to receive waters from the Krishna Project?"

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

SRI P. VENKATASUBBAYYA:—"In view of the fact that the early execution of the Krishna-Pennar Project will go a long way to better the economic conditions of the people of the Rayalseema, may I request the Hon. Minister to expedite the investigation of the proposed scheme?"

THE HON. SRI M. BHAKTAVATSALAM:—"We are, no doubt, expediting the investigations as far as practicable."

SRI G. KUMARASWAMI:—"What progress has been made in the investigation of the Vamsadhara Project?"

MR. SPEAKER:—"A separate question may be put."

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Erection of tiffin sheds.

* 261 Q.—SRI M. KANNIYAPPAN: Will the Hon. the Minister for Finance be pleased to state—

(a) whether tiffin sheds have been erected for the employees of the Government Transport Department;

(b) whether sanitary and drinking water facilities have been provided for the Transport workers; and

(c) whether any workers have met with any accidents this year while on duty, and if so, what amount of compensation has been paid to them and the number of such cases that are still pending?

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

“(c) The answer is in the negative, and so the question of payment of compensation does not arise.”

JANAB N. MUHAMMED ANWAR:—“Will the Hon. Minister take care to see that these tiffin sheds are called canteens lest they are likely to be mistaken for cattle shed?” (Laughter.)

THE HON. SRI B. GOPALA REDDI:—“They are already called canteens. The question referred to tiffin sheds and so I had to say that the answer was in the affirmative.”

Alleged lathi charge on students in the compound of the Queen Mary's College.

* 262 Q.—SRI T. VISWANATHAM: Will the Hon. the Minister for Education be pleased to state—

(a) whether there was a lathi charge on students in the compound of Queen Mary's College on the occasion of a carnival held to collect funds for Special Service League recently; and

(b) what action has been taken to fix the guilt and punish those who were responsible for it?

THE HON. SRI K. MADHAVA MENON:—“(a) & (b) There was no lathi charge as such, but a crowd consisting largely of visitors to the carnival, including some students, had to be dispersed and cleared out of the college compound. A section of the students, without any justification, started an agitation for a public apology from a Police constable who had caught hold of a boy misbehaving. There was some stone-throwing and the carnival was, therefore, declared to be closed. The crowd had to be cleared out of the area with Police assistance.

“After a careful enquiry, the Government considered that the students probably acted on the spur of the moment without much thought, and that no action need be taken in the matter. They have ordered that the criminal proceedings against the students concerned should be dropped.”

SRI B. S. MURTHI:—“May I know, Sir, whether any of the women students were subjected to lathi charge?”

THE HON. SRI K. MADHAVA MENON:—“There was no lathi charge.”

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SRI R. V. SWAMINATHAN:—“May I know, Sir, what is the cause for all the excitement?”

THE HON. SRI K. MADHAVA MENON:—“Excitement there was when men and women joined there in the carnival. I cannot say what the reasons were.”

Removal of sand from Panchalamkurichi in Tirunelveli district.

* 263 Q.—SRI K. T. KOSALRAM: Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that the Government have cancelled the old order passed by the British Government that sand should not be removed from and buildings should not be constructed at the place in Panchalamkurichi in the Tirunelveli district, where Katta Bommur fought against the British supremacy; and

(b) whether it is a fact that the Government intend to give as compensation, to the descendants of Katta Bommur the land which was taken from Katta Bommur and given to the Ettayapuram Zamin by the then British Government?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—“(a) The Government are not aware of any such order and the question of cancelling it has not arisen.

“(b) The Government have no such proposal under consideration.”

SRI K. T. KOSALRAM:—“Is it not a fact that His Excellency the Governor-General had suggested that the place should be preserved?”

THE HON. SRI B. GOPALA REDDI:—“We have no such information.”

SRI R. V. SWAMINATHAN:—“Will the Government, Sir, recommend to the Central Government to take such steps to grant compensation to this Katta Bommur family?”

MR. SPEAKER:—“That does not arise.”

SRI K. T. KOSALRAM:—“Will the Government consider the desirability of recommending to the Central Government to establish military school or college in the locality in view of the public feeling and the bravery and heroism of the people of the soil?”

MR. SPEAKER:—“This is only a request to the Government.”

Cattle farms in the Province.

* 264 Q.—SRI N. M. R. SUBBARAMAN (on behalf of 11-30 a.m. Sri A. Vedaratnam Pillai): Will the Hon. the Minister for Agriculture be pleased to state—

(a) the number of Government cattle farms that are in this Province;

(b) where they are situated;

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(c) what kinds of breeds they are developing;

(d) whether the Government have got any proposal to increase the cattle farms in this Province; and

(e) if so, when and where and to develop what kind of breed?

THE HON. SRI A. B. SHETTY :—“(a) There are four Government cattle farms in this Province at present.

“(b) & (c) They are situated at the following places and the breeds they are developing are noted against each:—

(1) Hosur (Salem district)—Scindhi, Kangayam and Hallikar.

(2) Lam (Guntur district)—Ongole and Morrah buffaloes.

(3) Karukuppi (Bellary district)—Hallikar.

(4) Waltair (Visakhapatnam)—Murrah buffaloes.

“(d) & (e) The policy of the Government is to open a cattle breeding station for every two or three districts. The Government have recently sanctioned a cattle farm for Malabar district, and arrangements are being made to start it. A proposal for the establishment of cattle farms in the South Kanara and Kurnool districts is under consideration.

“The breed that the farms will develop will depend on the area where the farm will be located. Generally speaking, the Ongole breed will be developed in the Northern districts, Kangayam breed in the Southern districts, the Hallikar breed in areas bordering the Mysore State, and Murrah buffaloes and Scindhia in areas where they are expected to do well and where milk is an important factor.”

SRI V. M. RAMASWAMI MUDALIYAR :—“Might I ask, if, for the purpose of implementing the proposal of the Government for the better breeding of cattles in the Province, the Government have tried artificial insemination on a large scale and if so, with what results?”

THE HON. SRI A. B. SHETTY :—“Artificial insemination is being done in the Veterinary College in Madras and with good results. It is proposed to extend it to two other centres shortly.”

SRI B. S. MURTHI :—“May I know if Chintaladevi in Nellore district is going to be taken as one of the cattle farms in the Nellore district?”

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

Imposition of “section 144” in Mayuram.

* 265 Q.—SRI K. RAJARAM NAYUDU (on behalf of Sri M. Kannappan): Will the Hon. the Premier be pleased to state whether the imposition of section 144 in Mayuram is in connection with the Kisan trouble or in connection with the people who support Dharmapuram Adinam?”

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THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—“An order under section 144, Cr.P.C., was promulgated by the Additional District Magistrate, Tanjore on 30th May 1949 prohibiting the holdings of meetings, etc., by the Kisans and their sympathisers for the furtherance of the Kisan movement throughout the district for a period of two months. As the order was applicable throughout the district, the order was in force in Mayuram also. The order was extended by Government twice and it has now expired on 30th November 1949.”

JANAB ABDUL HAMEED KHAN :—“Will the Hon. Minister explain what exactly is meant by ‘Kisan trouble’?”

THE HON. SRI B. GOPALA REDDI :—“The Kisans wanted to hold meetings and create trouble throughout the district of Tanjore; on the advice of the District Superintendent of Police the Additional District Magistrate promulgated orders under section 144 prohibiting meetings of the Kisan association.”

JANAB ABDUL HAMEED KHAN :—“So far, Sir, the Hon. Minister has not told us what exactly the trouble was that the Kisans were going to cause?”

THE HON. SRI B. GOPALA REDDI :—“Obviously the hon. Member is not aware of what is happening in Tanjore district. The trouble is the Kisans there are creating trouble in the matter of the Grow-More-Food Campaign. In view of that, the District Superintendent of Police and the District Magistrate thought that section 144 should be promulgated.”

SRI B. S. MURTHI :—“Am I to understand that now the situation does not warrant the promulgation of section 144 any more in the district?”

THE HON. SRI B. GOPALA REDDI :—“Obviously so, Sir; it was not extended beyond the 30th November 1949.”

SRI K. T. KOSALRAM :—“Are the Government aware that the whole trouble in the locality is due to the high-handedness of the mutt authorities in the area?”

THE HON. SRI B. GOPALA REDDI :—“This question refers to promulgation of section 144 and the kisan trouble.”

Students or officers sent to Dehra Dun for training in Forestry.

* 266 Q.—JANAB S. MUHAMMAD ISMAIL: Will the Hon. the Minister for Prohibition be pleased to state whether any students or officers of the Forest Department were sent to Dehra Dun for training in Forestry in 1949, and if so, how much this training would cost?

THE HON. SRI N. SANJEEVA REDDI :—“No student or officer of the Forest Department was sent to Dehra Dun for training in 1949.”

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SRI B. S. MURTHI:—"Why, Sir; is it due to the fact that nobody applied for it and is it that the Government had no officer to be deputed?"

THE HON. SRI N. SANJEEVA REDDI:—"It is because we have a college nearer home, that is in Coimbatore."

Increase of police stations in Tanjore district.

* 267 Q.—SRI M. MARIMUTHU: Will the Hon. the Premier be pleased to state whether there is any proposal before the Government to increase the number of police stations in Tanjore district?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—"There is no proposal at present to increase the number of police stations in the Tanjore district. The Government sanctioned only recently in September 1949, the opening of a police station each at Kottur, Kalappal and Valivalam and a police outpost at Nedumbalam in that district."

SRI M. MARIMUTHU:—"தலைவர் அவர்களே! தஞ்சை ஜில்லாவில் பொதுஜன கஷ்டங்கள் நீங்க மூன்று மைலுக்கு ஒரு Outpost போலீஸ் ஸ்டேஷன் ஏற்படுத்தவேண்டியதற்கு உடனே கனம் மந்திரி அவர்கள் ஏற்பாடு செய்வாரா?"

THE HON. SRI B. GOPALA REDDI:—"It means a lot of money and we cannot afford it just now."

SRI B. S. MURTHI:—"On a point of order, Sir. The hon. Member who put the question put it in Tamil and I can assure you, Sir, he does not know even a syllable of English. I wish to know whether you are satisfied that . . ."

MR. SPEAKER:—"It is not a question of my satisfaction. If the hon. Member wants it in Tamil, there are several Hon. Ministers who are ready to answer it in Tamil."

Sugar allotment.

* 250-A Q.—JANAB P. K. MOIDEEN KUTTY: Will the Hon. the Minister for Food be pleased to state—

(a) the total quantity of sugar allotted to the whole Province; and

(b) the quota for each district separately?

THE HON. SRI J. L. P. ROCHE VICTORIA:—" (a) In the absence of the specification of the period for which the information is required, particulars are furnished for the period from 2nd September 1949, i.e., the date of re-control of sugar to end of December 1949.

"The total quantity of sugar allotted to the whole Province for consumption between 2nd September 1949 to 31st December 1949 is 18,357.7 tons. This quantity includes the sugar allotted from North India, the stocks frozen with local factories including production at Pagalur factory during the second season, the stocks frozen with private merchants and

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stocks actually taken over for distribution in December 1949 from local factories out of their production in the new season.

"(b) The districtwar allotment is as follows:—

District.	Quantity (IN TONS).	District.	Quantity (IN TONS).
(1) Anantapur ..	499.2	(14) Nellore ..	671.4
(2) Bellary ..	411.7	(15) Nilgiris ..	183.5
(3) Chingleput ..	520.0	(16) North Arcot ..	600.0
(4) Chittoor ..	514.6	(17) Ramnad ..	506.0
(5) Coimbatore ..	762.5	(18) Salem ..	762.4
(6) Cuddapah ..	549.0	(19) South Arcot ..	657.2
(7) East Godavari ..	270.0	(20) South Kanara ..	870.0
(8) Guntur ..	319.6	(21) Tanjore ..	565.3
(9) Krishna ..	361.8	(22) Tirunelveli ..	604.6
(10) Kurnool ..	590.3	(23) Tiruchirappalli ..	700.0
(11) Madras ..	3,979.3	(24) Visakhapatnam ..	836.3
(12) Mathurai ..	706.0	(25) West Godavari ..	265.2
(13) Malabar ..	1,617.7		

"In addition to the above allotments special quotas were given to Messrs. Spencer and Company and the Railway canteens."

SRI P. NATESAN:—"May I know, Sir, why Malabar gets as much as 1,000 tons as against all other districts?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"It is based upon population."

SRI N. M. R. SUBBARAMAN:—"May I know, Sir, on what basis the quotas have been fixed?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"It is based on population and the supply the district had been receiving before the control also."

SRI L. N. GOPALASWAMI:—"May I know, Sir, whether Madras holds $4\frac{1}{2}$ times the population of Tiruchirappalli district?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Madras, as hon. Members are aware is given a special quota and that is why the figure is high."

SRI T. VISWANATHAM:—"May I know, Sir, why Madras alone gets this preferential treatment?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Because Madras has got a large floating population and the people coming to this place from the various districts have to be given their supply of the necessary quantity of sugar."

SRI T. VISWANATHAM:—"May I know, Sir, whether on the basis of population the Hon. Minister will consider and enhance the quota to Visakhapatnam to 1,000 tons and to Visakhapatnam town in particular because it also has got a big floating population?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"We are now getting more supplies and as the supplies come in, we will try to increase the quota to districts."

SRI M. P. GOVINDA MENON:—"In view of the fact that the drinking of tea is more popular and widespread in Malabar

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than in any of the other districts of the Province and coffee consumption is more prevalent in the rest of the districts which does not require so much of sugar, will the Hon. Minister consider the desirability of increasing the quota to the district of Malabar? "

THE HON. SRI J. L. P. ROCHE VICTORIA:—"We have no record to show that any district is leading in coffee or tea drinks."

SRI K. BRAHMANANDAM REDDI:—"If the guiding factor in the distribution of sugar is population, how is it, Sir, that Guntur which has got a population of 24 lakhs gets only 360 tons? "

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Probably it is also based upon the previous supply the district was receiving before we had control."

SRI M. S. PATTABHIRAMIAH:—"Arising out of the answer of the Hon. Minister that sugar is being distributed according to population, is he aware of the fact that in the mufassal villages people do not get any sugar at all but in the City people get sugar according to their ration cards and if the supply is according to population, will the Hon. Minister issue orders that sugar must be equally distributed to the villagers also? "

THE HON. SRI J. L. P. ROCHE VICTORIA:—"In the districts, Collectors have been given discretion to distribute as much as they could. Probably, in the villages, they do not require sugar as much as they do in towns and especially when jaggery is available, the village people prefer it to sugar."

JANAB P. K. MOIDEEN KUTTY:—"Are the Government aware, Sir, that the allotment of sugar is not in proportion to the population of the districts and also in view of the fact that Malabar people are more addicted to tea"

MR. SPEAKER:—"That question has been put by Sri Govinda Menon and it has been already answered."

JANAB ABDUL HAMEED KHAN:—"May I know, Sir, when the Government expect to lift control with regard to sugar? "

THE HON. SRI J. L. P. ROCHE VICTORIA:—"That matter is receiving the consideration of the Central Government and as soon as the position improves, something will be done."

JANAB SINNA KAZIAR, HAJI MOULVI S. A. F. IBRAHIM:—"Sir, as Mathurai happens to be one of the biggest pilgrim centres and next to Madras it is having the greatest number of floating population, will the Hon. the Minister consider the desirability of increasing the quota for Mathurai? "

THE HON. SRI J. L. P. ROCHE VICTORIA:—"No separate consideration can at present be given to each district for some particular and specific purpose; as I have already told the House previously, the whole question is being considered by the Government and I am sure something will be done to ease the situations very soon."

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

II.—GOVERNMENT BILLS.

(1) THE MADRAS MERGED STATES (LAWS) BILL, 1949.

* THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, 11-45 a.m.
Sir, I beg to present the report of the Select Committee on the Madras Merged States (Laws) Bill^a, 1949 and move—

'that the Bill as reported by the Select Committee be taken into consideration at once'.

Sir, in moving my motion to refer this Bill to the Select Committee I have already stated the necessity for this legislation. The several States were completely merged in this Province in August 1949, and all subsequent legislation by this House without any further adaptation applies to these States. The Government with the help of the Board of Revenue and the District Collectors of Tiruchirappalli, Bellary and Kurnool examined each of the Acts mentioned in the first Schedule of this Bill as to how far they can be applied to the merged States, and after so examining we have put them in the Schedule. The Bill was referred to the Select Committee, because certain doubts were expressed, and also subsequent to the Bill being published, the Central Government passed the Merged States (Laws) Bill, 1949, in the Dominion Parliament which made applicable all the Central Acts to the merged States as also Central legislation on concurrent subjects to these States. So this Government wanted to omit this concurrent legislation from the schedule, and so it has been done also now. The Select Committee considered this Bill in detail. The main objections raised by Sri R. V. Swaminathan were why the Zamindari Abolition Act was not applied to these merged States. Mr. P. Venkatasubbiah of Banganapalle raised the question about the reduction of land assessment rates in the merged States, and he was very particular to ask whether necessary provisions for that were contained in this Bill. Sir, the Zamindari Abolition Act need not be extended to Pudukottai, Sandur or Banganapalle, where there are no zamindaris at all. But there are inam lands there, and Sri Swaminathan wanted to apply the Madras Estates Land Act to Pudukottai. I may tell him, Sir, there are no occupancy ryots at all in Pudukottai. The hon. Member wants occupancy rights to be given by the Act of 1936; and that Act cannot be applied except to those who had occupancy rights in 1933. This requires further examination by the Collector of Tiruchirappalli and the Board of Revenue in view of the land tenures and conditions prevailing there. We propose to examine this matter and as soon as it is over we shall include that Act in the schedule. Most of the Acts have already been made applicable by separate notification. We are now only collating together all those things and making them applicable to the merged States."

^a Printed as Appendix II on page 463-476 infra.

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MR. SPEAKER:—"Motion moved—

'that the report of the Select Committee on the Madras Merged States (Laws) Bill, 1949, be taken into consideration at once'."

SRI R. V. SWAMINATHAN:—"Sir, I have to submit that I am not entirely satisfied with the Bill as it has emerged from the Select Committee. Sir, I have given notice of an amendment with regard to the first schedule, and I shall speak on this Bill when that amendment is taken up."

* SRI P. VENKATASUBBIAH:—"Mr. Speaker, Sir, before extending my wholehearted support to the Bill, as it has emerged from the Select Committee, I wish to bring to the notice of the Government certain conditions prevailing in the merged areas soon after merger. Sir, on the 20th February 1948, the Banganapalle State was merged in the Indian Union. After the merger, due to the uncertain policy of the Government, certain difficulties were greatly experienced by the people there. For some months afterwards, departments were not at all integrated or absorbed. To quote an example, the Judicial department was not at all absorbed or integrated, and the local magistrate having resigned his post, there was nobody to entertain petitions or complaints. Then, Sir, about the scales of pay to the clerks of the Revenue department. Soon after the merger an order was passed by the Government that the scales of pay of clerks in the Revenue department would be on the level of those in the Madras Province. After four or five months, one fine morning an order was passed cancelling the previous order and ordering refund of excess salary drawn already. Sir, after representation with very great difficulty we were able to induce the Government to drop refund. Sir, I am only quoting this to bring to the notice of Government that in governing the merged States certain difficulties crop up and that a particular and definite policy should be pursued so that the people there may feel that they are part and parcel of the Madras Province and that they would be treated generously and liberally by the Provincial Government. Sir, the Police Department in the State was symbolic of the tyrannical and autocratic rule of the Nawab. We have made representation to Government that the Police Department has to be integrated and absorbed immediately. The existing Police constables and other Police officers of the department should be sent away from the State, because they, having been there for a number of years have local prejudices and they would foment troubles and factions in villages. It has taken one and a half years for the Madras Government to effect a small change in that department, namely, to change their dress and introduce our system of dress—the red turban.

"Regarding financial matters, the Hon. the Leader of the House said yesterday in the course of interpellations that the merged States are a liability to the Province. Of course, financially we may be a liability for the present; but we are a great moral asset. Sir, after centuries of tyrannical and autocratic rule

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of Nawabs, we have come under the sway and jurisdiction of the present Madras Government, which is a popular Government and a democratic Government with the confidence and sincere hope that our economic status would be improved. If the latent resources of the State are developed, then financially also we will not be a liability but an asset. For example, in Sandur State, there are manganese ores, and at present a Belgium firm is exporting seventy-eight thousand tons of it every year, and if it is properly developed, or if the Government take it into their head to nationalize it, this industry would go a long way to improve the financial position of the Madras Government. Again, Sir, in Sandur State, there is rich forest wealth. There is sandalwood available in plenty in the area adjacent to Mysore. This would give Madras Government a good income. Then, Sir, in Banganapalle there are diamond ores; some fifty or sixty years back they were explored; and if it is pursued now I think the Government would be benefitted by it. Again, there are plenty of lime stones, an ingredient for the manufacture of cement, in the States. Some time back the Dalmia Company wanted to start a cement factory, but as they wanted certain concessions which the State Government did not agree to grant, it had to be abandoned.

"Sir, these are some of the things which I want to bring to the notice of Government. Sir, to-day I read in the local press that the Central Government are going to consider a proposal of the Bombay Government and allot large sums of money to improve the economic lot of the people of the merged States. So I think it would not be improper in this connexion if I ask the Madras Government to make a similar request. I also request the Madras Government to evolve a plan, and if necessary, constitute a development board to go into the conditions of the people and device means as to how best to improve the lot of the States' people. First of all there is no irrigation facility worth the name in all the States. There are some good rivers, which can be dammed and water impounded to form reservoirs, with the aid of which a large area can be brought under cultivation and thus bring about economic prosperity to the people. There is the Daddanala Project, which, if executed, would irrigate three thousand acres of land. I request that this and similar projects may be taken up seriously as early as possible.

"Then, Sir, the Hon. Minister for Law was saying that there were doubts expressed about the extension of the Inam Enfranchisement Act to the merged States. Sir, we trust in the good intentions of the Government. We are not here to express doubts; we are here to bring to the notice of Government what happened in 1905, in the pre-settlement days, and compare it with what happened in the post-settlement. It is only just that we do not have an eye-wash legislation, but we should see that the high rates of assessment made in 1905 settlement are brought down. Then, Sir, the relatives of the Nawabs were given land in thousands of acres by way of inam and they were given pattas for them. This is most illegal. This is what we want to bring to the notice of

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Government. Government may say, that because it happened in 1905, and it has been legalized as they have been given pattas, nothing can be done. But I may say there are so many settled facts now unsettled—even the existence of Native States, which were considered once as settled facts have now been unsettled and they have all been integrated—so I say, why not examine these things likewise and do justice to the people. There are extensive lands held by petty zamindars. Even though they possess them, they have not till now seen how the plough works in the field or even seen what happens when the field is cultivated.

“The Madras Hindu Religious Endowments Act has been extended to Pudukottai and Bagānapalle but not to Sandur. In Sandur there is the famous Kumaraswami Temple whose endowment runs into lakhs of rupees. Many philanthropic people like the Rulers of Mysore have given in charity hundreds of acres of land to this temple and there is jewellery worth several lakhs of rupees. There is a rumour—I may be wrong but the rumour is there—that the Maharaja of Sandur has disposed of the jewellery of the temple worth about one or two lakhs of rupees. Also I learn on reliable authority that the Maharaja is claiming the entire property of the deity as his private property.

“Similar is the case with Banganapalle. The famous Yagantheeswara Temple in that State has got fertile lands which yield a very good income. At the time of the settlement, the Nawab, who was all powerful, got the lands registered in his name. Even now the lands are being irrigated from the spring channels emanating from the Yagantheeswara temple. He might have legalized his possession of those lands but on ethical and moral grounds he has no right to them.

“I request the Madras Government to treat the people of the States liberally and generously even by going out of the way if it becomes necessary, to improve our economic lot and to raise us to the level of the people living in the adjoining areas. Sri Kala Venkata Rao, the ex-Revenue Minister of this Province, said in his message on the day of merger that the interests of the States' people would be looked after carefully and generously. I am sure that the Madras Government will pursue the policy enunciated by our ex-Revenue Minister.”

SRI R. NATESAN:—“Mr. Speaker, Sir, I support the Bill brought forward by the Hon. Minister for Law.

“Please permit me to say a few words regarding the administrative conditions prevailing in Pudukottai State. It is nearly two years since the State merged into the Madras Province. Within these two years we have had the imposition of taxes like income-tax and sales-tax which were unknown to us before the merger. But nothing beneficial has been done to the people. I hope that the Government will do at least some good to the people.

“The Government employees in the Police, Revenue and Judicial Departments are given the provincial scale of pay and

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dearness allowance. But the employees working in some other departments like the Education Department and the Medical Department are given the same low scale of pay which they were getting before the merger.

“Before the merger, the Pudukottai Durbar were pleased to give stipends to the poor students studying in high school and college classes. After the merger the Madras Government were pleased to continue the privilege but restricted it to only college students. The high school students do not get any stipends.

“There is one Special Education Officer in Pudukottai. Some days ago I met him and asked why he did not visit the village schools. He said that he had no power to visit those schools and added that he had no power even to pass contingent bills. I request the Hon. Minister for Education to enhance his powers.

“The condition of roads, especially in municipal areas, is hopelessly bad, and the municipal authorities do not seem to take interest in improving the roads. I request the Hon. Minister for Local Administration to do the needful in the matter.

“Last but not least is the question of giving representation to Pudukottai on the Tiruchirappalli District Board. I know that legal difficulties stand in the way of giving representation. The law must be amended. If the Hon. Minister for Local Administration is pleased to give representation, he can amend the law in no time.

“Some days ago I came to know that the authorities in Pudukottai had directed the village officers to collect a cess, called the Road and Education Cess, at the rate of Re. 0-3-4 per rupee. Owing to the failure of monsoon in the last two or three years, the condition of ryots in Pudukottai is very bad and I am afraid that the poor ryots will not be able to pay this additional cess. This is a case of taxation without representation. How can the Government expect the poor ryots to pay this additional tax without giving them proper representation on the district board?

“With these words, I support the Bill.”

SRI A. KALESWARA RAO:—“Mr. Speaker, Sir, the merger of the small States is one of the wonders done by our great Deputy Prime Minister Sardar Vallabhai Patel. The British Government gave freedom to the Native States, which number about 580, to join the Indian Union or Pakistan or remain aloof. Probably they thought that the princes of these States would be a source of danger to the peace and unity of India. Later events showed that the British Government were mistaken. The Government of India under the leadership of Pandit Jawaharlal Nehru and Sardar Vallabhai Patel were too strong for these petty princes. The Central Government followed the policy of merging small States with the neighbouring Province or uniting the small States into one big State under one common head like the Rajapramukh. The policy was implemented in a statesmanlike manner and with great success. In our Province, also, the States of Pudukottai, Banganapalle and Sandur were merged. There might have been

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benevolent rulers in these States who might have conferred even greater boons on the people than a democratic Government. But they have been more an exception than a rule. Generally the condition in the States was very bad and the people did not enjoy any freedom. They were groaning under the weight of absolute tyranny and autocracy. Naturally the people of these States felt happy when the Rulers were removed and the States merged in the Madras Province. Now the States' people are as free and democratically governed as the people of the Madras Province. With the ushering in of the great Republic of India, they will feel more happy.

"In this Bill the Government want to extend to the States some of the laws applicable to the rest of the Province. They should similarly extend the remaining laws also. But before doing so, they have to carefully examine the differing conditions and the land tenure systems in the Province and the States. We do not want to hustle the Government.

"I want to remind the Government that the economic development of the people of the States is most important and that they should give first preference to this question.

"The Maharajas or Nawabs of these States have built temples, mosques, choultries, educational institutions, etc., and endowed them with large property. The case of zamindars is different because they have only small temples. Now that the Rulers have gone, the endowments should not become their private property. The conception is that the Ruler is the absolute owner of everything in the State including the lives and property of the people. Therefore the Government should take the earliest opportunity to extend to the States the law relating to religious and charitable endowments in force in the rest of the Province and thereby prevent the Rulers from alienating the lands and selling away the jewels and appropriating the proceeds to themselves.

"I now turn to land tenures. The Government should apply the land tenure laws prevailing in this Province to the merged States also. The Madras Estates (Abolition and Conversion into Ryotwari) Act should be extended immediately. Ryots owning extensive lands which have been granted to them as inams is a peculiar condition prevailing in Native States. They are not estate holders within the meaning of the Madras Estates Land Act. They are known as Mukthadars. The prevalence of that condition is one of the causes for the Communist trouble in Telingana in the Nizam's Dominions. Such a condition should not be allowed to continue. The Government must restrict the holding of mukthadars, take possession of the excess lands and give them to landless people. Government should exercise greater control over these States, because for centuries there was nothing but autocracy of the Rulers in them.

"Sir, yesterday the Hon. the Finance Minister said that the States are a liability, and that the income derived from them is less than the expenditure on their administration. I would therefore suggest that the pensions given to these princes of Pudukottai

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Sandur and Banganapalle should be reduced if they are deficit States. But at the same time, it is possible for the States of Madras and the Andhra to freely develop the natural resources in these States and in course of time, it is possible that the revenue from these natural resources would increase and the people therein would become more prosperous and that the income to the Government would also increase. For instance, the hills and forests of Sandur State are said to contain extensive mineral wealth and if they are properly investigated and tapped, the Madras Government would greatly benefit. The Madras Government will have to pay special attention to these things and make the best use of these States. With these words, Sir, I support this Bill."

* SRI N. VENKATASUBBAYYA:—"Mr. Speaker, Sir, I am not quite happy over this Bill as it has emerged from the Select Committee. There seems to be some unseemly haste in the manner and the method by which it is being presented to this House. You will remember, Sir, that this Bill was brought into this House only day-before-yesterday and we were called together in a Select Committee to consider the several Acts included in the schedule yesterday and to-day we have been asked to give our assent to it. A schedule like the one appended to this Bill containing probably about a hundred Acts that had been in vogue in the Madras Presidency cannot be considered, unless local conditions are examined and their propriety and relevancy with reference to the needs, the habits and the customs prevailing in those areas are also taken into account. That is why, I say, Sir, that this Bill is being hustled through without any necessity or reason. I tried to convince the Hon. Minister in charge of the Bill of this in the course of discussions at the Select Committee, but I failed, not because there is no force or reason in what I had said, but because, as I take it, the Hon. Minister was anxious that somehow or other this Bill must become an Act before the 1st January 1950. I do not know what sanctity there is about that date. It may be that we are inaugurating the New Constitution on January 26, 1950; but that does not mean that we should do things hastily and repent later. As I said day-before-yesterday when this Bill was introduced, some of these Acts far from doing any good may do some positive harm. Therefore, a systematic examination of the conditions and the customs prevailing in those States must be done leisurely and not hustled up in this manner. My hon. Friend from Banganapalle has dealt with the conditions prevailing in that State at great length and in a very detailed manner and suggested how these conditions have to be improved. Now, even at this late stage, I would request the Hon. Minister to consider my suggestion whether the Bill cannot be postponed to a later date and whether a Committee cannot be appointed to go into the question, tour the area and submit a report. That will be more appropriate. During the course of the discussions in the Select Committee, we were taken into confidence by the Hon. Minister and certain reports from the respective Collectors and the Board of Revenue were read out to us. From what I could gather from the few sentences that were read

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out, I was led to the impression that the whole thing has not been examined either by the Collectors or by the Board in a systematic and careful manner. I am sorry to say, that their reports were very prefatory on the face of them and detailed examination could not be made by them because of the short time given to them and a more detailed and explanatory report could not be submitted by them to the Government. For instance one Collector was not in a position to say whether there was hereditary system in vogue in Pudukottai State, while another could not be definite whether a particular temple in the Sandur State was a private one or not or whether the Hindu Religious Endowments Act could be extended to those States, or what the land tenure was in a particular State."

THE HON. SRI K. MADHAVA MENON:—"On a point of order, Mr. Speaker, the proceedings of the Select Committee are supposed to be confidential and certainly the information that I gave to the Select Committee from the reports of the Collectors should not be revealed in this House, Sir."

MR. SPEAKER:—"The hon. Member is not at liberty to reveal what has taken place in the Select Committee."

* SRI N. VENKATASUBBAYYA:—"Sir, I have not revealed anything that has taken place in the Select Committee, but am simply making certain observations over what has taken place there. I think that these two things are quite different and distinct from each other. (Interruption.)

"Sir, I was telling that a more systematic and a more detailed examination of the whole matter is necessary and that a Committee should be constituted to go into the matter. Late as it is, I would once again request the Hon. Minister to consider that suggestion.

"Now, Sir, I should like to take this opportunity to make another suggestion to the Hon. Minister to bring in a new legislation apart from the Acts that have been legalised within these merged States, called the Merged States Development Bill, so as to encourage the economic development of the various merged States. That would be more appropriate, and the people who have come into our fold should be assured of their future, and of their rights and privileges in the Indian Union. There was an assurance to some such effect given on behalf of the Government by the then Revenue Minister, Mr. Kala Venkata Rao, when the State of Banganapalle was merged with the Indian Union. A legislation like the one I have suggested would be only translating the assurances given by him into a definite Act placed on the Statute Book, and that would give the people certain rights and privileges and assure them their economic development.

"There is only one other point that I wish to refer and that is with regard to the condition of the village officers. I am surprised, Sir, that even before the Village Officers' Act has been extended to these areas, many of the village officers in the States have been served with notices that they must quit office and that

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a regrouping of villages is going to be effected. You will see, Sir, that more than two-thirds of the village staff will be put out of employment thereby and there will surely be a great uproar. This is quite unjust and I want that in applying the Village Officers' Act, more humane, liberal and generous considerations should be shown and that the entire question should be re-examined and the proposals of the Government to oust them should be dropped, altogether."

SRI M. S. PATTABHIRAMIAH:—"Mr. Speaker, Sir, I wholeheartedly support this Bill. This merging of the three tiny but historic States in the south, with the Indian Union is a consummation devoutly to be wished. Sir, one of the previous speakers mentioned about the great mineral wealth of the Sandur State and the wealth of diamonds lying buried underneath the Banganapalle State. But so far as the Pudukottai State is concerned, I know that it has also a great wealth within it, not the material wealth hidden underneath the earth of the other two States, but a more valuable and a more vital wealth, namely, the wealth of culture and of art. That is the window which opens up the gateway of knowledge into the ancient history of our Province of Madras. If the archives of the Pudukottai State had been kept up in a proper state and if they had been cared for all these years, we would have been able to find therefrom the real history of the very foundation of the British rule in this Province."

MR. SPEAKER:—"The hon. Member is speaking as if we are on the first reading stage of this Bill. The Bill has now emerged from the Select Committee and he should speak on what it contains."

SRI M. S. PATTABHIRAMIAH:—"I really appreciate the investigations which have been made by the Government and the energy that has been put in by the Hon. Minister in bringing forward a legislation of this kind and I feel that this Bill is very necessary. If there are any other Acts which ought to be extended to these States, I am sure, the Government would include them also in the Schedule.

"Sir, I was very pleasantly surprised to learn that the pre-British system of land tenure is still in vogue in the Pudukottai State. I am sure that the Government would study that system very carefully and note the really beneficial features of it and in introducing any land reform in this Province, to which we are so eagerly looking forward, I am sure they would embody those beneficial features in that reform.

"Further, I find that there are practically no village officers at all in the Pudukottai State. The present system of village administration through village officers, which we have in other districts is not vogue in that State. There are only very few village officers in one or two villages on the border and this, I think, has been copied from the system prevailing in the neighbouring districts. Sir, originally most of our villages in South India

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from the ancient days were in the nature of communes and the village officers were simply the servants of the village carrying out the necessary functions appertaining to the needs of the people. Now that system has become defunct in this Province, but in certain parts of the Pudukottai State they have still preserved that ancient system, and if they had become extinct in some other places, still the outline is there. Now, some of the other Acts that are in force in this Province should also be extended to Pudukottai and other States and I am sure this would not do any harm to the people in these States. I am also sure that these three States will not become liabilities to our Province. They will form part and parcel of this Province and they will certainly evolve and develop in the natural course of things and become an organic whole with the people of this Province.

"With these words, Sir, I wholeheartedly support the Bill and I think it is necessary that it should be passed as early as possible."

SRI K. KOTI REDDI:—"Mr. Speaker, Sir, in supporting this Bill I must congratulate both the Government and the people of the States. Sir, I would not have intervened in this debate but for the fact that my hon. Friend, Mr. Venkatasubbayya, thought that some of those Acts that are mentioned in the Schedule are going to do a great deal of harm to the people of the States.

"It may be so, but there is no reason why these laws should not be made applicable to Banganapalle and other States also. If Mr. Venkatasubbayya and others will fight and see that the Acts are repealed, not only Banganapalle, Sandur and Pudukottai States will be benefited but the whole Province will be benefited. I want to tell him that he cannot have it both ways. You cannot have 'heads I win and tails you lose.' With what little knowledge of these States I have, I must say that the States people must be congratulated on their merger with this Province. This has been brought about by the great act of our Deputy Prime Minister of India. I may claim to have some intimate knowledge of one of these States, namely, Banganapalle and a partial knowledge of Sandur. I know what has been happening in the State for a very long time. One of the old Nawabs was a very nice man, and one of the excellent men one could come across. But he was too charitable. Whoever went to him was never refused the amount that he wanted. If anybody went to him for money for his daughter's marriage or son's marriage, he would simply ask 'what do you want', and if the person asked for Rs. 500, he would say 'have it'. The result was that he had to resort to money-lenders. He did not resort to money-lenders directly but through the agencies who charged something like 10 to 15 or even 20 per cent commission for getting money. I know that one of my own relations was mulcted to a very large extent. He got only two annas in the rupee for the loan he advanced to the Nawab. Though Banganapalle is a State of 56 villages, still the ruler was the sovereign of his State. Just as the Sultan of Johore could not be sued in his own court, the

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Nawab could not be sued. Then, the British Government intervened and made a generous settlement, as a result of which a sum of 2 annas in the rupee was paid to the creditors. The Nawab then resorted to some subterfuge methods for getting the money he required."

MR. SPEAKER:—"I wish to know from the hon. Member whether he is aware that we are discussing the select committee's report on the Bill."

SRI K. KOTI REDDI:—"I just wanted to mention that if there were to be any benefit by the merger, the States must also be subject to any disadvantages by the merger."

SRI N. VENKATASUBBAYYA:—"On a point of personal explanation, Sir: What I said and meant to say was that I was not against the application of the Acts as such, but that a more leisurely and systematic consideration was necessary. This my hon. Friend Mr. Koti Reddi will kindly remember."

SRI K. KOTI REDDI:—"Nothing is lost, Sir. It can be amended later on if necessary. Having lost all the disadvantages of personal rule in the States, the people should not mind the disadvantages as a result of the merger. Land assessment in Banganapalle is very high, I know. I know there is very valuable land in Banganapalle. But the assessment of Rs. 4 or Rs. 5 per acre is too big an amount, even in estates which contain very valuable lands. In Sandur State there are manganese mines. I had occasion to involve myself in these manganese mines. I did not lose heavily, but I lost something. The mines are very valuable. With these mines, you can convert the Sandur State into a beautiful place. It has rivers and good water-supply. Banganapalle State also is like this. I think they have already repaired a very big tank which was breached some 20 years ago. One fact I want to bring to the notice of the Government, and it is this. In these small States, in the administration of justice, officers used to take bribes from the parties. In this connection, I had an unhappy experience. Of course that gentleman is dead. In an appeal filed against his decision, for ten years nothing was done. The appeal was not disposed of for ten years. I do not want to mention the reasons. Again the British Government had to interfere and appoint a Sessions Judge from their own courts. With the consent extracted from the State, the appeal was disposed of. I wish to bring to the notice of the hon. Member Mr. N. Venkatasubbayya that whatever disadvantages there may be by the merger of these States with this Province, they do stand to gain a great deal by this merger."

* THE HON. SRI K. MADHAVA MENON:—"Sir, the hon. Member Mr. P. Venkatasubbayya asked why the Endowments Act had not been made applicable to Sandur. In fact I have given my explanation why the Endowments Act has been made applicable to Banganapalle and Pudukottai and not to Sandur in the Select Committee and I find only members of the

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Select Committee spoke on this Bill. The position is this. As far as Pudukottai and Banganapalle States are concerned, the provisions of the Hindu Religious Endowments Act have been extended to them. In the case of Sandur State, we are not extending it, because in the Sandur State there is the State Proclamation of 1948 which relates to five of the temples in that State. According to the merger agreement between Sandur State and the Government of India, this power still vests in the Sandur Ruler. We have been in correspondence with the Government of India whether that portion of the merger agreement cannot be cancelled. Because the merger agreement is between the Government of India and the Sandur State, we must respect that Proclamation. We cannot immediately extend the provisions of the Hindu Religious Endowments Act to that State. So this Act has not been made applicable to Sandur alone. But this Act is applicable to Banganapalle and Pudukottai. The hon. Member Mr. Kaleswara Rao said that the economic condition in the States should be improved. All the Acts which would improve the economic condition of this Province will apply to the States also. The Charitable Trusts Act also has been made applicable.

"The hon. Member Mr. Venkatasubbayya from Kurnool is very unhappy. I cannot help it, Sir. He says that there is unseemly haste with regard to this Bill. The hon. Member Mr. Koti Reddi has answered him, and I cannot explain better. If these Acts are doing harm in our Province, let us try to remedy them in their working in the merged States. If there have been mistakes in the working of these Acts in this Province, we shall correct them in the States by working these Acts properly. We want to have the same position in all laws in the Province and in the States for purposes of uniformity. It is not correct to say that we had not examined these Acts. As a matter of fact, when we got the communication from the Ministry of Law, Government of India, saying that it is necessary that the Merged States Laws specified in the Schedule to the Bill will not be fully effected, and corresponding supplementary legislation by the Provincial Legislature will be necessary, we examined all the Acts one after another. The Government of India requested this Government that on the same day when the Central Acts became applicable to the States, that is, 1st of January 1950, the Provincial Acts should also come into force. We have been examining all the Acts one after another. Sectional notes were prepared to consider the necessity of extending each and every Act. Our examination of the Acts is not complete, and it may not be possible to bring all the Acts into force in the merged States on the 1st January 1950, as required by the Government of India. The Government of India passed their Bill four days ago, and made the Central Acts applicable to the merged States. We are also attempting to do the same and pass this Bill into law. Certain amendments have been given notice of by Mr. Swaminathan. He suggested the same amendments at the Select Committee stage. He said that he was not completely

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satisfied with this Bill. He wants that the Madras Estates Land Act, 1908, should be made applicable to Pudukottai State. It is simply impossible at this stage for this reason. According to the Board's report, the Jagirs in Pudukottai State have been resumed and merged in the ryotwari area of the State and the major Inams in the State area do not correspond to the estates in the Madras Province. The ryots in Pudukottai have no occupancy rights. It has therefore been considered that it is unnecessary to extend the Estates Land Act to Pudukottai. Mr. Swaminathan wants to give occupancy rights to the tenants. The Estates Land Act gives occupancy rights to tenants who were in existence in 1933. How are we now to find the tenants of 1933? It is not possible. So, I said that we were examining the position. The examination is not complete. There has been no settlement there. We want to examine the land tenure there completely and try to give occupancy rights. These things cannot be done by merely extending the provisions of the Estates Land Act. I do not want to take a leap in the dark. What will be the consequences of extending an Act which will not be applicable to the State? As things stand, it will have to be examined very closely. Mr. Venkatasubbayya was saying that I was hasty. Mr. Swaminathan says that I have not gone far enough. My appeal to Mr. Swaminathan is, unless he wants to impress on the Government the necessity for it, there is no necessity for moving his amendment.

"The hon. Member Mr. Kaleswara Rao referred to Forest laws in Sandur State. All the Forest laws are being made applicable by this Bill to Sandur State. I have seen Mr. Seethi Sahib's amendment. I have told him that his amendment is covered by the Act passed by the Central Legislature, and there is no necessity for his amendment."

MR. SPEAKER:—"The question is—

'that the Madras Merged States (Laws) Bill, 1949, as reported by the Select Committee be taken into consideration at once.'

The motion was carried.

The Preamble and clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 were put and carried.

The First Schedule.

MR. SPEAKER:—"The motion is—

'that the First Schedule do stand part of the Bill.'

SRI R. V. SWAMINATHAN:—"Sir, I move—

'that in the First Schedule under the heading "Madras Acts"—

"for the entry in column (1) relating to Acts IV of 1866 and VIII of 1869, the words 'and Pudukottai' be added after the word 'Banganapalle'."

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Sir, my amendment is a very simple one. In the First Schedule, these Acts have been extended to Banganapalle State. The Banganapalle State is given the privilege of having the benefit of the Madras Enfranchised Inams Act, 1866. It is also given the benefit of the Madras Inams Act, 1869.

"But this benefit has been denied to other States. What I want by this amendment is that the Inam Acts should be extended to Pudukottai. The Hon. Minister for Law, while presenting the Select Committee report and also while replying to criticisms, anticipating my amendment, gave some reply to my amendments and wished that I might not insist on my amendments. I very closely and carefully followed his speech but he could not convince me because his points in support of the Government's stand were not correct. He says that the inam system requires proper and further investigation and the Government have not completed their investigation of what sort of inams are in existence at present in Pudukottai. So, they are not in a position to extend this Act to Pudukottai. Sir, when we were discussing in this House the Zamindari Abolition Bill and also the Rent Reduction Bill which were connected with the inams, this question came up and several hon. Members pointed out that there were different kinds of inams and therefore they should not be included in those Bills. But the Hon. Mr. Kala Venkata Rao, the then Revenue Minister, pointed out that though there might be different kinds of inams in the Province, they had been properly investigated by this Government, by Mr. Prakasam who was in the Government which existed in the year 1939 and also by the Justice Party Government before 1936. So, three times it had been investigated. If I remember correct, investigation was also made during the Advisers' Regime. So, Mr. Kala Venkata Rao contended that the necessary data was available and no further investigation was necessary to include the inams in those Bills. (Interruption by Mr. M. A. Muhammad Ibrahim.) Now the Hon. Minister says that it still requires investigation. I want to know whether any Act which we have passed and will pass after August 1, 1949, will apply to all these merged States. There is the Panchayat Bill, for instance, which we are going to pass to-day. Has any investigation been made about the prevailing panchayat system in the States? We are considering the Hindu Religious Endowments Bill also. It will come up from the Joint Select Committee and will be passed by this House. Have the Government investigated what sort of temples or religious endowments exist in the States? Our idea and that of the Central Government is that there should be a uniform system of rule in this country. If we pass a Bill now, will it apply to the States? For example, the Zamindari Abolition Bill was passed a few months before the merger. Suppose it was dragged on for some time and was passed after the merger. Then what would be the position? Would it apply to the States?

"Sir, everybody admits that different kinds of inams are there. So, this Inam Act should be applied very carefully.

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When we considered the Zamindari Abolition Bill, Mr. Kala Venkata Rao wanted that all sorts of inams should be included in it without reservation. Some Members contended against it. But on account of the pressure exerted inside and outside the House, finally 1936 inams were removed. But all the other inams were included in the Zamindari Abolition Bill. So, we have considered this question even then. I do not see any point in the Hon. Minister's saying that further investigation is necessary.

"Sir, Pudukottai was not outside the Indian soil when it was merged with this Province. It was a part of Tamil Nad. There is one village called Keelasevalpatti; a portion of it belongs to Ramnad district and the remaining portion to Pudukottai State. There are inams in both parts. After the Bobbili Act of 1936, the ryots in the Ramnad district border are enjoying the occupancy rights which were denied to the ryots in the State border. All the people were expecting that after India attained Swaraj, all the States would go and they would also get the benefit of occupancy right. Hon. Mr. Sardar Patel, our Deputy Prime Minister, when he requested the then Maharajah of Pudukottai to accept the merger, said 'In the interests of the people I advise you to agree to this merger'. That was the advice given by him and very gracefully accepted by His Highness. We thought that with the merger of the State the entire benefit in the Inams Act would go to the people in the State."

MR. SPEAKER:—"Let the hon. Member conclude his speech."

SRI R. V. SWAMINATHAN:—"I shall conclude soon, Sir. When the Government are not extending this Act, they cannot satisfy the people. The people are already discontented that they are not getting any beneficial measures. I assure the Hon. Minister, Sir, that this is the only measure which will benefit the entire population. Therefore, I request the Hon. Minister to accept my amendment."

* SRI T. VISWANATHAN:—"Sir, I second the amendment moved by Mr. R. V. Swaminathan. I support the very able and informative arguments put forward by him. He has taken us into the whole history of the inam tenure. Unfortunately Mr. Madhava Menon suffers from his being a lawyer. Being a lawyer, he thought that there was something in these Acts and there was no point in extending them to Pudukottai. That has always been the complaint against lawyers. They always want to see the *pros* and *cons* of the case. (Laughter.) What harm is there in extending these Acts? If no tenants come under the operation of the Acts, it does not matter. Therefore, Mr. Swaminathan is right in his arguments and the Acts may be extended." (Loud Laughter.)

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MR. SPEAKER:—"Amendment moved—

'that in the First Schedule under the heading "Madras Act"—

"For the entry in column (1) relating to Act III of 1866 and VIII of 1869, the words 'and Pudukottai' be added after the word 'Bangnapalle'."

THE HON. SRI K. MADHAVA MENON:—"Sir, I suggest that Sri Swaminathan may move all his amendments together because the same arguments will be adduced in regard to the other amendments also."

MR. SPEAKER:—"It is not parliamentary and it cannot be done."

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, I wish to intervene in the debate only in order to point out how far from the subject we are in a matter like this. The Acts that Mr. Swaminathan wants to be applied to Pudukottai State are two, one dealing with the enfranchisement of inams and the other dealing with minor inams. These are not the inams which Mr. Swaminathan has in his mind. He thinks that whole inam villages have been created by these Acts and the later Act of 1908. He thinks that if these Acts are extended, the whole inam villages will immediately come under the control of the Government of the day. I wish that we prepare our briefs better and come with first-hand information on every subject on which we wish to move amendments. It will be a very strange precedent to take a leap in the dark. He asks why not apply the Zamindari Act or some other Act and says that if it is done, the people of Pudukottai would be saved from all evils. The Zamindari Abolition Act specifically says that whole inam villages alone to which the Act of 1908 would be applicable could be abolished, and the inams of 1936, though they may not come within the purview of the Abolition Act, will at least come under the purview of the Rent Reduction Act and those people will be given the benefit of that Act. If the tenure in Pudukottai does not create whole inam villages and if the earlier Acts passed by the Madras Legislature in 1908 and in 1936 cannot be extended to Pudukottai, even if Sri Swaminathan's wish were granted, I tell you he would not take the blessings of this House to the people of Pudukottai. He thinks that our blessings can be so easily purchased by a word or two. Let me remind him that even if all his amendments were accepted and incorporated into this Bill and this Bill is passed into an Act, the people of Pudukottai would not benefit for the simple reason that the inams under the Act of 1908 or that of 1936 are not the same as those which he has in his mind. Sir, he is a strange student; he has something in his mind." (Laughter.)

MR. SPEAKER:—"Order, order. It is a personal attack on Sri Swaminathan."

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SRI N. S. VARADACHARI:—"I am not attacking, Sir. I am rather praising him. (Laughter.) The thing is this. He starts his study with some impression which is in his mind. Then he finds at the end of the day that his studies do not exactly become applicable to the points that he has on hand. Unfortunately, that is the position and that is why this amendment cannot be accepted. It cannot fit into the scheme of this Bill."

THE HON. SRI K. MADHAVA MENON:—"Sir, apart from the reasons suggested by Sri Viswanatham that being a lawyer I am labouring under a difficulty and also the other difficulties pointed out by Sri Varadachari, I cannot accept the amendment of Sri Swaminathan for this reason. As I said yesterday in the Select Committee, Sri Swaminathan was an authority on Pudukottai inams and zamindari matters. He knows the conditions in Pudukottai very well. But the difficulty is that I do not know as well as he knows. Though I certainly agree with him that the ryots there are labouring under difficulties and they must be given protection as the ryots in other parts, I cannot, as Sri Varadachari said, take a leap in the dark. Neither myself nor the Revenue Minister, Sri Sitarama Reddi, knows the conditions there so well as Sri Swaminathan. So my only request is 'Give us sufficient time to understand the conditions at least from Sri Swaminathan or from the information given by our officers.' Rather the officers themselves are not fully conversant with the facts to advise us whether these laws can be made applicable to Pudukottai. So, my only prayer is 'Give us the breathing time'."

* SRI R. V. SWAMINATHAN:—"Mr. Speaker, Sir, I have to thank the Hon. Minister for Law, as he at least appreciates my point, and has explained certain difficulties which stand in the way of his accepting my amendment. But I cannot understand the logic of the Hon. Sri Tenneti Viswanatham and also that of Sri N. S. Varadachari for this reason. I know that all along they were advocating the rights of inams and inamdars and all along were opposing the rights and interests of the inam tenants. That everybody knows."

MR. SPEAKER:—"I allot only three minutes to the hon. Member. He may finish his speech within that time."

SRI R. V. SWAMINATHAN:—"If Sri Tenneti Viswanatham wanted to oppose the amendment, he could have done that in some other way and not by first seconding the amendment and talking in the way that he has done. It is not an honest way of dealing with the matter. I really expect something better from men like Sri Tenneti Viswanatham. Sir, I know that lawyers can argue cases for both sides. Here, if anybody wants them to write a plaint and gives them money, they will receive. If the opponents come and offer higher fees, immediately they will accept that also and do the job for them. (Laughter.)"

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However, in view of the assurance given by the Hon. Minister that he will investigate into the matter and after investigation he will consider applying this, I withdraw my amendment."

* SRI T. VISWANATHAM:—"Sir, on a point of personal explanation. Let Hon. Sri R. V. Swaminathan cool down. I certainly seconded the amendment of Sri Swaminathan. I only said that if it is felt that this legislation is to be extended to Pudukottai and if there are inams there to be covered by the legislation, then it would be all right. That point, Sri R. V. Swaminathan did not appreciate as usual." (Laughter.)

The amendment was by leave of the House withdrawn.

* SRI R. V. SWAMINATHAN:—"Sir, I move—

'that after the entries relating to Act III of 1905, the following be inserted:—

"Do. 1908. I, the Madras Estates Land Act."'

Sir, I need not make any speech over this as I have already mentioned some of the points. I would like to know whether the Hon. Minister will accept this amendment."

SRI N. VENKATASUBBAYYA:—"I second the amendment."

MR. SPEAKER:—"Amendment moved—

'that after the entries relating to Act III of 1905, the following be inserted:—

"Do. 1908. I, The Madras Estates Land Act."'

THE HON. SRI K. MADHAVA MENON:—"For the same reasons on which I opposed the first amendment of Sri Swaminathan, I cannot accept this amendment also. As the Government are not yet fully aware of the conditions of the State, we cannot accept the amendment."

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

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

'that in the First Schedule under the heading, "Madras Acts" omit the entries relating to Act VI of 1932.'"

MR. SPEAKER:—"The question is—

'that in the First Schedule under the heading, "Madras Acts" omit the entries relating to Act VI of 1932.'"

The amendment was carried.

* SRI R. V. SWAMINATHAN:—"Sir, I move—

'that after the entries relating to Act XXVI of 1947, the following be inserted:—

"Do. 1947. XXX, The Madras Estates Land (Reduction of Rent) Act."'

Sir, whatever the argument and feeling may be, I think the plea that the Government are not fully aware of the conditions,

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etc., will not stand in the way of accepting this amendment. This is intended to reduce the rent which is at present existing in the estates not only in the inams but in other areas also. The question of investigation does not come here. Sir, whether it is a zamindari area, or an inam area or a non-inam area, the benefits should go to the ryots of the State. I do not think that the Hon. Minister will oppose this and I hope he will find his way to accept this amendment at least and give the benefits to the people of not only Pudukottai but of Banganapalle and Sandur also. This is a more important amendment and I request the Hon. Minister to accept it."

SRI A. KALESWARA RAO:—"Sir, I second the amendment moved by Mr. Swaminathan wholeheartedly. Of course, there should not be any confusion between minor inams and major inams as was done in the previous speeches. I do not want to go into that question. If there are any estates in the merged States in the sense contemplated under the Madras Estates Land Act of 1908 with subsequent amendments which are now incorporated in the Zamindari and Estates Abolition Act, then really at least the rent reduction should be given to the ryots. With regard to abolition, that is a different matter. They may extend it later. But, if there are any estates in the sense contemplated under the Act coming under the purview of the Act according to the definition of the Act, then immediately the Rent Reduction Act should be extended to these estates and the rents that the ryots in those areas are at present paying should be reduced."

MR. SPEAKER:—"Amendment moved—

'that after the entries relating to Act XXVI of 1947, the following be inserted:—

"Do. 1947. XXX'. The Madras Estates Land (Reduction of Rent) Act."'

THE HON. SRI K. MADHAVA MENON:—"Sir, I cannot accept this amendment when we have not accepted the second amendment moved by Sri Swaminathan, relating to the application of the Madras Estates Land Act. We have rejected that amendment. So, when there are no estates, I do not know how we can apply the Madras Estates Land (Reduction of Rent) Act. Hence, this amendment will automatically fall."

The amendment was by leave of the House withdrawn.

JANAB K. M. SEETHI:—"Sir, as the Hon. Minister for Law explained to the House, the necessity for my amendment is obviated by the Central Act which was passed day before yesterday. I was not aware of the passing of that Act when I tabled my amendment. By the Central Act, the Muslim Personal Law (Shariat) Application (Madras Amendment) Act would be *ipso facto* applicable to the merged States also. Hence I do not find any necessity for moving my amendment."

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The First Schedule as amended was then put and carried.

The Second Schedule was put and carried.

THE HON. SRI K. MADHAVA MENON:—"Sir, I move—
'that the Madras Merged States (Laws) Bill, 1949, as amended, be passed into law.'

Sir, I have to say one thing. Sri N. Venkatasubbayya referred to the report of the Collector of Tiruchirappalli and said that the Collector has reported that he does not know the existence of the hereditary system in the villages. That is not what he has reported. He has reported that there are some villages which are hereditary and some villages which are not. I think the hon. Member should not have referred to this at all, and if, however, he has to refer, he could have done it correctly. Anyhow, this matter has been fully discussed and I have nothing more to add about the necessity for making this legislation."

MR. SPEAKER:—"Motion moved—

'that the Madras Merged States (Laws) Bill, 1949, as amended, be passed into law'."

* SRI R. V. SWAMINATHAN:—"Sir, some of my amendments have not been accepted by the Hon. Minister, some were opposed by Mr. Viswanatham and Mr. N. S. Varadachari and some I have not moved myself. Anyhow, the Hon. Minister while explaining certain difficulties, has agreed that my amendments were in order although they could not be taken up immediately for some reasons. He never said that these should not be applied at all. So, my only request to the Hon. Minister is that he may investigate into the matter immediately. I am worried that the Government should do some beneficiary measures to the people of Pudukottai. Only by extending these Acts, particularly the Inam Act, the Government can do some justice to these people. I hope the Hon. Minister, although he may not be able to give a time-limit, will say within how many months he will be able to complete the investigation and see his way to apply these Acts to the State."

* SRI A. KALESWARA RAO:—"Sir, I want to say one word at this stage. Of course, I said that in the merged States, rent reduction should be applied. The Hon. Minister was right when he said that when there is nothing like estates, rent reduction could not be applied. But what I want to urge upon him is that in all cases—whether zamindari or inam villages—even though the Government may not extend the Madras Zamindari Estates (Abolition) Act to these merged States, yet they must take immediate steps to reduce the rents paid by these tenants to their landlords by whatever name they are called, whether they are estate-holders, zamindars or inamdars. By whatever name they may be called, if there are intermediaries between the Government and the ryots and if the ryots are paying rack rents and high rents to these middlemen, then the Government should take urgent steps by way of introducing a legislation in the next session to reduce the rents to the level of the ryotwari tracts."

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* SRI N. VENKATASUBBAYYA:—"Sir, I am sorry that there has been some misunderstanding about what I said in the course of my speech. What I exactly meant and what has not been exactly understood was that a systematic and careful consideration and examination of the various issues involved in the application of these Acts must be made. That is what I meant. With reference to the Collectors' reports, I was only saying that they are not complete and I gave one or two instances. I do not see anything wrong in having referred to that. I think the Hon. Ministers should have accepted that explanation and not referred to that at the third reading stage. I am glad that this Bill is about to become law and that the merged States would soon be on a par with the Indian Union territory. As some hon. Members have expressed their anxiety, let me also say that the mere application of these Acts would not do. What is most important is that these Acts must be applied in a systematic manner and with reference to local conditions and we must see that something really good is done to the people instead of these being merely placed on the Statute Book."

* SRI P. VENKATASUBBAYYA:—"Mr. Speaker, Sir, I am glad that at last on this happy day we have become part and parcel of this Province. My hon. Friend, Mr. Koti Reddi, in the course of his speech said that while we wanted all the beneficial things, it was our desire that all the disadvantages and difficulties should be borne by the people of Madras, excluding our place. It is not our intention nor did I make that point. What I said was that we should be looked after sympathetically and in a more considerate manner. The conditions obtaining in our place are peculiar and so proper attention should be bestowed on the present state of affairs. The Hon. the Minister said that the Hindu Religious Endowments Act which has not been extended to Sandur so far, will shortly be extended. Sir, my request is that this must be done expeditiously because if it is delayed any more there is every possibility of the Ruler of Sandur claiming the entire thing as his private property. These are the points I wanted to stress and having done so, I now wholeheartedly support the measure."

* THE HON. SRI K. MADHAVA MENON:—"Sir, Sri Kaleswara Rao wanted that immediate relief should be given to those ryots who are obliged to pay rack rents in Pudukottai. After due examination of the tenures we shall try to bring in remedial measures as quickly as possible. As I said, Sir, the Estates Land Act and the Enfranchised Inams Act could not be applied to Pudukottai because there is no enfranchised ryot there now existing. My hon. Friend, Mr. Venkatasubbayya raised some points. I may inform him, in fact he knows, that every one of the Acts which are now being made applicable to the merged States was duly examined and it is only after thoroughly satisfying ourselves as to their *pros* and *cons* that it was decided to extend them to those places. If, in doing so, one or two Acts have been left out, it is not because that our examination was not there or complete, but because, on a thorough examination and after

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thorough discussion, we were not convinced as to their *pros* and *cons*. So, we have included many things and the rest if any will, I may assure hon. Members, definitely be taken up. We shall examine them as quickly as possible—let there be no fear about it—and see that all relief possible is given to the people in the merged States.”

MR. SPEAKER:—“The question is—

‘that the Madras Merged States (Laws) Bill, 1949, as amended, be passed into law.’”

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

(2) THE MADRAS VILLAGE PANCHAYATS BILL, 1949—*cont.*

Clause 1 was put and carried.

Clause 2.

MR. SPEAKER:—“The motion is—

‘that clause 2 do stand part of the Bill.’”

* SRI T. VISWANATHAM:—“Sir, I move—

‘that sub-clause (19) be deleted.’

Sir, I have seen that these private roads have practically become obsolete even in the municipal areas. I think this is an unnecessary provision especially when we have roads to which the public have no access and over which neither the municipality nor the Government have any right. If those roads are accessible to the public, then there is point in the definition. This is a small amendment and there cannot be any difficulty for the Government in accepting it.”

SRI M. G. NATESA CHETTIYAR:—“I second it.”

MR. SPEAKER:—“Amendment moved—

‘that sub-clause (19) be deleted.’”

THE HON. SRI K. CHANDRAMOULI:—“Sir, we have defined the public road and, therefore, have defined the private road also. That is all the intention. So, there is nothing that is going to be encroached upon, and the definition is purely supplementary. I cannot therefore accept the amendment.”

* SRI T. VISWANATHAM:—“Sir, I have not been able to make myself clear to the Hon. Minister. If the Hon. Minister has not appreciated my point I do not mind withdrawing my amendment.”

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

Clause 2 was put and carried.

Clause 3.

MR. SPEAKER:—“The motion is—

‘that clause 3 do stand part of the Bill.’”

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SRI T. VISWANATHAM:—“Sir, I move—

‘(1) that in clause 3 (1) (i), for the word “hundred”, the word “thousand” may be substituted.

‘(2) that in clause 3 (1) (ii) the words beginning with “a revenue village” in line 1 and ending with “any” and the words “village or” in line 2 may be deleted, and the word “thousand” for the word “hundred” in line 4 be substituted.’

“After incorporating my amendment, if accepted, the clause would read:

‘The Inspector, shall as soon as may be after the commencement of this Act, by notification—

(i) declare every revenue village with a population of not less than five thousand to be a village for the purposes of this Act and specify the name of such village;

(ii) group contiguous revenue villages so that the total population of all the revenue villages so grouped is not less than five thousand, declare the revenue villages so grouped to be a village for the purposes of this Act, and specify the name of such village.’

The amendment is now made clear. The Hon. the Minister has provided that each village or group of villages with a population of 500 should be treated as a unit, as a revenue village for purposes of this Act. I submit, Sir, that a village or a group of villages having a population of 500 cannot have more than about 200 adults and it will be an uneconomic unit for purposes of administration and no useful work can be actually undertaken by the panchayats. The small panchayats lying closely contiguous may not have sufficient co-ordination because the people of one village may talk of one thing and another smaller village consisting of 500 people and less may think of something else and there will be no co-ordination of the work executed. Even from the economic point of view, all the available resources in such small villages will be of such a small magnitude that no work can really be undertaken. Therefore, there is every need for making the villages efficient and economic units. The villages must be grouped in the way suggested by me, if the Government want to realize the object with which this Bill has been introduced. I quite agree with the Hon. Minister that the villages must be made to stand on their own legs. But, unless we create conditions, unless we form a unit which is sufficiently self-supporting, this object cannot be realized. I move the amendment for the reasons I have mentioned just now and hope that the Government will accept it.”

SRI P. KANDASWAMY PILLAI:—“Sir, I second the amendment. The object of this Bill is to give Swaraj to the village people, and to train them to shoulder responsibility and live a life of freedom and happiness in their villages. Therefore, if you disintegrate every village into groups of 500 people, really, you will be creating quarrels in the village instead of bringing about harmonious feeling and brotherly affection. When you separate a unit, the neighbouring man will have his own interest to look after. Every panchayatdar or the member of the panchayat will be interested in his own panchayat. So, local

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patriotism will grow and so also misunderstanding. There will be no harmonious growth. Now you have introduced a number of taxes. This will be a great shocking surprise to the villagers. They are now leading a happy life and you now call them, give them some small powers and shove on their shoulders a number of taxes, which they had never dreamt of. The village people are going to be invested with vast responsibilities—administration of civil and criminal powers, etc. More than 85 per cent of the village-folk are illiterates. If they want to write a letter they must seek the help of the village karnam and you have not included the karnam in the panchayat whereas the village munsif who is not well educated but wealthy finds a place in it. Now this is quite enough to create trouble in the villages. Therefore, what I say is, if you group small villages with a population of 500 and less, you will not be able to carry on the administration, you will not be able to collect the taxes, and the whole scheme will become impracticable and a nuisance to execute. I am sorry that even the Select Committee did not go into this matter. A small village which cannot pay a tax of even Rs. 25. . . .”

MR. SPEAKER:—“The hon. Member need not repeat his arguments.”

SRI P. KANDASWAMY PILLAI:—“I would very much like the Hon. the Minister to come forward with an amendment at this stage at least to set right this aspect of the case.”

MR. SPEAKER:—“Amendment moved—

‘(1) that in clause 3 (1) (i), for the word “hundred”, the word “thousand” may be substituted.

‘(2) that in clause 3 (1) (ii), the words beginning with “a revenue village” in line 1 and ending with “any” and the words “village or” in line 2 may be deleted, and the word “thousand” for the word “hundred” in line 4 be substituted.”

SRI K. LINGA RAJU:—“Mr. Speaker, in rising to support the amendment before the House I would like to state that a village with a population of 500 cannot be an economic unit. There are some villages in which the population is 500 or 600 and even if these are grouped into one unit, they will not be able to meet even the preliminary expenses of administration. The only tax they can raise at present is the house tax and all huts are exempted from this tax. Since there will be only a few houses that may come under the Act, the revenue may not be much and we cannot achieve anything. Therefore, I request the Hon. the Minister to accept the amendment. If he cannot accept it, let him at least have the population at a higher level but certainly not 500.”

* SRI N. S. VARADACHARI:—“Mr. Speaker, Sir, I am glad to be able to support the amendment, though I think it does not go far enough to meet my point of view. I know the scheme of the Bill. It is that each revenue village should have a panchayat and even if a revenue village has only 500 people, it will

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have a panchayat. So this Bill will simply produce what I may call, numerous panchayats, but ineffective and bloodless. That is to say the hen of Government is laying sterile eggs all over the Presidency.”

MR. SPEAKER:—“The hon. Member may continue his speech in the afternoon.”

The House then adjourned for lunch.

(After lunch—2-30 p.m.)

* SRI N. S. VARADACHARI:—“I wish only to point out two things, Sir. The first is that if a panchayat with a population of five hundred were formed, what would be the actual consequences? You will have, I suppose, a minimum of five members and the voters will be about 20 to 30 for each ward. This amounts to an election on the village pial. In fact it is very very hard to have small electorates and members elected therefrom for purposes of panchayat administration. If the village was not divided into wards, and the whole of the village can elect the president, members and etc., I can understand it would have some case. It would have no case whatsoever if even here a division is made and members elected on the basis of such division.

“Then, Sir, what would such a small panchayat mean relatively to the public interest of the place? It would mean, as I have already said, a very fruitless thing, an endeavour almost still-born. There will be no funds left for purposes of beneficial works, neither capital work can be undertaken in the very limited sense of the term nor would there be sufficient funds left for the maintenance of the works already complete. If the unit were bigger and covers at least a population of about five thousand, perhaps three revenue villages or even four in some areas, then what would happen is a certain measure of general popularity would be assured to the members of the panchayat and the president elected direct as proposed in the Bill. Then again look at the implication. Even the 12½ per cent taxes from the three or four villages put together would give at least some amount. That is not enough from my point of view. To make a small panchayat function with a paltry revenue would literally mean strangling the panchayat at the very birth. If you accept the amendment of my friend, Mr. Viswanatham, it would have enough funds to work and get on with at least maintenance work on what has already been done. On the other hand it would mean retrogression if we made the panchayats very small and ineffective with the district boards retained all over as at present. Some amount of work can be done by the district boards even with their present limitations. But no work can be done by the panchayats contemplated under this Bill, especially in the dry districts. That is the effect of the Bill. That is why, Sir, I plead for an entire change in the scheme of the Bill. But it cannot now be thought of. I quite see that. But members like me should express what is in our minds in order that Government may at

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review the position later on, retrace their steps and make the path clear for the progress. A bigger unit than what is contemplated in the Bill and the district boards taken out altogether would give more finance than they can get under this Bill. I would go further and plead for giving power to such panchayats to raise loans, float debentures on the strength of the security of the land revenue transferrable to them. Then I say they would be in a position to undertake tolerably major works like water-works or drainage or good roads and so on and be able to maintain them, once they have made these amenities for the public. This is what I wanted to say, Sir. These arguments are clear and the Hon. Minister can easily understand them. In fact formation of village panchayats and the resuscitation of rural life through the medium of these village panchayats is what we are striving for."

SRI M. P. GOVINDA MENON:—"Speaker, Sir, I support the amendment of Mr. Viswanatham. In my speech at the stage of the second reading of the Bill I congratulated the Hon. Minister for having introduced this Bill and also for having thought of decentralization of powers of administration to the villages. As I have said, we are carrying this decentralization with a vengeance to the other extreme. If you have panchayats for villages with a population of 500, what would be the position of these panchayats."

MR. SPEAKER:—"As there are number of amendments, I am allowing only five minutes to each speaker."

SRI M. P. GOVINDA MENON:—"I shall finish soon, Sir. In addition to the financial and economic grounds advanced by members who supported this amendment, I would ask the Hon. Minister what would be the position of the village which is to become a panchayat under this Act, with a population of only five hundred. Supposing there were five persons in each house, there would be only a hundred houses in such a panchayat. What would be the nature of income that they would get by taxation? Will it be sufficient to run the panchayat administration? Another most important factor is human material, and village leadership. There must be sufficient leaders of the village to be able to run the panchayats. Is the Hon. Minister prepared to say that there will be sufficient human material to undertake administration of these panchayats? Will there be sufficient men with experience of leadership and qualifications to undertake the administration of these panchayats? This is a very important matter to be taken into consideration. The Hon. Minister wanted to confer autonomy on the villages. If there had been series of failures, the whole Act would be doomed. Then it would be said that villagers are not fit to have their own Government. I hope the Hon. Minister would reconsider the position and consent to have a unit of five thousand, as the minimum."

"I also want to urge on the Hon. Minister the necessity to have from the very beginning some sort of an executive officer to help in the administration of these panchayats. The villagers

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may not be in a position to understand things. You know well how these co-operative societies and other branches of administration are carried on. If you entrust this big administration to the village panchayats with all sorts of regulations and rules framed under this Act, the whole thing will be a failure and there will be room for surcharge and on hearing the very name of village panchayats, the villagers would shudder. It is better to have some executive officers to begin with."

MR. SPEAKER:—"Is it relevant to the amendment?"

SRI M. P. GOVINDA MENON:—"Yes, Sir. If the units have a population of less than five thousand, that panchayat cannot afford to have an executive officer. I would urge the Hon. Minister to accept the amendment. We are all supporters of this Bill—and we congratulate the Hon. Minister—but we want to make the Bill a success, and so we urge on him to reconsider the position and accept the amendment."

* SRI M. G. NATESA CHETTIYAR:—"Sir, following my hon. Friend Sri Varadachari, I wish to bring to the notice of the Government that there are about 1,500 uneconomic villages. The revenues of the villages are not sufficient to meet the ordinary expenditure on the village staff in the Revenue Department. Taking the clause as it is, Sir, it is rather mandatory and not obligatory on the Inspector of Local Boards to constitute a village with a population of five hundred as a panchayat. When I referred the matter to the Hon. Minister personally, he stated that these may be federated. He (the Inspector) could not as the clause stands at present exclude a village from declaring it a panchayat if a village has a population of 500. Only he has to ask for federation of villages so that the population may be made up to five hundred. In the ordinary course the business to be conducted by a panchayat with a population of five hundred would not be feeble one. They would not be able to carry on any of the functions that have been prescribed not only in respect of finance but in the matter of providing the necessary amenities worth the name of it. Provision of amenities proposed in the Bill cannot be done by a panchayat with a population of 500. This is a very great factor in the whole Bill. A vaster area should therefore be constituted as a village panchayat."

"The functions of the panchayat envisaged under the Act could not be carried on and it would not yield any result. I would like to impress upon the Government that most of the small villages are in the hands of rowdies for various reasons."

JANAB M. A. MUHAMMAD IBRAHIM:—"Mr. Speaker, is the word 'rowdy' a parliamentary term, Sir?"

MR. SPEAKER:—"It all depends in what sense he says it. If he wants to say that there are many rowdies in the villages, does it mean that he should not make use of the word here? He has not said that members are rowdies." (Laughter.)

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* **SRI M. G. NATESA CHETTIYAR**:—"I thank you, Sir, for coming to my aid. In the matter of black-marketing, violations of the laws and rules passed by the House and Houses of Legislature for the administration of the Province, and working of prohibition, procurement and other things, we have got sufficient knowledge of village conditions. But for the smaller units, we would certainly be better off. The limit of 5,000 proposed in the amendment would cover an area of just seven or eight miles square and it will comprise various classes and communities of people and there will be more co-ordination of co-operative activity as between the various classes and communities than would otherwise be and if you constitute a panchayat for a village with a population of 500 where things may be done according to the dictates of one person or one community to the exclusion of others. It would mean free play for communalism and separatism. You know, Sir, in most of the villages with a population of 500, there will be only one particular community in a majority and things will be run in such a way as to benefit certain class only. In a secular State, you must so run the administration as to bring the various communities together and lay the foundation for proper administration by proper evaluation of rights and adjustment of rival claims. Otherwise, if we are going to straightway constitute a panchayat for every village with a population of 500, we will only be encouraging forces ranged on the wrong side of a secular administration of the State. Under these circumstances, I request the Hon. Minister to accept the amendment moved by my hon. Friend Mr Viswanatham."

* **SRI K. T. KOSALRAM**:—"Mr. Speaker, Sir, நண்பர் ஸ்ரீ டி. விஸ்வநாதம் அவர்கள் கொண்டுவந்துள்ள இந்த amendment-ஐ நான் மனப்பூர்வமாக ஆதரிக்கிறேன். இந்த சட்ட சபையில் அவர்கள் கொடுத்துள்ள amendment-களை அநேகமாக நான் எதிர்த்தேயிருக்கிறேன். இது தான் நான் முதன் முதலாக அவர் கொடுத்துள்ள amendment-ஐ ஆதரிக்கிறேன். இப்பொழுது 500 பேருக்கு ஒரு பஞ்சாயத்து அமைப்பது என்றிருந்தால் அது இந்த 'பில்' லைக்கொண்டு வந்திருக்கும் நோக்கத்தையே பாழ்படுத்திவிடும்.

'The Inspector shall, as soon as may be after the commencement of this Act, by notification.—

என்றிருக்கிறது. இந்த செக்ஷன் பிரகாரம் இன்ஸ்பெக்டருக்கு சில அதிகாரங்களைக் கொடுத்திருக்கிறது. 'Shall' என்று போடப்பட்டிருப்பதால் அவருக்கு எந்த விதமான அதிகாரத்தையும் கொடுக்கப்பட்டிருக்கிறது. ஐதூறு பேர்களுக்கு ஒரு பஞ்சாயத்தை அமைப்பதற்கு அவர்களுக்கு அதிகாரம் கொடுக்கப்பட்டிருக்கிறது. அவ்விதம் 500 பேர்களுக்கு ஒரு கிராம பஞ்சாயத்தை அமைத்தால் அதற்கு ஒரு குமாஸ்தாவை வைத்து நிர்வகிக்க முடியுமா என்பதைப் பார்க்கவேண்டும். அவ்விதம் போட்டு நிர்வகிக்க முடியாது என்பதாகவே நான் கருதுகிறேன். பிரசிடெண்டை அமைத்துக்கொள்வதும் இன்னும், எந்த விதமான பொருளாதார வசதிகளையும் அந்த கிராமத்தில் ஏற்படுத்திக்கொள்ளமுடியாது. நண்பர் கனம் எம். ஜி. நடேச செட்டியார் சொன்னதில் உண்மையிருக்கிறது. இப்பொழுது இருக்கும் நிலைமையில் அவர் சொன்னதில் தவறுதல் இல்லை. ஐதூறு பேர்களுக்கு ஒரு பஞ்சாயத்தை அமைத்தால் யார் என்னவேண்டுமென்றாலும் செய்துகொள்ளமுடியும். நிச்சயமாக rowdism தான் ஏற்படும். இன்று நமக்கு சுதந்திரம் வந்திருக்கிறது. ஜனங்கள் தங்களுக்கு எல்லாவகைகளிலும் சுதந்திரம் அடைந்திருப்பதாக நினைத்துக் கொண்டிருக்கிறார்கள். இவ்வித நிலை இருக்கும்பொழுது அதிகமாக

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அதிகாரத்தை அவசியமாக கிராமத்திற்குக் கொடுக்கிறோம். கொடுத்தாலும் பரவாயில்லை. அதை சரியானபடி வைத்து நிர்வகிக்க முடியுமா என்பதைப் பார்க்கவேண்டும். அவர்களால் வைத்து நிர்வகிக்கக்கூடிய முறையில் அதிகாரத்தைக் கொடுக்கவேண்டும். இப்பொழுது executive officer இருக்கிறார். சட்ட விரோதமாகவோ, சர்க்காருக்கு விரோதமாகவோ போட்டு ஏதாவது செய்தால் அதை அவர் பிரசிடெண்டிற்குத் தெரியாமல் சர்க்காருக்கு தகவல் கொடுத்து விடுவார். இப்போதைய முறைப்படி பஞ்சாயத்தால் ஒரு குமாஸ்தாவைக்கூட வைத்து நிர்வகிக்க முடியாத நிலைமை ஏற்படும். அவர்களால் பொருளாதாரத் துறையில் ஒன்றுமே செய்ய முடியாது. ஐதூறு பேர்களுக்கு என்று ஒரு பஞ்சாயத்தை அமைத்தால் அந்த ஊரை ஒரு குடும்பம் அதிகாரம் வகித்து நடத்தமுடியும். இன்னும் அவர்களுக்கெல்லாம் கிரிமினல், சிவில் அதிகாரங்களைக் கொடுக்கிறோம். இந்த நிலைமையில் கனம் மந்திரி சந்திரமௌளி அவர்கள் 'shall' என்று போட்டிருப்பதை சற்று ஆராய்ந்து பார்க்கவேண்டும். கனம் டி. விஸ்வநாதம் தன்னுடைய amendment-ல் 5,000 என்று போட்டிருக்கிறார். அதை அவர் ரொம்பவும் நியாயமாகவே போட்டிருக்கிறார். அப்படிப் போட்டால் தான் ஒரு கிராமம் தனக்கு பக்கத்திலுள்ள கிராமத்தோடு சேர்ந்து நன்மைகளையும் அவர்களுக்குள் ஐக்கியத்தையும் உண்டாக்க முடியும். அப்பொழுதுதான் கிராமத்தோடு கிராமம் ஒன்றாக சேர்ந்து வாழ முடியும். இப்பொழுது இருக்கிறபடியே ஒப்புக்கொண்டால் கிராமங்களையும் நாம் பிரித்து வைக்கும்படியான நிலைமை ஏற்பட்டதாகும் என்பதை கனம் மந்திரி அவர்களுக்கு ஞாபகமுட்ட விரும்புகிறேன். இந்த amendment-ஐ ஒப்புக்கொண்டால் சர்க்காருடைய prestige போய்விடும், அதனால் ஒப்புக்கொள்ளக்கூடாது என்று நினைக்கக்கூடாது. அவசியமான amendment என்று மெம்பர்கள் நினைக்கும்பொழுது நிச்சயமாக அதை ஒப்புக்கொள்ள சர்க்கார் இணங்கவேண்டும். ஐதூறு இல்லை, 5,000 இல்லை, எதுவானாலும் சரி, அவசியமான amendment ஆக இருந்தால் அதை ஒப்புக்கொள்ளத்தான்வேண்டும். இந்த amendment சரியாக இல்லாவிட்டாலும் சர்க்கார் ஜனத்தொகை, பொருளாதாரம் இரண்டையும் கவனித்து ஜனத்தொகையை அதிகரித்து ஒரு amendment கொண்டு வரும்படி கேட்டுக்கொள்ளுகிறேன்."

SRI V. C. PALANISWAMI GOUNDER:—"Mr. Speaker, Sir, I wholeheartedly support the amendment moved by my hon. Friend Mr. Viswanatham and in doing so, I wish to say that the Hon. Minister has got a great ambition for carrying out the dreams and ideals of our late Mahatmaji. Of course, we cannot achieve them overnight and we must do it slowly and cautiously. I feel, Sir, that the limit of 500 is too small. It means that we are creating very petty units of village administration where they have not got the necessities for proper administration; a few huts may be there and there may be a few literate persons and perhaps you may not even be able to have an elementary school and in a place where there is no elementary school even, you can well understand what will be the condition of literacy of the village. Further, our villages are rampant with factions. Therefore, if you want to do away with factions, you must start with a panchayat having a larger population than 500 as that would ensure better co-operation and more cordial communal feelings. If one or two revenue villages were grouped, we can do away with factions and people of a neighbouring village will be more reasonable than the villager in which the panchayat is constituted as they would bring to bear a more impartial outlook on the administration of the panchayat. An autocrat and a few literates will be there to impose their will upon the masses. If

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you look at the question from any point of view, a unit of 500 is too small. Taking also the revenue aspect into consideration, a village with a population of 500 cannot raise enough taxes to run the administration. Of course, the Government will be giving it 12½ per cent of the revenue assessment of the village and that too under the population basis and it will be proportionately small for the smaller village. Further, they have to take all the responsibilities of the district board and it is going to be a miniature district board; public health, medical, sanitation, communications and so on will be its concern. Where is the human element to take up all the responsibility where you could not even have an elementary school? Of course, the karnam and a very few other literate people will carry the day and will run the administration according to their own will. We know that in the villages there are a very few people inspired with altruistic motives and public-spirited ideals and they do not know how to understand the rules and regulations and how to apply them. Therefore, Sir, it is a risky undertaking to create compulsorily panchayat boards for every revenue village having a population of 500 and I strongly urge upon the Government to accept the amendment of my hon. Friend Sri Viswanatham."

* SRI M. S. PATTABHIRAMIAH:—"Mr. Speaker, Sir, I rise to oppose the motion because my angle of vision is a little different from that of the previous speakers who have supported the amendment so far and perhaps conditions in the areas with which the mover of the amendment is acquainted justified his making this motion. So far as I know, I think, that every village with a population of 500 is quite capable and competent to conduct its own affairs. It has been said very often that in a village of 500, the population being small, we shall not find leadership and capability. I think it is a wrong view which has been developed by the distorted and lopsided educational training which we have had under the British rule and we are so much enamoured of big things and we want that every unit and every reform should have some economic backing. If we are to begin with that background and with those so-called fundamentals, we shall not be able to introduce any reform at all. I am sorry most of the speakers have forgotten or rather have not thought of clause 51 of the Bill where the functions of the local panchayats have been defined; there is a provision for public latrines and arrangements to cleanse latrines whether public or private. Do you think you require some hundreds or thousand rupees for this? Is it not necessary that people should be educated to do this sanitary work for themselves? Are we to leave them to their fate because we do not have any money? This argument regarding want of money will not hold water. I believe there are 36,000 revenue villages in our Province.

3 p.m.

"Sir, there are certain obligatory functions laid on panchayats. They are defined in section 51. I will read only the most important of them. They are the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks and the construction and maintenance of water-works for the supply of water for

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washing and bathing purposes and of protected water for drinking purposes. Sir, these can be done only if people come forward and do manual work themselves. If we are to wait till capital comes forth for every one of those items, I fear such works can never be done. It is a wrong assumption and a wrong notion to think in terms of capital for every purpose. We want to introduce compulsory elementary education. For that, we say, we want some building and some staff. Instead of that, suppose we gather children in the village under a big tree and teach them, cannot elementary education be imparted easily without all the paraphernalia that we associate with educational institutions? If only we proceed to impart education in the old style under the shadow of a tree, we can make great progress in this field.

"Then, we are told there are Goondas in villages; and they will dominate the panchayats. I do not know the force underlying this argument. Everywhere there are Goondas; and why do they flourish? Because there is no co-operation and co-ordination among the villagers, they are flourishing. But if you are able to organize village panchayats, you will be able to put down Goondas in no time. Then, Sir, in the deltaic areas in the southern districts of the Presidency generally the villages are small, and their population will be only five hundred or a little more than that, and I know they will be able to maintain themselves even economically according to the standards prescribed by the previous speakers. The 12½ per cent of the land revenue collected in each village is quite sufficient for carrying on panchayat administration. It is not necessary to have officers in the panchayats; and it is not necessary that the president or the members thereof should be educated in the modern sense of that term. By the term 'educated' we mean one who knows to read and write. In fact that is not the best part of education. The best part of education is the formation of character and doing work earnestly and sincerely. 'Reading and writing' is only an ornament to the character of a person. Then, Sir, if we are to constitute a panchayat only for a population of five thousand, I submit that panchayat will be an unmanageable and an unwieldy one, more so in a sparsely populated area. In such an area, we will have to cover ten to fifteen square miles before we can constitute one panchayat; all the money available would have to be spent by way of travelling expenses. Our aim in forming village panchayats is to organize people to do certain very necessary work which is essential for civilized life in our Province, and that purpose will be defeated if we are to constitute panchayats on the basis of five thousand population. So, I strongly oppose this amendment of Mr. T. Viswanatham. I request the House not to be carried away by the passionate eloquence or the wrong statistics given by previous speakers. Their figures are all wrong and their angle of vision is entirely wrong. The Bill should be viewed in the right perspective and I request hon. Members to reject the amendment."

* SRI R. V. SWAMINATHAN:—"Mr. Speaker, Sir, I vehemently oppose the amendment of Sri Viswanatham. Not because

[Sri R. V. Swaminathan] [21st December 1949]

I do not like him; (laughter) I like him very much; but I do not agree with this view. It seems Sri Viswanatham has entirely lost touch with the village; because, he spends most of his time as Chairman of the Visakhapatnam Municipality or as member of this Assembly in Madras, and so he has lost touch with village and village life. Otherwise, he would not have moved his amendment. It is a pity that my hon. Friend Sri Kosalarām—I am sorry he is not here—has come forward to support Sri Viswanatham. Sir, the select committee considered at length whether we should have a population of five hundred or five thousand as a unit. I think, if I remember aright, it considered this point for more than a day, and finally they came to the conclusion that the unit must be a population of not less than five hundred. Probably Sri Viswanatham does not know much of Tamil districts. But I think he knows the villages in the Ceded districts, where the villages are so sparsely populated that he would have to cover five or six miles to constitute a village panchayat. I may tell him this is the case in my district of Ramnad. Therefore, the idea of the select committee was that the unit should be so constituted as to be easily approachable and easily managed. If Mr. Viswanatham's amendment is to be accepted, the village panchayats will be like the taluk boards which were abolished some time back.

“Then, Sir, some members objected to the five hundred population as the unit on the ground that the panchayats would be controlled by rowdies and Goondas. Sir, I cannot understand that kind of argument. Sir, in every village there will be rowdies, even as they are found elsewhere. But they can be controlled by the civil law and the criminal law. Any influential people will control any place. It is no surprise if an influential man controls a place. Already, most of the revenue villages are working as village panchayats. What the Bill proposes to do is to give legal sanction to it. Of course, there will be influential people in the villages and they will have their voice always felt; it cannot be avoided. What is wrong in it? How am I here; because I am influential in my constituency; how are the members of this House here; because they are influential in their constituency; what is wrong in that? How are you, Mr. Speaker, in the Chair? Because you are influential among the members. How is the Hon. Minister, Sri Chandramouli, there? Because he is influential in the party. There is no harm in it. So, that argument should not be brought forward to threaten the formation of a panchayat. Sir, I do not see any logic in the able argument of the lawyer-member from Visakhapatnam. Therefore, Sir, I vehemently oppose his amendment.”

MR. SPEAKER:—“I have to announce that in case we are not able to finish this Bill to-day, we shall have to sit to-morrow at 2-30 p.m.”

* SRI K. KOTI REDDI:—“Mr. Speaker, Sir, this is a very important Bill. It goes to the root of village administration and so it ought to be considered very seriously. Sir, I am opposing the amendment moved by Mr. Viswanatham. I believe many of

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the speakers who supported his motion seemed to be under the impression that most of the village panchayats will contain only five hundred people and not more. In reality, there are a large number of villages which contain more than five hundred population. The idea behind this Bill seems to be that every revenue village ought to be constituted into a unit, even if it is less than five hundred population, I would have voted for it. In fact, there would be very few villages which have less than five hundred population. For the last 150 years these revenue villages formed a small unit of village administration. Really the villages have been kept intact by the British Government. For economic reasons the British Government wanted to group these revenue villages in 1923 into bigger units, and there was a hue and cry against it, probably raised by the village officials affected by it. Anyway, I do not think the present Bill ought to disturb the revenue village as such. Sir, there are some advantages and certain disadvantages too in having small units of administration. I am certain that there are more advantages than disadvantages in it. I am afraid members who support the motion of Mr. Viswanatham seem to be under the impression that to run village panchayats there should be a big secretariat, a president, who is a B.A., B.L. or a highly educated man and so on. One hon. Member mentioned that in some villages, if we have small units, there would not be any literate man. May I tell him it does not require a literate man to run village administration or any administration for the matter of that. The late Raja Ranjit Singh, who ruled the Punjab, was not a literate man. I believe even the great emperor Akbar was literate when he assumed the reins of government. To-day I can tell you, there are a number of villagers who are illiterate but who at the same time would prove good administrators. (Janab N. Muhammad Anwar: 'Question'.) I know the sort of literate men in the village to-day, those who have read up to the fourth or fifth form and have discontinued their studies. A lot of them have no useful avocation in life. If such sort of people are to run the village administration, God save us. I have found sometimes literate men giving biased arbitration, while illiterate men based on their experience giving impartial verdict. Till recently, very many big families were illiterate and were managing their affairs very well. So, Sir, literacy is not necessary to manage village administration. Even if literacy is necessary, what is the standard? Is it B.A. or School Final standard or a mere knowledge of English? These are days when we are trying to administer the affairs through the medium of the regional language and even universities have to change the medium of instruction from English to the regional language. I may quote the example of my own village. The president of the panchayat board there was not highly educated. But he had enough knowledge to carry on the affairs well. Why should a small village be deprived of its individuality as a village and be asked to be clubbed with some other village with whose people it may not have much acquaintance? Each village forms a unit for certain definite purposes. There are villages with a population of three thousand and five thousand and there is one

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village I know of with a population of even twelve thousand in the black cotton soil area and there are also villages with a population of five hundred. There is no reason why a village with a population of five hundred should not be treated as a unit for constituting a panchayat. It was said that in a population of five hundred, there would be only about two hundred voters. The less the number of voters, the better. The argument of paucity of funds was trotted out. What does it matter if funds are limited? After all, a bigger area requires more funds and a smaller area requires less funds. The argument of economic difficulty was trotted out by our erstwhile British Rulers when we wanted the separation of Provinces on a linguistic basis. I used to answer that we could cut our coat according to the cloth available. It is not necessary to employ a clerk in a panchayat of a village with a population of five hundred or one thousand. In the village which I cited as an example, the president was managing without a clerk. I do not want the Government to force a clerk or clerks on small panchayat boards.

"The question was raised whether a village with a population of five hundred could produce a man of great administrative experience. What is the administrative experience needed for the purpose? A person who can manage a family, a man who engages himself in agriculture day-in and day-out, will have sufficient knowledge and talent to run a panchayat board. It is not necessary to have executive or other officers. What is needed for administration of panchayats is only a sort of help by an adviser or guide, who is required to have some knowledge of law and administration, of how to manage a school, lay a road, write out a resolution, etc. An ordinary villager can easily learn these little things from some adviser or guide appointed to visit panchayats and advise. A provision should be made for the appointment of advisers or guides or for some similar arrangement. If we remember the nature of the administration that we are going to have in future, I think we ought not to disturb the unit of a revenue village for constituting a panchayat, at any rate for the time being."

* SRI K. BRAHMANANDAM REDDI:—"Mr. Speaker, Sir, this is one of the fundamental questions on which considerable thought was bestowed by the select committee during its protracted deliberations. I suppose it will not be out of place to mention here that the Congress Legislature Party as well as its executive considered the matter at length and decided that the unit should not be disturbed."

SRI M. P. GOVINDA MENON:—"Can the hon. Member refer to what transpired at the party meeting? As a matter of fact it was not considered."

* SRI K. BRAHMANANDAM REDDI:—"Gentlemen may have short memory."

SRI M. P. GOVINDA MENON:—"Not at all."

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* SRI K. BRAHMANANDAM REDDI:—"I may tell Sri Govinda Menon that it is open to me to mention that bodies or institutions have considered the matter at length and came to a decision. I need not waste my time over that."

"The point at issue is not whether two, three or more villages should be clubbed together so as to make the population five thousand or ten thousand but whether an unit, which has already been well-recognized as such, should be disturbed or not. Some hon. Members seem to feel that most of the villages will have a population of less than five hundreds. If we study the statistics, we will see that such villages will be about a thousand or even much less in the entire Province. Let us not run away with the wrong impression that there are many villages with a population of less than five hundred. Even now there are panchayats for villages with a population of one thousand. Therefore, there is nothing revolutionary in the clause. We are only taking for granted an unit which has already been there. I want to impress that point on the House."

"My esteemed friend, Sri Koti Reddi, dealt at length with the merits of this clause. The word 'panchayat' is always understood to mean a 'board of five' and it is always associated with a village. We always call it a *Grama Panchayat*. Grouping two or three villages and calling its administrative body a panchayat offends the very connotation of that word."

"If several villages are grouped together, different warring elements might come into the panchayat and there will be always conflict. If a village with a population of four thousand is grouped with a village with a population of one thousand, the latter village will not have an effective voice and a fair share in the administration of the panchayat. It will be a case of a big fish swallowing a small fish. This is an aspect which we have to consider."

"If villages are grouped, there is the panchayat board to meet. If the villages are two or three miles apart, who is to pay the travelling allowance to members? If a work is sanctioned for execution in one village, the representatives of the other village will say that the needs of their village must receive the first priority. There will thus be conflict always and we must avoid it. It is not as if anybody is anxious to form umpteen uneconomic panchayats in the Province."

"If a revenue village is a unit, it should continue to be a unit for constituting a panchayat irrespective of its population strength."

"By tradition there is a sort of unity among the people of a village. By combining it with another village, we will be destroying that unity."

"I do credit the mover of the amendment with good intentions. Very many gentlemen sincerely hold the opinion that a village with a population of five hundred or a little more will not be an economic unit. But I have impressed on the House the other aspects which justify the retention of the village as a unit. Therefore, I oppose the amendment."

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3-30
p.m.

SRI D. V. RAMASWAMI:—“ Mr. Speaker, Sir, I feel that the amendment brought forward by my hon. Friend Sri T. Viswanatham is based on a realistic view of things. We are not just considering villages which are well advanced and in which the democratic system of administration is possible, but we are here taking into account villages which are practically ruined by long centuries of neglect. We are now faced with rotten villages, villages in which there is really no life, villages in which there is no unity and in which decent life is impossible. After the Congress had come into the field and taken up the programme of rural reconstruction and village uplift, many of the villages have improved and they are now clamouring for more amenities and comforts and are insisting on their rights to look after their own administration. That is why, Sir, the Hon. Minister for Local Administration has brought forward this very important measure which all of us welcome. But at the same time we must know what is the exact condition in most of the villages and how to approach them and tackle them properly. We are assembled here to co-ordinate our views with those of the Hon. Minister and suggest how best the provisions of this Bill could be improved in order to produce the best possible results in the villages. Unless the villages are grouped into economic units and made self-sufficient in the matter of their administration and in their finances, I am afraid, the village panchayats that we propose to set up under this measure would not work properly. Therefore, the constitution of an economic unit cannot be based merely on the population of a village. It must be based on some other deeper consideration. Unless we are able to avoid and eschew practically the fragmentation of the various little local forces and evolve a system by which we could bring them all together and also bring to their aid all the available resources in the village, we cannot successfully put this experiment into execution. That is to say, that unless we make it possible for the panchayat to have better income and better resources at their disposal, they will not be able to do anything useful in the village. Now, for instance, the duties and responsibilities of the panchayats have been very much broadened. They have to be in charge of roads; they have to run schools; they have to maintain hospitals; they have to look after the public health of the village; they have also to collect taxes; in fact they are in charge of practically every aspects of life in the village. If we are really to co-ordinate all their activities and to enable them to work as self-sufficient units, it stands to reason and common sense that we must integrate all the smaller villages into more economically prosperous units. It is in that spirit and also in order to put our ideas and those of the Hon. Minister into proper shape that the amendment has been suggested by the hon. Mr. Viswanatham. It is in pursuance of a strong desire to see that the idea of the village panchayat, which we have so much at heart all along, is brought into fulfilment as early as possible that a constructive suggestion has been put forward in this amendment. I feel strongly, Sir, that this is a very sensible and necessary amendment. Now most of our villages are in a desolate condition. There is no life in them. We have to reconstruct them and put new

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life into them. Under the new set-up, which we contemplate, the extent of the areas and the limit of population that we have proposed are rather too small for any practical purpose. We are faced with a large problem and as I have referred to just now, the village panchayats will have to deal with a lot of things. It is not as if we should be satisfied with providing them a *Namke vaste* village panchayat, that is to say, a village panchayat merely for name's sake. It is really going to be a village republic and it is to be responsible for the development of the village and its administration. That is a consummation devoutly to be wished. How to bring it into fruition is a problem which must engage the attention of all hon. Friends in this House who are equally interested to see that the panchayat is erected on a sound and solid basis. With these words, Sir, I support the amendment.”

MR. SPEAKER:—“ Although the amendment is a very small one, I find a number of hon. Members want to speak on it, but most of the arguments are being repeated. I would like hon. Members not to repeat the same arguments in which case, I shall allow one or two more hon. Members to speak.”

SRI T. VISWANATHAM:—“ Although the amendment is small, Sir, it is very important.”

* SRI N. VENKATASUBBAYYA:—“ Mr. Speaker, Sir, I feel that if the amendment of my hon. Friend Sri T. Viswanatham is accepted, it will cut at the very root and the underlying idea of the entire Bill. That idea is that we must transfer power to the people in the villages and make them feel that they have got the true freedom, the fruits of which they can enjoy. That means that they can administer their own affairs in the manner in which they consider best for them. That is the underlying idea of this Bill. That is the underlying idea of all the agitations which the Congress had been carrying on all these years and which Mahatma Gandhi had been insisting throughout his life and which has also been embodied in the new Constitution that has recently been passed at the Centre. Unless we bear in mind this fundamental idea, I am afraid we cannot bring to bear in our discussions, that dispassionate and unprejudiced view, that is essential for considering the provisions of this Bill. If, as my hon. Friend Mr. Viswanatham proposes in his amendment, villages comprising a population of not less than 5,000 people are to be constituted into a unit, what will happen is, there will be mutual wrangling. The problems of one village are different from the problems of another. The needs of one village are different from the needs of another. Even in the matter of equipment and of outlook, I think, people of one village differ entirely from the people of another village. And, therefore, if these villages which differ from one another in this way are to be clubbed together, I am afraid, Sir, that far from achieving our idea of giving them a harmonious and united method of administration, we would only be setting them up one against the other, and bring about disunity, chaos and confusion in the villages. Therefore, apart from

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the reasons of convenience of administration, it is our duty to train the people in the villages in the art of self-government, and for that purpose, it is of utmost important that we must keep the minimum population of the unit at not less than 500. I want to emphasize the words 'not less than 500'. It may be 1,000 or 2,000 or more. But nowhere it has been said in this Bill that it must be confined only to population of 500 and less. That is why we have made a provision in the Bill that villages which have less than a population of 500 will be clubbed with one another. Therefore, the minimum population that is conceived should be not less than 500 for the formation of a unit. I think that this emphasis on the minimum is necessary, because when we are dealing with a vast Province like Madras, where conditions differ from one area to another, we have to take note of the varying needs and varying customs of the people. There are certain areas like the Ceded districts for instance where the population is so sparse that there are villages with less than 500. But at the same time, there are villages in the deltas which are very thickly populated. If we accept the amendment of Mr. Viswanatham, it would mean that not one village in the Ceded districts will spring up as a self-governing unit. Then we cannot give them that new life which we want to see throbbing in the villages, and the new strength to enable them to govern their own affairs. It will be something like a firka panchayat or a firka board or a 50 per cent firka board and so on. You will never have a village panchayat in the true sense of the term. The fundamental idea in this Bill, as I have mentioned earlier, is that we should transfer power to the villages and the best unit for the purpose is a revenue village. A revenue village is a self-contained unit. It has its own village accounts, its own village karnam and headman and other subordinates. Any proposal to group a number of villages into one for this purpose would only disturb the existing arrangements and results in confusion and chaos. I am therefore, against the idea of grouping of a number of villages, because it is against all that we have been fighting for and against all we have been asking for all these years. I, therefore, oppose the amendment."

*SRI K. RAJARAM NAIDU :—"கனம் தலைவர் அவர்களே '500 பேர்கள் ஜனத்தொகை கொண்ட ஒரு ரெவின்யூ கிராமத்திற்கு ஒரு பஞ்சாயத்து என்ற இந்த விஷயம் பொறுக்குக் கமிட்டியில் மிகவும் விரிவாக விவாதிக்கப்பட்டது. இந்நூறு பேர் ஜனத்தொகை கொண்ட ஒவ்வொரு கிராமத்திற்கும் ஒரு தனி பஞ்சாயத்து வைக்கவேண்டுமென்ற விஷயத்தில் நண்பர் விஸ்வநாதம் அவர்கள் கொண்டுவந்த திருத்தத்தைப் போலவே நானும் இந்த ஒவ்வொரு பஞ்சாயத்து யூனிட்டிற்கும் 2,000 ஜனத்தொகை இருக்கவேண்டுமென்று நினைத்தேன். ஆனால் விஷயங்களைக் கீர ஆலோசித்து முடிவுக்கு வந்தகாலத்தில், 'ஜனத்தொகை எப்படி இருந்தாலும் சரி. ஒரு கிராமத்தை மற்றொரு கிராமத்திற்கு அடிமையாக்கக்கூடாது என்பது தான்,' இந்த ஷரத்தின் தாத்தர்யம் என்பது விளங்கிற்று. இந்நூறு ஜனத்தொகை என்பது ஒரு சிறிய தொகையாக இருக்கலாம். இந்நூறு ஜனத்தொகைக்கு ஒரு பஞ்சாயத்து என்று இருக்கிறது. ஆனால் 10,000 ஜனத்தொகை ஒரு ரெவின்யூ கிராமத்தில் இருந்தாலும் அந்த கிராமத்திற்கும் ஒரு பஞ்சாயத்துதான். அதை 500 ஜனத்தொகை கொண்ட பல பஞ்சாயத்து யூனிட்களாகப் பிரிக்கப்போவதில்லை."

[21st December 1949] [Sri K. Rajaram Naidu]

"மேலும் பல கிராமங்களை ஒன்று சேர்த்து அதாவது 500 ஜனத்தொகை கொண்ட ஒரு கிராமத்தை பக்கத்திலுள்ள 5,000 ஜனத்தொகை கொண்ட ஒரு கிராமத்தோடு சேர்த்து பஞ்சாயத்து ஒரு யூனிட்டாகச் செய்தால் சிறிய ஜனத்தொகை கொண்ட கிராமம், பெரிய ஜனத்தொகை கொண்ட கிராமத்திற்கு அடிமையாக வேண்டியிருக்கும். சிறிய கிராமத்திலிருந்து யாரும் தலைவராக வரமுடியாது. தங்களுக்கு வேண்டிய காரியங்களை சாதித்துக்கொள்ள முடியாது. ஏனென்றால் தலைவர்கள் யாராய் இருந்தாலும் அதிக ஜனத்தொகையுள்ள கிராமத்தை அனுசரித்துக் கொண்டுபோகும் மனப்பான்மையே இருக்கும்."

"மேலும் அரசாங்கத்தை நடத்தும் வகை தெரிந்து ஆக்ஷியை ஏற்றுக் கொண்டிருக்கும் நாமே நம்முடைய மனப்பான்மையை சற்று யோசித்துப் பார்க்கவேண்டும். தங்கள் தங்களுக்குத் தனி மாகாணம் வேண்டுமென்று நினைத்து அந்த எண்ணத்துடன் வேலை செய்யும் பொழுது ஒரு கிராமம் மற்றொரு கிராமத்திற்கு அடிமைப்படும் நிலைமையில் இதை நாம் எவ்வாறு செய்ய முடியும்? ஆகையால் ஜயாயிரம், பத்தாயிரம் ஜனத்தொகையிருந்தாலும் சரி, ஒவ்வொரு ரெவின்யூ கிராமமும் தங்களுக்குவேண்டிய காரியங்களை, தங்களுக்குவேண்டிய சௌகரியங்களை தாங்களே பூர்த்தி செய்துகொள்ள சுதந்திரம் கொடுப்பதுதான் இந்த ஷரத்தின் நோக்கம். அப்படியிருக்க இப்பொழுது நண்பர் விஸ்வநாதத்தின் திருத்தத்தை ஒப்புக்கொள்வோமானால் மசோதாவின் அடிப்படைக்கே ஆபீர்தாகும். அது மகாபாதகமான திருத்தம். அதையாரும் ஒப்புக்கொள்ளக்கூடாது."

"மேலும் ஒரு விஷயம் நண்பர் என். எஸ். வரதாச்சாரி அவர்கள் சொன்னார்கள் 'Bloodless village' என்று சொன்னார். ஏனென்றால் பணம் இருக்காது. இந்நூறு ஜனத்தொகை கொண்ட ஒரு கிராமம் தங்களுக்குவேண்டிய எல்லா சௌகரியங்களையும் செய்துகொள்ள போதுமான பணம் அந்த கிராமத்திற்கு இருக்காது. அதனால் பெரிய யூனிட்களாக இருக்கவேண்டுமென்று பேசினார்கள். அது சரியல்ல. சர்க்காரே மற்றொரு ஷரத்தின் மூலம் இந்த கிராம பஞ்சாயத்துகளில் மேஜர் பஞ்சாயத்தைத் தவிர மற்ற எமனர் பஞ்சாயத்துகள் தங்களுக்குவேண்டிய வசதிகளைச் செய்துகொள்ளப் போதுமான பணம் இருக்காது என்றும், தேவைப்படும் பணத்திற்கு ஒரு யோசனையும் சொல்லியிருக்கிறது. அதாவது 10 கிராமங்கள் அல்லது 15 கிராமங்கள் ஒரு group ஆக சேர்ந்துகொண்டு தங்களுக்கு வேண்டிய நீண்ட சாலைகளை செப்பணிட்டுக்கொள்ளலாம் என்றும், மெட்ரோபிடி வைத்தியசாலை ஏற்படுத்திக்கொள்ளலாம் என்றும் அல்லது குடிதண்ணீர் வசதிக்கு தக்க ஏற்பாடு செய்துகொள்ளலாம் என்றும், ஆக இம்மாதிரி பொதுவான காரியங்களை இந்த 10, 15 கிராமங்களும் ஒன்று சேர்ந்துகொண்டு ஒரு டிபுடி பஞ்சாயத்து ஆபீசரை நியமித்து அவர் மூலம் செலவுகளை சரியாக பகிர்ந்து கொண்டு காரியங்களைச் செய்யலாம் என்றும் இம்மாதிரியான விஷயங்களில் இதைப்போல் ஒவ்வொரு கிராமமும் தானே தனது காரியங்களைச் செய்துகொள்ளும் சுதந்திரத்தை இந்த பஞ்சாயத்து பில் லானது அளிக்கிறது. ஆகையால் இதில் ஒன்றும் தவறில்லை. 500 ஜனத்தொகையிருந்தாலென்ன, 5,000 இருந்தாலென்ன, ரெவின்யூ கிராமம் ஒவ்வொன்றுக்கும் ஒரு தனி பஞ்சாயத்து இருக்கவேண்டுமென்றிருந்தால் ரொம்ப நன்றாக இருக்கும். அப்படியில்லாமல் குறைந்த பகும் 500 ஜனத்தொகையுள்ள ஒவ்வொரு ரெவின்யூ கிராமத்திற்கும் ஒரு பஞ்சாயத்தென பொறுக்குக் கமிட்டியில் விவாதம் நடந்து முடிவு செய்யப்பட்டிருக்கிறது."

"ஆகவே ஒவ்வொரு ரெவின்யூ கிராமத்திற்கும் ஒரு தனி பஞ்சாயத்து இருக்கவேண்டும் என்பதும், ஒரு கிராமம் மற்றொரு கிராமத்திற்கு அடிமையாக்கக்கூடிய நிலைகூடாது என இந்த இரண்டு காரணங்களினால் குறைந்த பகும் 500 ஜனத்தொகை கொண்ட கிராமத்திற்கு ஒரு பஞ்சாயத்து எனத் தீர்மானம் செய்யப்பட்டிருக்கிறது."

"இன்று இந்தச் சபையிலுள்ள ஒவ்வொருவருடைய மனப்பான்மையும் வெவ்வேறு வழியில் போய்க்கொண்டிருக்கிறது; நாம் எல்லோரும்

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with that money and paper currency. When he cannot bear with money, let him throw something to me. Till then I have got patience. I do not want money. This clamour for money has killed the very life of the Indian and is killing the very character of the Indian. That is why I care more for character, more for simplicity, and more for the ordinary, simple life of the villager. That life I want to keep intact; and that is the real blood I want. I do not want the enjoyment of the poison which Mr. Varadachari is clamouring for day and night. I am sorry that such a gentleman like Mr. Varadachari, who is a humble follower of Mahatma Gandhi and who is an exponent of Gandhiji's teachings, should be dreaming of money always. I have to say all this, because this amendment has taken two hours of the valuable time of this House.

"There is one other point which I wish to bring to the notice of the House, before I request the hon. mover to withdraw his amendment. This Bill does not prevent the federation idea. That is why I say that we should leave it to the good sense of the villagers. Leave the small points to the villagers. Let them carve out their own future. Let them live their own lives. Let them co-operate and co-ordinate. Let them federate. If we deny the initiative and if we deny this small independence, then I say that it is not worth passing this Bill. It may be good for the municipalities, and I am not interfering with the municipalities. Let not these villages be urbanized and thus, trouble the Government every time for small mercies. I do not want to stand upon these small mercies of these Governments, however popular and however democratic they might be. That is why I say that if this amendment is accepted it will cut at the very root of the Bill. It is a question of life and death to the villages. I do not want the villages to be the wagging tails of the urbanized municipalities. Let me assure hon. Members that I do not want the villagers should every time be begging or bargaining for small mercies at the doors of the popular Government or the nationalist Government however benevolent they might be. That is why the very principle and the very unit should not be disturbed. I want them to lead a peaceful and humble life so that they may be a blessing not only to themselves but for the rest of the country also. Because the more you urbanize them, the more you bring this conception of urbanization into their heads, the more they will be dreaming of money and the more they will be giving troubles. After all we have got only 86 municipalities. Each municipality is asking for money. Even when we give them money for drainage schemes, they say the money is not sufficient. With all the thirty years of municipal administration, the municipalities could not give pure drinking water to their people. Where then is the security for these small villages if I leave them to the municipalities. I do not want to leave them in the hands of these people. I am very cautious in this matter. That is why I request the hon. Member

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to withdraw his amendment after hearing me. The amendment if accepted will cut at the very root of the Bill. Therefore, I cannot accept the amendment."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I congratulate the Hon. Minister and I appreciate the request made by him. I would have listened to his advice under ordinary circumstances. But the way in which he has put it simply takes my breath away. The Hon. Minister has put the population at 500. My amendment seeks to put it at 5,000. There is the grouping of the villages even according to him."

THE HON. SRI K. CHANDRAMOULI:—"No, no."

SRI T. VISWANATHAM:—"There is grouping of villages provided for. Instead of a group of 500, I say a group of 5,000 in order to make them a workable unit, taking a realistic view of life. But all on a sudden the Hon. Minister says 'I cannot leave the villagers to the tender mercies of the urbanised population'. How does this come into the picture? I spoke only for two minutes 4 p.m. in moving the amendments. I did not say that the urbanised population should have anything to do with this. I did not say that the municipalities should have anything to do with this. The Hon. Minister says 'The municipalities have been clamouring for money and I shall not hear any more the clamour of panchayats also for money.' He says he is disgusted with money; I am also disgusted with money. Thanks to Sri Kala Venkata Rao. He says he is disgusted with paper currency. I submit it is a very laudable sentiment if it comes from a person who does not occupy the benches of this House. Day in and day out, whatever you call it, village, municipality, corporation, local government, provincial government, we deal with money. There is no use talking of mere ideology. I do not blame him; he was very emotional. I am also emotional. All of us have got our ideologies. But here when we introduce a Bill, we have also to be realistic. No doubt we shall not give up our ideology. Our ideology is to put the villager upon his legs. He suggested a particular minimum of population and I have suggested another. But let us not be carried away by that sentimental appeal, 'I cannot throw away the villagers at the mercy of the urbanised population.' I submit he is drawing a red herring across the path. The Hon. Minister was pleased to say 'I want the villagers to be able to satisfy their simple wants themselves without coming to the Government to meet for themselves.' What are the simple wants that he has imposed upon the villages? Let us turn to clauses 51 and 52. May I just read out for your information those clauses?

* Subject to the provisions of this Act and the rules made thereunder, it shall be the duty of a panchayat, within the limits of its funds, to make reasonable provision for carrying out the requirements of the village in respect of the following matters, namely:—

(a) the construction, repair and maintenance of all public roads in the village . . . and of all bridges, culverts, road-dams and causeways on such roads;

(b) the lighting of public roads and public places;

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(c) the construction of drains and the disposal of drainage water and sullage;

(d) the cleansing of streets, the removal of rubbish heaps, jungle growth and prickly-pear, the filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows, and other improvements of the sanitary condition of the village;

(e) the provision of public latrines and arrangements to cleanse latrines whether public or private;

(f) the opening and maintenance of burial and burning grounds;

(g) the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks and the construction and maintenance of water-works for the supply of water for washing and bathing purposes and of protected water for drinking purposes;

(h) preventive and remedial measures connected with any epidemic, or with malaria;

I will not go into the other obligatory works. These which I have read are mandatory and compulsory. The word 'shall' is used. I will not go into the 17 sub-clauses of clause 52, under which the panchayats may undertake other works. I may submit to the House and to the Hon. Minister whether he was quite aware of the implications of this clause when he said: 'I want simply the villages to be peaceful and not to have any urbanised things.' What about protected water supply? Does protected water supply come in a village of 500 persons without the help of the Government? There is no use saying the municipalities are clamouring for money. Panchayats also have to clamour if you compel them to have protected water supply. You cannot have protected water supply unless even the smallest village is given Rs. 30,000 or 35,000. It may not work because there is no small scale machinery designed by engineers for protected water supply.

"Regarding the construction of bridges, culverts, road dams and causeways on the roads, is the Hon. Minister aware what it costs now to build a road? A road with a distance of one furlong and a breadth of 12 feet costs nearly Rs. 5,000. How do you expect them to build these culverts, road dams and causeways without the help of the Provincial Government? They will inevitably have to approach the Government for help. There is no use saying 'I shall not make them the tails of urbanized population'. Probably the Hon. Minister was not aware about the implications of clause 51 when he put in that clause. If he was aware, I submit he has given a perfectly incorrect picture of the implications of the constitution of a panchayat and its obligations.

"Then, Sir, there is the construction of drains and the disposal of drainage water and sullage. The Hon. Minister is dealing with the applications for grants and probably he is aware of what it costs to construct a drain and how much fund has got to be allotted and how much cement and concrete have to be used, for constructing a simple drainage. Even if the money is somehow found and a drain is constructed, the Health Department would not accept it if a drain is built without the permission of the Health Department according to their specifications. Else the panchayat board or the municipalities will be surcharged. Is the Hon. Minister not aware of these things?

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"I submit that mere cleansing of streets does not require money. But what about other things? Taking the provision of public latrines, a single latrine with 6 compartments now-a-days would cost Rs. 2,400 and if it is a septic tank latrine which the Public Health Department insists on, it will come to Rs. 6,500.

"What is the use of the Hon. Minister simply saying 'I do not want them to be urbanised'? You are compelling them to become urbanized. I submit we have to give the urbanized amenities to the villages. There is nothing wrong in it. Please let us not talk in terms of conflict between the villagers and the urbaners. Because we have congregated in this place, this is called a City. Divide Madras into 100 units. Wherever you have got the Government, it becomes gradually an urban unit. So, it is only a question of grouping."

THE HON. SRI K. CHANDRAMOULI:—"Sir, I do not want multiplication of these things. I never said that villagers should not be given urbanized amenities."

SRI T. VISWANATHAM:—"He does not want multiplication; I also do not want multiplication. If I am able to spread the population in garden houses, like a Malabar village, no one would be more glad than myself. Am I realistic in hoping a Malabar village to be constituted in the East Coast? It is an impossibility. Suppose I go the West Coast and find fine gardens in which those people are by fortune placed. Then suppose I say 'I must have this also in the East Coast.' Give me all the powers that Kaiser had, and all that God can give me, yet can I convert the East Coast into the beauty of the West Coast? Let us have a realistic outlook. I am glad that Mr. D. V. Ramaswami and some of my Friends have used the term 'realistic.' I thank them all for supporting me. I am not opposed to the Hon. Minister's ideal. How could I be opposed when we have lived and fought in the same trenches under the same banner of Mahatma Gandhi? There is absolutely no conflict. Let him not imagine that I have put in this amendment with any feeling of conflict. Of course, he has not said so, but some Friends have said it. I appreciate his anxiety and why he thinks this unit of more than 500 is impossible. But is it consistent with the obligations which the Hon. Minister has placed on the panchayats? Please remove clauses 51 and 52, I am with you not only for villages of 500 population but for all villages. Mr. Brahmanandam Reddi gave a census that there were only less than 1,000 villages having a population of less than 500. But under the census published by the Government, villages with a population of less than 500 are 12,699 in number and they contain in a population of 3,169,681, and the total number of villages with a population of 5,000 and less is 35,333. If we take away small villages with a population of less than 500, still there will be 22,664 villages with a population of less than 5,000. I submit, therefore, I was not in the least suggesting that these villages should be made the tails of the municipalities. Let not the Minister have any such impression.

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"Coming to the sinking and repairing of wells, the Hon. Revenue Minister, if he had been here, would have told us how the cost of a well has increased from time to time, how from the subsidy of Rs. 250 the Government have been obliged to give Rs. 750. Still petitions have been coming in that a well cannot be sunk for anything less than Rs. 1,000.

"Regarding excavation, repair and maintenance of ponds or tanks, what is the cost of a pond or tank? Is it a small matter? Unless we have got money, we can do nothing; it is all impossible and idealistic to say we can do without money.

"Sir, I agree with the Hon. Minister it will be possible to get on, only if he takes away all these obligations from the panchayats. But if he takes them away from them, somebody else must take up these obligations. In this presidency with a popular Government in existence, we cannot leave any single unit out of the purview. Either the Government or the village panchayats have got to do it. Instead of the Government doing it, we devolve some power on the local panchayat; constitute panchayats on a workable basis, of a reasonable magnitude and give them all powers necessary. In fact, my other amendments would only carry out the intentions of the Hon. Mr. Chandramouli. But the provisions of this Bill as at present do not carry out his intentions. He wants to make the villagers stand upon their own legs. But the Bill makes the Inspector of Local Boards and the executive officers to stand upon not only their own legs but on the legs of others also. I am also as anxious as he himself that the people of this Province from whom we have derived authority should be able to exercise, in their own spheres, powers for the management of their own affairs. But we must also be realistic, not merely be idealistic. Therefore, with all these obligations cast upon them, there is no use simply saying that money is not the concern of the villages. After a time, when India grows more prosperous, when irrigation schemes are carried out, when industries thrive, when poverty is no more when we pile up our trade and profits, when every village unit is just as good as the best unit in the Central Delta of the Godavari district, I shall be the first man to say that each village has a panchayat. What is the use of trying to constitute a village panchayat which cannot work? What is the use of a village panchayat with 100 houses and a population of 500? With all your taxation, its total source of income can never be more than Rs. 500. With some grants, it may come to about Rs. 1,000. How can you expect any panchayat to work with one thousand rupees? Should it not have a clerk? I would say Mr. Koti Reddi is more idealistic than any one of us. (Laughter.) He says no clerk is wanted. These panchayats have to maintain accounts and they have to be audited. When you are dealing with public money, you must have proper accounts. It is impossible for the panchayats to carry on their business with the duties cast upon them by the provisions of this Bill, without money.

"Sir, there was a point made out that one village will have quarrels with another village and therefore a panchayat should be

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constituted for each village separately by itself. May I submit that this a sentiment which is contradictory to the sentiments by which the entire scheme is supposed to have been placed? If there is unity in one village, would it be wrong to hope that 5 or more villages should be equally united? How shall it be otherwise? Some members have said, and the Hon. Minister rightly found fault with them, that there are factions in the village. We shall not emphasize those factions but on the other hand we shall emphasize points of agreement. Do I not agree with him in that respect? We shall certainly be able to combine one village with another provided there is sufficient co-ordination and no quarrels trickling down from the top. It will be possible to combine 5 or 6 villages and with greater effectiveness provide better roads, protected water supply, burial grounds and other amenities. (Interruption.) Provision of burial ground is one of the obligatory things; it is as important as maternity hospital.

"Sir, I would submit that in the villages there is more agree- 4-15
ment than disagreement. Is it not better that we should have a p.m.
combination of villages and agricultural marketing societies and multi-purpose co-operative societies and the like catering to their needs? If we divide the villages bit by bit, can each village have a multi-purpose co-operative society? One hon. Member said that the choice of persons would also be difficult. In the early stages, it will be certainly just very limited. That is one of the reasons why I said that we may have bigger units. I am not differing on the fundamental issues. I would like to submit in all earnestness that I have no cross purpose, and my amendment has no cross purpose and it has no cross-implications behind it. My only desire is that our attitude should be a realistic one. Therefore I appeal to the Hon. Minister to accept this amendment."

DR. D. S. RAMACHANDRA RAO:—"Sir, on a point of information, I was moved by the enthusiasm and idealism of the Hon. Minister. I was also carried away by the eloquence of Sri Viswanatham. Between these two, I am really finding it rather very difficult to make up my mind. I want to ask the Hon. Minister. . ."

MR. SPEAKER:—"The hon. Member is making a speech. Let him come to the point of information that he sought to raise."

DR. D. S. RAMACHANDRA RAO:—"I want to ask the Hon. Minister whether he has really special standards set up—rustic standard for rustic life and also whether rural standards for rural life, and how he proposed to solve the problems of drainage, water supply, sanitation, etc., in the villages. Otherwise, the difficulty enumerated by our Friend Mr. Viswanatham seems to be inevitable. Before getting a vote on this Bill, I would like to ask the Hon. Minister whether he has really something definite with regard to these matters."

* THE HON. SRI K. CHANDRAMOULI:—"Sir, hon. Sri Viswanatham has raised one important point. If I explained that

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point, I think the whole thing would be covered. As far as the ideas and ideals are concerned, we are one no doubt. But the whole trouble is that he wants to club the villages compulsorily. I want to leave this matter to the good sense of the villagers concerned and want co-ordination and co-operation among themselves. That is the point which I want to make clear here. That is the only difference we have got. In all other things, we do not differ. If you do not allow at least this sort of small initiative to the villagers, then it is not good. However, if the villages want to combine together and work together, then there is no bother. Let them combine together. Suppose they want to form a road . . . (Sri N. S. Varadachari: 'Sir . . .')

MR. SPEAKER:—"I have allowed sufficient time for the hon. Member to speak. So, let him not disturb the Hon. Minister when he is speaking. The Hon. Minister may continue his speech."

THE HON. SRI K. CHANDRAMOULI:—"Thank you, Sir. Suppose two or more villages want to combine themselves and construct a road. Let them combine together and work together, contribute their quotas proportionately and then carry on the work. This may be all right in the case of small works. But, in regard to big things, it is not possible for every small village to be combined. By clubbing five small villages, can hon. Sri Viswanatham ensure all these modern amenities within a short period of time? I may tell that it is not possible. Small villages will be contented with simple schemes. If it is a bigger village having 30,000, 60,000 or one lakh of rupees, then it may have protected water-supply and such other things. That is a different thing. But, for cleaning a tank or keeping a well very clean and similar works, it does not need much money. I do not say that money is not at all needed. But, if you put money only as the primary thing, then I have objection. Give it its proper place; place it in its proper place. Then I am one with you. Under these circumstances, I am sorry I cannot accept the amendment."

SRI B. S. MURTHI:—"Sir, on a point of information. I would like to know whether provision has been made in the Bill for voluntary clubbing of villages whenever needed."

MR. SPEAKER:—"The hon. Member may go through the Bill and find it for himself."

the question is—

"(1) in clause 3 (1) (i) *substitute* 'thousand' for 'hundred.'"

"(2) In clause 3 (1) (ii) *delete* the words beginning with 'a revenue village' in line 1 and ending 'with any' and also the words 'village or' in line 2; and *substitute* the word 'thousand' for the word 'hundred' in line 4 ""."

The amendment was lost.

Clause 3 was put and carried.

Clauses 4, 5 and 6 were put and carried.

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Clause 7.

MR. SPEAKER:—"The motion is—
'that clause 7 do stand part of the Bill'."

SRI K. KOTI REDDI:—"Mr. Speaker, Sir, I move—
'that in clause 7, after the word "elected" the words "by secret ballot" be inserted'."

SRI PYDAH VENKATANARAYANA:—"Sir, I have also given notice of a similar amendment. So I may be allowed to speak on this amendment."

MR. SPEAKER:—"Let the hon. Member second the amendment and make his speech."

SRI PYDAH VENKATANARAYANA:—"I second the amendment."

SRI K. KOTI REDDI:—"I do not know the attitude of the Hon. Minister with regard to this amendment. However, if he is not going to accept this amendment, I may have to make a long speech."

THE HON. SRI K. CHANDRAMOULI:—"I would like to enlighten the hon. Member so that he may understand the position. I am also for secret ballot. But this need not be placed in this amendment. In the rules, we have provided for a secret ballot. If the hon. Member is satisfied with this explanation, he may withdraw his amendment."

SRI K. KOTI REDDI:—"Sir, if in the rules there will be provision for secret ballot in all cases, what is the real difficulty in accepting this amendment? After all this is a fundamental thing and a fundamental provision ought to have been incorporated in the Bill itself. Unless an assurance is given to this House that it will be provided for in the Bill itself, I have to press my amendment. The proper working of the panchayat boards depends a good deal on making a provision of this type. You are aware, Sir, that before the introduction of the coloured boxes, we agitated a good deal about some system by which secrecy of voting should be ensured, in order to safeguard the interests of the voters. Sir, it took a very long time, before the British Government who were rulers here, came to the conclusion that in the interests of the voters, it would be necessary to introduce secret ballot in the matter of elections to Legislature. So far as the local boards are concerned, the Government did not move at all. They continued to elect panchayatdars, particularly in all minor panchayats by means of raising of hands. This created a good deal of trouble in the villages. To-day, unless there is secret ballot, there will absolutely be no safety to the voters. Conditions are such in the villages. I do believe that the Hon. Minister would accept this amendment."

"I may also in this connection point out that instead of saying coloured boxes, I mentioned secrecy of ballot. These coloured

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boxes, which we are supposing will guarantee secrecy of voting, have after all proved a great failure. Even if the Hon. Minister makes a provision for secret ballot, I want to give a few suggestions why these coloured boxes have proved a failure and a better system ensuring the secrecy of voting ought to be devised. This coloured box system was introduced in 1936 and in the elections in 1936, the system was supposed to be some safeguard. Sir, I know in this system, there used to be watchers who will be watching from outside the polling booths through a hole whether a particular voter to whom one of the ballot papers is entrusted puts it in the correct coloured box or not. I very well know that some of them were unscrupulous enough to give information to the candidates."

* THE HON. SRI K. CHANDRAMOULI:—"There may have been watchers previously. But now there are no watchers. That has been stopped."

SRI K. KOTI REDDI:—"Sir, I know that myself. As a matter of fact, my Hon. Friend thinks that I am ignorant of these things. I know these and am only giving the past history to show that the coloured box system proved a failure and that is why it would be necessary to devise some other system because there is the possibility of the voters being influenced by various means. The coloured box system has almost proved a failure. Therefore, I want to see a fool-proof arrangement in regard to voting. I hope that a system will be formulated by which all simple voters—literates as well as illiterates can understand and use the thing."

"Here, in this connection I would like to mention another system of voting in the Bombay Corporation. There a method has been used by which there will be inscribed the figures of horse, ass, etc."

"This had resulted in confusion, one candidate marking an ass, another choosing a horse, and yet another allotted a monkey, so that votes were cast not with reference to the candidates, that contested but with reference to the animals representing them on the ballot box. For instance, a man liking an ass voted for the candidate the ass represented, without knowing who he was. (Laughter.) I wish he had some good sense to know something about the candidate at least, though not his merits or demerits. However, this system was given up by the Corporation later on. So we must devise a method, either by signs, or by colour or any other thing, which will ensure proper and intelligent election. Here, I would like to make a suggestion. The photographs of the candidates contesting the election will be a better substitute in areas having a population of either 500 or 5,000. I remember, in the year 1926, when probably I was not very much known in my district, and a friend of mine, one Parsuram Rao, was known only in certain parts of the district, an enterprising congressman took blocks of photographs for a paper which he started for the sake of the then election. The voters were interested in the Congress. Nevertheless, they could not pronounce the name of my

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friend properly and though my name was simpler, the voters took the paper to the polling booth and voted for us by showing our pictures to the polling officers. If the polling agent is not interested in seeing that fair election is ensured, then the villagers will be misled and may not vote as they want according to their commonsense and in the above case it was photographs that saved the situation for my friend. Therefore, this will be better than the colour box system which may be confusing if 10 or 15 candidates were to contest. For these reasons, I request the Hon. Minister for Local Administration that in order to safeguard the interests of voters and in order to afford them absolute security, he would devise some fool-proof system by which secrecy will be guaranteed. It may be by means of colours or signs or photographs as the case may be."

SRI PYDAH VENKATANARAYANA:—"Mr. Speaker, Sir, I feel this is a most important amendment which I hope the Hon. the Minister for Local Administration will kindly accept. Clause 7 of this Bill lays down that the election of the members to the panchayats shall be conducted in such manner as may be prescribed; that means, prescribed by the Government in the rules to be framed under this Act. But the amendment seeks to have this provision in the very clause itself, in order that elections may be held by secret ballot. In the present day set-up I do not think any election can be held other than by way of secret ballot, and this is the minimum that can be expected from this popular and representative Government. If the clause is not altered in terms of this amendment, I am afraid, that tomorrow the method of 'raising of hands' may be prescribed by the Government for the election of members to the panchayats and that would be most unhealthy and disastrous. As such, I feel that the Hon. the Minister will have no difficulty in accepting this amendment. The electorate for the local bodies, for this Hon. House and also now for the panchayats being identical, and the secret ballot having been adopted in respect of elections to local bodies and the two Houses of Legislature, I do not see any reason why it should not work successfully in the case of panchayats also. If the Hon. the Minister feels that the people in the villages cannot properly exercise their franchise, then he can as well drop the Bill and need not proceed with it because the villagers have been doing quite well in exercising their franchise in respect of elections to this House as well as the other. I, therefore, feel that there is absolutely no harm in accepting this amendment and in fact it is the primary duty of the popular Government to safeguard the most valuable and fundamental right of the voters in exercising their votes independent of any outside influence and interference which can only be achieved by introducing secret ballot in the very Act itself instead of leaving it to be provided for under the rules to be framed hereafter."

MR. SPEAKER:—"Amendment moved—

'that in clause 7, after the word "elected" the words "by secret ballot" be inserted.'

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* SRI B. S. MURTHI:—"Mr. Speaker, Sir, I rise to support the amendment before the House. As I have stated yesterday, in the present conditions, it is not possible for all people in the villages to exercise their free will. If, therefore, the secret ballot is not introduced, I am sure that the Harijans and other backward communities will not be in a position to exercise their franchise with any freedom. After all this system has been the order of the day for a long time and has been found to be a success. We have been elected under this system to this House. So, I do not understand why such an important thing as this has not found a place in the Bill which is going to inaugurate a new system of Government in the villages. I request the Hon. the Minister in charge of the Bill, who knows village life very well and who has got all sympathy for the have-nots, not to stand on prestige but to see that the sentiments of not only the members who support this amendment but those millions of people who have to put this Bill into action are respected. I support the amendment and request the Hon. the Minister to accept it."

* THE HON. SRI K. CHANDRAMOULI:—"Sir, I have already stated that I accept the principle of secret ballot and shall provide it in the rules. So, it would be better if hon. Members confine themselves to the advantages, if any, of having this provision made in the clause itself. I have no objection to accepting this amendment if a case is made out. The principle has been accepted and details will be worked out when the rules are made relating to this provision."

SRI A. KALESWARA RAO:—"Mr. Speaker, Sir, I am glad that the Hon. the Minister has accepted the principle. But there is this difficulty. He says he will incorporate it in the rules, and the rule making power is under clause 113. Clause 114 says a publication will be made of the rules. But there is no compulsion or duty on the part of the Government to bring these rules before this House in the absence of a provision to such an effect either in clauses 113 or 114. Therefore, to avoid all ambiguities and difficulties I request the Hon. the Minister to accept the principle by incorporating the amendment in clause 7 instead of saying he would do it later on. With regard to the details of the secret ballot, i.e., whether it is to be colour system or picture or any other system or what should be done in the case of colour-blind people, these are matters that could be dealt with in the rules. We know that the Village Panchayat Courts Act has been a failure, because people have been asked to lift up their hands. It has become an abuse of power. It has become a mockery. Now that similar Courts are envisaged in the present Bill, I request the Hon. the Minister, because he is agreeable to the principle, to put the provision for secret ballot in the Bill itself and we shall be eternally thankful to him if he does it."

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, I quite understand the Hon. the Minister's point of view. But I feel that the Government should not give away their case like this by saying 'I shall put it in the rules'. The rules have to be framed taking

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the entire picture of the Act into account. I say the very nature of the Act is defective. An election in a small panchayat composed of 500 people may cost perhaps a tenth of the revenue of that village or more, if you have this secret ballot method. Now the Hon. the Minister is committed to the principle of secret ballot. Secret ballot means boxes. Secret ballot means supervision. Secret ballot means the need for an official from outside the village. Secret ballot means giving him bata. So, all these could have been avoided if the scheme of larger panchayat had been accepted by the Government straightaway. Secret ballot can function effectively only in the case of larger panchayats. Suppose in a small panchayat of a population of 500 people, 5 members have to be elected, i.e., one member for 100 people and there are only 20 voters for each member. Suppose the ballot box is taken away by force or fraud. Then an enquiry is called for which means coming up to the Government. Somebody must take up the question and go from place to place and finally the election is stopped, and nothing is known about it. There may be kept on a pile some boxes and if two persons carry them away again the matter must come up before the Government and the Secretariat makes enquiries and finds that the panchayats are not properly constituted. I do not therefore like the Hon. the Minister saying 'I shall put it in the rules'. That is most unfair. But if he really understands what elections in villages mean and what amount of inconvenience they result in, he would not have said that if the hon. Members convince him of the advantages of having the provision in the Bill, he would have it so."

THE HON. SRI K. CHANDRAMOULI:—"Sir, the hon. Member is wrongly interpreting me. I only said that under the rules secret ballot will be provided and details worked out."

SRI N. S. VARADACHARI:—"I am sorry the Hon. Minister has not understood me. What I said was that he has provided the same in the rules. I say that this amendment would not have been necessary at all had the scheme of the Act been different. Does the Hon. the Minister understand the implications of providing small panchayats and a secret ballot for them and then a small contingent of Police . . ."

MR. SPEAKER:—"I do not follow the hon. Member. I want to know whether he supports or opposes the amendment."

SRI N. S. VARADACHARI:—"My point is this, Sir. Had the scheme of the Act been different, the Minister could have straightway stated 'I will put it in the rules'. But in the case of smaller panchayats, elections by secret ballot will be a nuisance. Again it would involve an expenditure which the villages can ill-afford to part with. I am presenting only a true picture of what would happen in the small panchayat when elections are held on the basis suggested in the amendment. I am, however, glad that the Hon. the Minister's first statement was what he would include it in the rules. Let him think over the whole rules, look at the whole

[Sri N. S. Varadachari] [21st December 1949]

picture, and make the rules with reference to the size of each panchayat. I would have no objection to this. But let not the Hon. the Minister speak in two voices. Let him not say once that he would have it in the rules and again promise to consider the provision of secret ballot in the Bill if a case is made out. I want the Hon. the Minister not to accept the amendment (laughter) and I am glad he has not accept it. I want him to be strong in this matter. Let him find out later on whether it is necessary to put this provision even in the rules."

4-15
p.m.

* SRI T. VISWANATHAM:—"I have great doubts about the efficacy of the secret ballot in small units and small villages. I do not want to refer to the points raised by hon. Friends because it would be a repetition. In larger units dealing with a larger number of voters, secret ballot works in a way. In small units under the scheme where the number of voters will not be more than two hundred, all the arguments used by my hon. Friend Sri Varadachari with regard to finance, establishment, supervision, and inspection will certainly hold good. I want the Government to consider this aspect very carefully. Besides these, some of us have always felt that at least in the village we need not have this secret system. There, there is greater frankness, greater sense of freedom, and healthy emulation. Even assuming that in some few cases there will be misuse and intimidation or tyranny, I believe in the small villages it is up to us to develop a sense of frankness and a sense of fearlessness. It is easy to develop it in the villages, because the candidates will be able to reach all the voters in a short time. Even in big business and bigger circles, secret ballot is not always resorted to but the business of general body meetings is conducted by show of hands. Therefore in the unsophisticated villages, if I may say so, I believe the secret ballot has not much to be recommended."

JANAB N. MUHAMMED ANWAR:—"Secret ballot is the secret of democracy and it is too late in the day for me to convince the Hon. Minister that secret ballot will have to be provided for statutorily. I do not want that the Hon. Minister should be extending such mercies as he should choose. Quite possibly, Sir, particularly with democracy guaranteeing change of regimes, there must be changing rules. The Hon. Minister now assures on the floor of the House that he is going to provide for this in the rules. This may be changed by another regime that may come in or even earlier. With guarantee is there, Sir, that we will have the secret ballot? He was only a little while ago pleading that the villagers should not be placed at the mercy of urbanised people. Equally I say, Sir, that we do not want the panchayats to be placed at the mercies of the Hon. Minister who can choose to have such rule-making powers according to his whims and fancies. We want that there should be a statutory provision in this Bill itself and we are not going to be satisfied or convinced with the assurance of the Hon. Minister which may undergo change as one regime gives place to another."

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SRI R. V. SWAMINATHAN:—"Sir, I wish to point out that my friend Mr. Viswanatham is not consistent. In moving the amendment to clause 3 he stated that in small units the local people who are influential will dominate the panchayat. Now he says that the people in the village are frank and all that. By this secret ballot at least the people would be enjoying freedom and can be free from the tyranny of the influential people."

AN HON. MEMBER:—"Is he speaking on the Bill or about Sri Viswanatham?"

MR. SPEAKER:—"He is speaking on the amendment."

* THE HON. SRI K. CHANDRAMOULI:—"I would like to make one point clear. When the Bill was introduced in this House, the question of secret ballot came up. I assured the House even at that time that I would introduce secret ballot. Afterwards the matter was brought in, in the Select Committee. Even there we discussed the thing threadbare. We wanted to introduce this in the rules after working out all the details so that we can make it quite clear in the rules. That was the intention of the Government. I do not agree with Mr. Varadachari or Mr. Koti Reddi in the other things. So far as the principle is concerned we have agreed. But there is difference in this respect as to where it should be introduced, in the Bill itself or in the rules. I say, whether it is a small village with a few voters or hundreds of voters, so long as there are voters and voters and human beings as we are, whether the voters be a hundred or two hundred, the principle must be applied equally. (Hear, hear.) That is the important consideration. If you want to safeguard secrecy, the independence of the people, you must have secret ballot. It is not a novel or new thing. We have introduced this in all our legislatures. The same will be extended to these panchayats. Therefore, I appeal to the hon. Member to reconsider the position and say whether he would not be satisfied if that is provided for in the rules after examining all the points in detail. I want to know his reply before I proceed further."

* SRI K. KOTI REDDI:—"I am glad, Sir, that the Hon. Minister even after the speeches of Sri Viswanatham and Sri Varadachari, said that he was not going to yield to them. I am glad that the Hon. Minister has accepted the principle. Let it be one or thousand voters. The principle is the same, guarantee to secure the voter against any bad influence or corruption. That is the real essence that we have been fighting for years and ultimately succeeded. Now do we want to go back on that? I can understand Sri Varadachari talking as he did. I cannot understand Sri Viswanatham talking like that. Has he not gone to the villages and attended elections in so many areas? Does he not know what sort of influences these people are subjected to, how these votes are secured for money and all sorts of things. That is why we wanted that there should be secrecy of ballot. I do not understand when he comes forward and says that in small villages that secrecy is not necessary."

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MR. SPEAKER.—“ Let the hon. Member not lose his temper. I shall give him two minutes. Let him cool down and continue his speech.”

SRI K. KOTI REDDI:—“ In such a fundamental matter which goes to the root of the thing, and for which I had worked practically all my political life in order to see that the secrecy of ballot is introduced, with my experience of 25 years in elections I strongly urge, Sir, that every voter be he the smallest voter has to be guaranteed against any evil or corrupt influence. The Hon. Minister has accepted the principle. But I want another guarantee though I believe in the Hon. Minister's assurance. I want him to guarantee that he would remain here for ever or that he would not allow any other future Minister to alter this.”

MR. SPEAKER:—“ Is the Hon. Minister prepared to give the guarantee? ”

THE HON. SRI K. CHANDRAMOULI:—“ I cannot guarantee that, Sir.”

SRI T. VISWANATHAM:—“ On a point of personal explanation, Sir. I also know the villages. I was also speaking from my personal experience. I have gone to villages, I have brought voters in procession to vote. Therefore to my knowledge—the knowledge of the hon. Member may be greater—the villagers are not afraid, they are frank.”

THE HON. SRI K. CHANDRAMOULI:—“ I can only assure the hon. Member that I would incorporate in the rules the principle after examining all the details.”

MR. K. KOTI REDDI:—“ I withdraw on the assurance of the Hon. Minister, that the rules won't be changed by any other Minister.”

SRI B. S. MURTHI:—“ On a point of order, Sir, withdrawal should be unqualified. Mr. Koti Reddi's withdrawal was a qualified withdrawal.”

MR. SPEAKER:—“ He has withdrawn. Otherwise I will have to take the sense of the House. Then call for a poll. All this will take time. It is already 5 o'clock.”

SRI B. S. MURTHI:—“ It is a fundamental issue, for the minorities, for the labouring classes and the Harijans. Therefore, Sir, I would request the Hon. Speaker to find out whether the hon. Member, Mr. Koti Reddi is withdrawing his amendment with the qualification or without qualification.”

MR. SPEAKER:—“ He has already withdrawn.”

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

Clause 7 was put and carried.

MR. SPEAKER:—“ I wish the hon. Members a happy New Year.” (Hear, hear.)

The House was then adjourned to meet at 11 a.m. on Thursday, the 5th January 1950.

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APPENDIX I.

[Vide answer to starred question No. 255 asked by Janab Abdul Hameed Khan at the meeting of the Legislative Assembly held on 21st December 1949, page 393 supra.]

ANNEXURE.

Serial number and name of College.	Junior Intermediate.		Junior B.A.		Junior B.Sc.		Junior Honours.	
	Number applied.	Number admitted.	Number applied.	Number admitted.	Number applied.	Number admitted.	Number applied.	Number admitted.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1. Government Arts College, Madras—								
Brahmans	423	129	10	8	95	32	..	..
Non-Brahmans	396	155	17	8	48	7	2	..
Non-Brahmans (Backward)..	139	72	..	..	10	3	..	..
Indian Christians	52	21	5	3	12	1	1	..
Muslims	107	65	15	12	39	14	7	3*
Harijans	15	15	..	..	..	..	..	..
2. Queen Mary's College, Madras—								
Brahmans	204	69	38	28	79	43	6	5
Non-Brahmans	162	80	17	12	56	15	1	..
Non-Brahmans (Backward)..	56	24	3	3	4	4	..	..
Indian Christians	56	22	10	8	33	10	2	1
Muslims	14	6	4	2	2	2	1	..
Harijans	5	5	..	..	..	..	..	..
Others	3†	3	2‡	2	1§	1	..	..

* All the seven were offered admission but only three joined.

Two Parsis and one Gujarati.

† Parsis.

§ Parsi.

APPENDIX II.

[Vide item II (1) at page 407 supra.]

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

The Select Committee appointed to consider the Madras Merged States (Laws) Bill, 1949 (L.A. Bill No. 44 of 1949), has the honour to make the following report.

2. The Bill was published in English in the *Fort St. George Gazette* (Extraordinary), dated 14th December 1949.

3. The Select Committee was appointed on the 19th December 1949.

4. The Select Committee met on the 20th December 1949, and subjected the provisions of the Bill to a careful scrutiny.

5. The Select Committee considered the Bill clause by clause and accepted all the amendments suggested by the Hon. Sri K. Madhava Menon.

6. The Select Committee after due consideration decided that certain Acts which were not included in the original Bill should

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be made applicable to the State or States and certain other Acts which were included in the First Schedule should be omitted since they had been made already applicable to the State or States by Acts of the Central Legislature. The amendments made are shown in the copy of the amended Bill attached hereto. It was not considered necessary to refer to them in detail.

7. The Committee decided that it was not necessary to republish the Bill.

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

FORT ST. GEORGE,
20th December 1949.

K. MADHAVA MENON,
Chairman.

ANNEXURE.

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

L.A. BILL No. 44 OF 1949.

(As amended by the Select Committee.)

A Bill to extend certain laws to the States of Pudukkottai, Banganapalle and Sandur which are administered as parts of the Province of Madras.

WHEREAS by an Order made under section 290-A of the Government of India Act, 1935, provision has been made for the administration of the States of Pudukkottai, Banganapalle and Sandur as if they formed part of the Province of Madras;

AND WHEREAS it is expedient to provide that certain laws should be extended to, and by virtue of such extension, should be in force in, the said States; It is hereby enacted as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Madras Merged States (Laws) Act, 1949.

(2) It shall come into force on the 1st day of January 1950.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) the expression "merged States" means the States of Pudukkottai, Banganapalle and Sandur, and the expression "merged State" means any of those States;

(2) the expression "new Provinces" means the Chief Commissioners' Provinces constituted by the States' Merger (Chief Commissioners' Provinces) Order, 1949, as amended by the States' Merger (United Provinces) Order, 1949.

Extension
of enact-
ments.

3. So much of the enactments specified in the First Schedule as extends to the Province of Madras and relates to matters with respect to which the Provincial Legislature

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has power to make laws for the Province, is hereby extended to, and shall be in force, in the merged State or States specified in the corresponding entry in the first column thereof.

4. In any enactment specified in the First Schedule, notwithstanding any thing contained in the General Clauses Act, 1897, or in the Madras General Clauses Act, 1867, or in the Madras General Clauses Act, 1891—

Central Act
X of 1897.
Madras Act
I of 1867.
Madras Act I
of 1891.

Interpreta-
tion of
enactments
as extended

(a) any reference, by whatever form of words, to the Acceding States shall be construed as not including a reference to any of the merged States or to any of the States (other than the United State of Saurashtra) mentioned in the States' Merger (Chief Commissioners' Provinces) Order, 1949, as amended by the States' Merger (United Provinces) Order, 1949;

(b) any reference, by whatever form of words, to Indian British subjects shall be deemed to include a reference to persons who, immediately before the 1st day of August 1949, were subjects of any of the merged States or of any of the States (other than the United State of Saurashtra) mentioned in the States' Merger (Chief Commissioners' Provinces) Order, 1949, as amended by the States' Merger (United Provinces) Order, 1949;

(c) any reference, by whatever form of words, to the Provinces generally or to the Chief Commissioners' Provinces generally shall be construed as including a reference to the new Provinces; and

(d) any reference, by whatever form of words, to the Province of Madras shall be construed as including a reference to the merged State or States concerned.

5. If, immediately before the commencement of this Act, there is in force in any merged State, an Act, Ordinance, Regulation or other law corresponding to an enactment specified in the First Schedule, whether such Act, Ordinance, Regulation or other law is in force by virtue of an Order under the Extra-Provincial Jurisdiction Act, 1947, or by virtue of any other legislative power, such corresponding law shall, upon the commencement of this Act, stand repealed to the extent to which the law relates to matters with respect to which the Provincial Legislature has power to make laws for the Province:

Central Act
XLVII
of 1947.

Repeal
correspon-
ding laws.

Provided that nothing contained in this section shall affect the operation of the transitional provisions contained in the Schedule to Local Administration Department Notifications Nos. 253 and 254, dated the 29th March 1949, published at pages 125 and 126 of Part I-A of the Fort St. George Gazette, dated the 29th March 1949.

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Savings.

6. (1) The repeal by section 5 of this Act of any corresponding law in force in any merged State immediately before the commencement of this Act shall not affect—

(a) the previous operation of any such law, or

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law, or

(c) any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture or punishment, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2) Subject to the provisions of sub-section (1), anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, by-law or scheme framed, certificate, patent, permit or licence granted or registration effected, under such corresponding law shall be deemed to have been done or taken under the corresponding provision of the enactment as now extended to, and in force in, the merged State and shall continue in force accordingly unless and until superseded by anything done or any action taken under the said enactment.

Powers of Courts and other authorities for purposes of facilitating application of laws.

7. For the purpose of facilitating the application in any merged State of any enactment specified in the First Schedule, any Court or other authority may construe such enactment with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court or other authority.

Extension of Madras Act III of 1931.

8. (1) The Madras Motor Vehicles Taxation Act, 1931, as amended by sub-section (2), is hereby extended to, and shall be in force in, the merged States; and sections 4 to 7 shall apply in relation to that Act as if it had been included in the First Schedule.

(2) The Act aforesaid shall be amended as follows:—

(a) To section 2, clause (iii), the following words shall be added at the end, namely:—

‘and includes in the area which formerly formed part of the State of Pudukkottai, a panchayat constituted under any enactment for the time being in force in that area’.

(b) To section 10, the following Explanation shall be added, namely:—

‘Explanation.—The provisions of this section shall apply in relation to any area which formerly formed part of the State of Pudukkottai, Banganapalle or Sandur as if the

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Provincial Government had power to pay such compensation to the local bodies in the said area as the Provincial Government may, by order, determine.’

Madras Act VI of 1932.

9. (1) The Madras Co-operative Societies Act, 1932, as amended by sub-section (2), is hereby extended to, and shall be in force in, the merged States; and sections 4 to 7 shall apply in relation to that Act as if it had been included in the First Schedule.

(2) To sub-section (1) of section 62 of the Act aforesaid, the following paragraph shall be added, namely:—

“Every society which has been registered under the law applicable to co-operative societies in the areas which formerly formed part of the State of Pudukkottai, Banganapalle or Sandur and the by-laws of which are not inconsistent with the express provisions of this Act or any rule made thereunder, shall, if the Registrar by an order in writing so declares, be deemed to be registered under the Act and its by-laws shall continue in force until they are altered or rescinded.”

Madras Act X of 1937.

10. (1) The Madras Prohibition Act, 1937, as amended by sub-section (3), is hereby extended to, and shall be in force in, the States of Pudukkottai and Banganapalle; and sections 4 to 7 shall apply in relation to that Act as if it had been included in the First Schedule.

(2) The Act aforesaid as amended by sub-section (3), is hereby extended to the State of Sandur; and when the whole of that Act is brought into force in that State, sections 4 to 7 shall apply in relation to that Act as if it had then been included in the First schedule.

(3) To section 2 of the Act aforesaid, the following Explanation shall be added, namely:—

“Explanation.—For the removal of doubts, it is hereby declared that if a notification is issued in pursuance of the foregoing proviso, in respect of any area which formerly formed part of the State of Pudukkottai, Banganapalle or Sandur, the enactments mentioned in the schedule with any subsequent statutory modifications thereof shall come into force in such area with effect on and from such date as may be specified in the notification.”

Madras Act II of 1948.
Madras Act XXII of 1948.

11. The Madras Silkworm Diseases (Prevention and Eradication) Act, 1948, and the Madras Weights and Measures Act, 1948, are hereby extended to the merged States; and when the whole of either of the said Acts is brought into force in any merged State, sections 4 to 7 shall apply in relation to that Act as if it had then been included in the First Schedule.

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Extension of Madras Act VII of 1949. **12. The Madras City Police and Gaming (Amendment) Act, 1949, is hereby extended to the merged States.** Madras Act VII of 1949.

Special provisions in respect of Banganapalle. **13. Any judgment delivered, order made or sentence passed before the 1st day of April 1949 by any Court, civil or criminal, having jurisdiction in respect of the State of Banganapalle or any part thereof shall, for all purposes including execution, appeals and the like, take effect and shall be deemed always to have taken effect, as if it had been delivered, made or passed by the Court which would have been competent to deliver, make or pass such judgment, order or sentence on the said date.**

Special provision in respect of Sandur. **14. (1) Sections 15, 15-A, 16, 30, 31 and 32 of the Police Act, 1861, as in force in the Province of Madras are hereby extended to, and shall be in force in, the State of Sandur.** Central Act V of 1861.

(2) (a) So much of the Sandur State Railways (Jurisdiction) Proclamation, 1947, issued by the Ruler of the State of Sandur on the 15th day of August 1947 as relates to the exercise of powers by the police force belonging to that State in the railway lands in that State shall stand repealed.

(b) Any action taken by any member of the police force belonging to the Province of Madras on or after the 15th day of August 1947 and before the commencement of this Act in the railway lands in the State of Sandur shall be deemed to have been taken by a member of the police force belonging to that State in pursuance of the power conferred by the Proclamation aforesaid.

(3) (a) In regard to the first reconstitution in accordance with the provisions of the Madras Local Boards Act, 1920, as extended to the State of Sandur by this Act, of panchayats in existence at the commencement thereof, and otherwise in first giving effect to the said provisions, they shall be read subject to the rules in the Second Schedule. Madras Act XIV of 1920.

(b) The Provincial Government shall have power by notification in the *Fort St. George Gazette* to amend, add to or repeal the rules in the said Schedule.

(4) (a) Any judgment delivered, order made or sentence passed, before the commencement of this Act by any Court, civil or criminal, having jurisdiction in respect of the State of Sandur or any part thereof shall, for all purposes, including execution, appeals and the like, take effect and shall be deemed always to have taken effect as if it had been delivered, made or passed by the Court which would have been competent to deliver, make or pass such judgment, order or sentence immediately after such commencement.

(b) The High Court may, by general or special order, transfer any proceeding pending immediately before the

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commencement of this Act in any of the Courts, civil or criminal, having jurisdiction in respect of the State of Sandur or any part thereof, to any Court which would have jurisdiction to entertain such proceeding if it were instituted immediately after such commencement; and the Court to which the proceeding may be so transferred, shall have full power to dispose of the same as if it had been originally instituted in that Court.

15. If any difficulty arises in giving effect to the provisions of this Act or of any enactment extended to any merged State by this Act, the Provincial Government, as occasion may require, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty. Power to remove difficulties.

THE FIRST SCHEDULE.

(See section 3.)

Names of States.	Year.	Number.	Short title.
(1)	(2)	(3)	(4)
CENTRAL ACTS.			
Pudukkottai, Banganapalle and Sandur.	1841	XXIV	The Illusory Appointments and Infants Property Act, 1841.
Do.	1850	XXXVII	The Public Servants (Inquiries) Act, 1850.
Do.	1851	VIII	The Indian Tolls Act, 1851.
Do.	1854	XXXI	The Conveyance of Land Act, 1854.
Do.	1855	XXIII	The Mortgaged Estates Administration Act, 1855.
Do.	1856	XV	The Hindu Widows Remarriage Act, 1856.
Do.	1860	XXI	The Societies Registration Act, 1860.
Do.	1863	XX	The Religious Endowments Act, 1863.
Do.	1870	VII	The Court Fees Act, 1870.
Do.	1871	I	The Cattle-trespass Act, 1871.
Do.	1875	XVIII	The Indian Law Reports Act, 1875.
Do.	1876	XIX	The Dramatic Performances Act, 1876.
Do.	1878	I	The Opium Act, 1878.
Do.	1878	VI	The Indian Treasure-trove Act, 1878.
Do.	1880	XII	The Kazis Act, 1880.
Do.	1882	IV	The Transfer of Property Act, 1882.
Do.	1883	XIX	The Land Improvement Loans Act, 1883.
Do.	1884	XII	The Agriculturists' Loans Act, 1884.

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<i>Names of States.</i> (1)	<i>Year.</i> (2)	<i>Number.</i> (3)	<i>Short title.</i> (4)
CENTRAL ACTS—cont.			
Pudukkottai, Bangana- palle and Sandur.	1886	VI	The Births, Deaths and Marriages Registration Act, 1886.
Do.	1887	VII	The Suits Valuation Act, 1887.
Do.	1887	IX	The Provincial Small Cause Courts Act, 1887.
Do.	1890	VI	The Charitable Endowments Act, 1890.
Do.	1894	I	The Land Acquisition Act, 1894.
Do.	1894	IX	The Prisons Act, 1894.
Do.	1895	XV	The Crown Grants Act, 1895.
Do.	1897	III	The Epidemic Diseases Act, 1897.
Do.	1897	IV	The Indian Fisheries Act, 1897.
Do.	1899	II	The Indian Stamp Act, 1899.
Do.	1899	XIII	The Glanders and Farcy Act, 1899.
Do.	1900	III	The Prisoners Act, 1900.
Do.	1908	XIV	The Indian Criminal Law Amendment Act, 1908.
Do.	1912	VIII	The Wild Birds and Animals Protection Act, 1912.
Do.	1914	II	The Destructive Insects and Pests Act, 1914.
Do.	1914	IX	The Local Authorities Loans Act, 1914.
Do.	1917	XXVI	The Transfer of Property (Validating) Act, 1917.
Do.	1918	II	The Cinematograph Act, 1918.
Do.	1918	X	The Usurious Loans Act, 1918.
Do.	1920	XIV	The Charitable and Religious Trusts Act, 1920.
Do.	1920	XXXIII	The Identification of Prisoners Act, 1920.
Do.	1920	XXXIX	The Indian Election Offences and Inquiries Act, 1920.
Do.	1922	XXII	The Police (Incitement to Disaffection) Act, 1922.
Do.	1923	III	The Cotton Transport Act, 1923.
Do.	1923	XLII	The Mussalman Wakf Act, 1923.
Do.	1925	XXXIX	The Indian Succession Act, 1925.

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<i>Names of States.</i> (1)	<i>Year.</i> (2)	<i>Number.</i> (3)	<i>Short title.</i> (4)
CENTRAL ACTS—cont.			
Pudukkottai, Bangana- palle and Sandur.	1926	XII	The Contempt of Courts Act, 1926.
Do.	1928	XII	The Hindu Inheritance (Removal of Disabilities) Act, 1928.
Do.	1929	II	The Hindu Law of Inheritance (Amendment) Act, 1929.
Do.	1929	XXI	The Transfer of Property (Amendment) Supplementary Act, 1929.
Do.	1930	II	The Dangerous Drugs Act, 1930.
Do.	1931	XXIII	The Indian Press (Emergency Powers) Act, 1931.
Do.	1932	XI	The Public Suits Validation Act, 1932.
Do.	1932	XXIII	The Criminal Law Amendment Act, 1932.
Do.	1934	XXX	The Petroleum Act, 1934.
Do.	1937	I	The Agricultural Produce (Grading and Marking) Act, 1937.
Do.	1937	XVIII	The Hindu Women's Rights to Property Act, 1937.
Do.	1938	X	The Cutchi Memons Act, 1938.
Do.	1939	XXX	The Commercial Documents Evidence Act, 1939.
Do.	1940	XXIII	The Drugs Act, 1940.
Do.	1942	XIX	The Industrial Statistics Act, 1942.
Do.	1944	XVIII	The Public Debt Act, 1944.
CENTRAL ACTS OF LOCAL APPLICATION.			
Pudukkottai, Bangana- palle and Sandur.	1839	VII	The Madras Rent and Revenue Sales Act, 1839.
Do.	1849	X	The Madras Revenue Commissioner Act, 1849.
Do.	1857	VII	The Madras Uncovenanted Officers Act, 1857.
Do.	1858	I	The Madras Compulsory Labour Act, 1858.
Do.	1859	XXIV	The Madras District Police Act, 1859.
Do.	1873	III	The Madras Civil Courts Act, 1873.
Do.	1882	XXI	The Madras Forest (Validation) Act, 1882.

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<i>Names of States.</i> (1)	<i>Year.</i> (2)	<i>Number.</i> (3)	<i>Short title.</i> (4)
MADRAS REGULATIONS.			
Pudukkottai, Banganapalle and Sandur.	1802	III	The Madras Administration of Estates Regulation, 1802.
Do.	1802	XXVI	The Madras Land Registration Regulation, 1802.
Do.	1803	I	The Madras Board of Revenue Regulation, 1803.
Do.	1803	II	The Madras Collectors Regulation, 1803.
Do.	1817	VII	The Madras Endowments and Escheats Regulation, 1817.
Do.	1817	VIII	The Madras Revenue Recovery (Military Proprietors) Regulation, 1817.
Do.	1819	II	The Madras State Prisoners Regulation, 1819.
Do.	1822	IX	The Madras Revenue Malversation Regulation, 1822.
Do.	1828	VII	The Madras Subordinate Collectors and Revenue Malversation (Amendment) Regulation, 1828.
Do.	1829	V	The Madras Hindu Wills Regulation, 1829.
Do.	1831	X	The Madras Sale of Minors' Estates Regulation, 1831.
MADRAS ACTS.			
Banganapalle	1862	IV	The Madras Enfranchised Inams Act, 1862.
Pudukkottai, Banganapalle and Sandur.	1864	II	The Madras Revenue Recovery Act, 1864.
Do.	1865	VII	The Madras Irrigation Cess Act, 1865.
Banganapalle	1866	IV	The Madras Enfranchised Inams Act, 1866.
Pudukkottai, Banganapalle and Sandur.	1867	I	The Madras General Clauses Act, 1867.
Do.	1869	III	The Madras Revenue Summonses Act, 1869.
Banganapalle	1869	VIII	The Madras Inams Act, 1869.
Pudukkottai, Banganapalle and Sandur.	1873	I	The Madras Wild Elephants Preservation Act, 1873.
Do.	1882	V	The Madras Forest Act, 1882.
Do.	1884	VI	The Madras Rivers Conservancy Act, 1884.
Do.	1888	II	The Places of Public Resort Act, 1888.
Do.	1889	I	The Madras Village Courts Act, 1888.
Do.	1890	II	The Canals and Public Ferries Act, 1890.
Do.	1891	I	The Madras General Clauses Act, 1891.

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<i>Names of States.</i> (1)	<i>Year.</i> (2)	<i>Number.</i> (3)	<i>Short title.</i> (4)
MADRAS ACTS—cont.			
Pudukkottai, Banganapalle and Sandur.	1893	V	The Madras Revenue Enquiries Act, 1893.
Do.	1894	I	The Madras Board of Revenue Act, 1894.
Banganapalle	1895	III	The Madras Hereditary Village-offices Act, 1895.
Pudukkottai, Banganapalle and Sandur.	1898	V	The Malabar Wills Act, 1898.
Do.	1899	III	The Madras Registration of Births and Deaths Act, 1899.
Do.	1902	I	The Madras Court of Wards Act, 1902.
Do.	1905	III	The Madras Land Encroachment Act, 1905.
Do.	1911	V	The Madras Hackney Carriage Act, 1911.
Do.	1914	I	The Hindu Transfers and Bequests Act, 1914.
Do.	1914	IV	The Madras Medical Registration Act, 1914.
Do.	1914	VII	The Madras Deputy Collectors Act, 1914.
Do.	1918	I	The Mappilla Succession Act, 1918.
Do.	1918	III	The Madras Prevention of Adulteration Act, 1918.
Do.	1919	III	The Madras Agricultural Pests and Diseases Act, 1919.
Do.	1919	VII	The Madras Forest (Amendment) Act, 1919.
Do.	1920	IV	The Madras Children Act, 1920.
Pudukkottai	1920	V	The Madras District Municipalities Act, 1920.
Pudukkottai, Banganapalle and Sandur.	1920	VII	The Madras Town-Planning Act, 1920.
Do.	1920	VIII	The Madras Elementary Education Act, 1920.
Do.	1920	XIV	The Madras Local Boards Act, 1920.
Do.	1923	V	The Madras State Aid to Industries Act, 1922.
Do.	1923	VIII	The Madras Survey and Boundaries Act, 1923.
Do.	1926	III	The Madras Nurses and Midwives Act, 1926.
Banganapalle	1926	IV	The Madras Village Officers' Restoration Act, 1926.
Pudukkottai, Banganapalle and Sandur.	1926	V	The Madras Borstal Schools Act, 1926.
Pudukkottai and Banganapalle.	1927	II	The Madras Hindu Religious Endowments Act, 1926.
Pudukkottai, Banganapalle and Sandur.	1928	VII	The Mappilla Wills Act, 1928.

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<i>Names of States.</i> (1)	<i>Year.</i> (2)	<i>Number.</i> (3)	<i>Short title.</i> (4)
MADRAS ACTS—cont.			
Pudukkottai, Banganapalle and Sandur.	1929	III	The Jaina Succession Act, 1928.
Do.	1930	III	The Madras Gaming Act, 1930.
Sandur,	1932	VI	The Madras Co-operative Societies Act, 1932.
Pudukkottai, Banganapalle and Sandur.	1932	VII	The Madras Cotton Control Act, 1932.
Do.	1933	XX	The Madras Commercial Crops Markets Act, 1933.
Do.	1933	XXI	The Madras Nambudri Act, 1932.
Do.	1933	XXII	The Madras Marumakkattayam Act, 1932.
Do.	1934	X	The Madras Co-operative Land Mortgage Banks Act, 1934.
Do.	1935	VI	The Madras Maternity Benefit Act, 1934.
Do.	1935	VII	The Madras Debtors' Protection Act, 1935.
Do.	1936	XI	The Madras Debt Conciliation Act, 1936.
Do.	1936	XVI	The Madras Famine Relief Fund Act, 1936.
Do.	1937	III	The Madras Probation of Offenders Act, 1936.
Do.	1937	IX	The Madras Payment of Salaries and Removal of Disqualifications Act, 1937.
Do.	1938	IV	The Madras Agriculturists' Relief Act, 1938.
Do.	1938	V	The Madras Traffic Control Act, 1938.
Do.	1938	XXI	The Removal of Civil Disabilities Act, 1938.
Do.	1939	III	The Madras Public Health Act, 1939.
Do.	1939	V	The Madras Electricity Duty Act, 1939.
Do.	1939	VI	The Madras Sales of Motor Spirit Taxation Act, 1939.
Do.	1939	IX	The Madras General Sales Tax Act, 1939.
Do.	1939	X	The Madras Entertainments Tax Act, 1939.
Do.	1939	XVII	The Mappilla Marumakkattayam Act, 1938.
Banganapalle	1939	XVIII	The Madras Restoration of Village Officers (Validation) Act, 1939.

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<i>Names of States.</i> (1)	<i>Year.</i> (2)	<i>Number.</i> (3)	<i>Short title.</i> (4)
MADRAS ACTS—cont.			
Pudukkottai, Banganapalle and Sandur.	1942	XIII	The Madras Irrigation (Voluntary Cess) Act, 1942.
Do.	1943	XVI	The Madras Stamp (Increase of Duties) Act, 1943.
Do.	1943	XVIII	The Madras Irrigation Works (Repairs, Improvement and Construction) Act, 1943.
Do.	1943	XXIII	The Madras Pawnbrokers Act, 1943.
Do.	1945	XIII	The Madras Prevention of Begging Act, 1945.
Do.	1947	V	The Madras Temple Entry Authorization Act, 1947.
Do.	1947	IX	The Bar Councils and Legal Practitioners (Madras Amendment) Act, 1947.
Do.	1947	XXVI	The Madras Hindu Women's Rights to Property (Extension to Agricultural Land) Act, 1947.
Do.	1947	XXXI	The Madras Devadasis (Prevention of Dedication) Act, 1947.
Do.	1947	XXXVI	The Madras Shops and Establishments Act, 1947.
Do.	1948	I	The Madras Home Guards Act, 1948.
Do.	1948	III	The Madras Suppression of Disturbances Act, 1948.
Do.	1948	VI	The Madras Restriction of Habitual Offenders Act, 1948.
Do.	1949	VI	The Madras Hindu (Bigamy Prevention and Divorce) Act, 1949.
Do.	1949	IX	The Madras Aliyasantana Act, 1949.
Do.	1949	XIX	The Madras Irrigation Tanks (Improvement) Act, 1949.
Do.	1949	XX	The Madras Sugar Factories Control Act, 1949.

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THE SECOND SCHEDULE.

[See section 14 (3).]

TRANSITIONAL PROVISIONS.

The Sandur Municipality constituted under the Mysore Minor Municipalities Act, 1933, and every panchayat constituted under the Sandur Village Panchayats Act, 1939, shall be deemed to be a panchayat constituted under the Madras Local Boards Act, 1920.

2. Notwithstanding anything contained in the Madras Local Boards Act, 1920, as applied to the Sandur State (hereinafter referred to as the said Act)—

(a) (i) the members of the Sandur Municipality holding office immediately before the 1st January 1950 shall, subject to the provisions of sections 56, 57 and 59 of the said Act, be deemed to be members of the Sandur Panchayat on and from that date;

(ii) the term of office of the members of every panchayat holding office immediately before the 1st January 1950 and of the members of the panchayat referred to in sub-clause (i) shall extend to, or expire on, as the case may be, such date as the Provincial Government may fix, and the Provincial Government shall cause elections to be held so that the newly elected members may come into office on the date fixed for the retirement of the old members;

(iii) the Provincial Government may from time to time postpone any date fixed by them under sub-clause (ii) and fix another date in lieu thereof;

(b) the President of the Sandur Municipality and of every panchayat, holding office immediately before the 1st January 1950, shall, subject to the provisions of sub-sections (1) and (2) of section 15 and section 43 of the said Act, hold office as president of the panchayat concerned up to, or vacate office on, the date fixed under clause (a);

(c) a meeting of the newly elected members of every panchayat shall be held on or as soon as may be after the said date on a day and at a time fixed by the Provincial Government or such other authority as may be empowered by them in this behalf for the election of the president;

(d) the term of office of the newly elected members of every panchayat or the members elected in their places at casual vacancies shall expire at the end of three years, if the date fixed under clause (a) is the first day of November and in other cases, at the end of three years from the first day of November immediately preceding such date;

(e) any vacancy in the office of president of any panchayat which is in existence on the 1st January 1950 or which occurs before the date fixed under clause (a) shall be filled by election by the panchayat;

(f) any such vacancy in the office of an appointed member of a panchayat shall be filled by appointment by the Provincial Government and in that of an elected member by election under the provisions of the said Act or the basis of the electoral rolls in force on the 31st December 1949; and

(g) any person elected or appointed as president or as member of a panchayat under clause (e) or (f) shall hold office only up to the date fixed under clause (a).

THE MADRAS LEGISLATIVE ASSEMBLY.

Thursday, the 5th January 1950.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Evidence given before the Fiscal Commission.

* 268 Q.—JANAB MUHAMMAD RAZA KHAN (on behalf of Janab M. A. Muhammad Ibrahim): Will the Hon. the Premier be pleased to state—

(a) whether anybody representing the Madras Government gave evidence, both oral and written, before the Fiscal Commission of the Government of India; and

(b) if so, whether the gist of the same will be laid on the table of the House?

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

“(b) Does not arise.”

[* 269 Q.—Postponed.]

Introduction of fabricated houses in this Province.

* 270 Q.—JANAB M. S. ABDUL MAJID: Will the Hon. the Minister for Public Works be pleased to state whether it is a fact that the Government are considering the question of introducing fabricated houses in this Province?

THE HON. SRI M. BHAKTAVATSALAM:—“Yes.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I ask if the Government have erected any ‘Gunnite’ houses and if so, with what result? The Government of India are erecting such houses in the City of Delhi.”

THE HON. SRI M. BHAKTAVATSALAM:—“I have information that the Government of India are erecting only pre-fabricated houses.”

SRI V. I. MUNISWAMI PILLAY:—“May I know whether it is the intention of the Government to have the work done departmentally or by contractors?”

THE HON. SRI M. BHAKTAVATSALAM:—“I have no information about it. I do not know what arrangements the Government of India are making.”

JANAB M. S. ABDUL MAJID:—“May I know the probable cost of a pre-fabricated house?”

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THE HON. SRI M. BHAKTAVATSALAM:—"Rs. 3,300 Sir."

JANAB MUHAMMAD RAZA KHAN:—"Is it not a fact, Sir, that for the last three years we are hearing so much about the pre-fabricated houses and still we do not see a trace of it in Madras and so what the Hon. Minister said is merely a promise and nothing tangible has so far been done to fulfil it?"

THE HON. SRI M. BHAKTAVATSALAM:—"No promise has been given to erect pre-fabricated houses in Madras City."

SRI R. V. SWAMINATHAN:—"May I know whether the Government have any information that private agencies are to construct pre-fabricated houses here?"

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

SRI V. M. RAMASWAMI MUDALIYAR:—"May I know whether the Government of Madras have any scheme about the number of houses to be erected, where they are to be erected, whether it is only in urban centres or in rural centres also and if so what those centres are?"

THE HON. SRI M. BHAKTAVATSALAM:—"We are in correspondence with the Government of India as to how many pre-fabricated houses we can take, to start with. As I have said, the cost of a pre-fabricated house is Rs. 3,300 as against Rs. 3,500 for the normal house and it is felt that this house might suit our police constables and also lower division clerks. We are examining this in consultation with the Inspector-General of Police and have not yet taken a decision. When we take a decision, we shall see how many houses we can take from the factory established in Delhi by the Government of India."

SRI V. RAGHAVAYYA:—"May I know whether the Government propose to extend the scheme of pre-fabricated houses to the Government-sponsored Co-operative House Building Societies and also to labourers in the country-side, preferably agricultural labourers?"

THE HON. SRI M. BHAKTAVATSALAM:—"I would suggest to the hon. Member to put this question to the Hon. the Minister in charge of Housing."

SRI C. M. KOTHARI:—"May I know whether any commission to the patentee of the pre-fabricated houses is to be given and if so, whether there is any Indian who is a partner in the concern?"

THE HON. SRI M. BHAKTAVATSALAM:—"I am afraid this question has to be put to the Government of India."

SRI L. C. PAIS:—"May I enquire how many years these houses are expected to last?"

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THE HON. SRI M. BHAKTAVATSALAM:—"I have no exact information on the question of durability, but I am assured by the experts that the house is quite durable."

JANAB ABDUL HAMEED KHAN:—"Are there other classes of pre-fabricated houses in the scheme and, if so, what will be the rent in each case?"

THE HON. SRI M. BHAKTAVATSALAM:—"Only smaller types of houses are contemplated for the present."

SRI V. I. MUNISWAMI PILLAY:—"Will the Government give an assurance that before launching on this scheme, they will have an expert committee to go into the whole question, e.g., whether the climatic conditions will suit the construction of such houses?"

THE HON. SRI M. BHAKTAVATSALAM:—"It is the Government of India who are establishing the factory to manufacture pre-fabricated houses. We are not in a position to say how many houses we can take from the Government of India. Perhaps, we may take, for the present, 50 or 100 houses and shall see if the houses will suit our climate."

JANAB M. S. ABDUL MAJID:—"Before accepting the proposal, is it not necessary for the Government to know whether these houses are suitable to the climate of this Province?"

THE HON. SRI M. BHAKTAVATSALAM:—"We shall certainly examine that aspect before we take a decision."

Memorandum regarding communal representation.

* 271 Q.—JANAB MOHAMED ABDUL SALAM: Will the Hon. the Premier be pleased to state—

(a) whether this Government have submitted a memorandum to the Union Government regarding communal representation in connexion with the Diwakar Committee Report; and

(b) if the answer to (a) is in the affirmative, whether the Government will place on the table of the House a copy of that memorandum?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—" (a) No. The Government of India have only been informed of the present policy of this Government in regard to communal representation in public services and for admission of pupils to the educational institutions.

" (b) Does not arise."

JANAB MOHAMED ABDUL SALAM:—"Will the Government be pleased to place on the table of the House the Central Government's communication regarding the Diwakar Committee Report and the Madras Government's reply in the matter?"

THE HON. SRI B. GOPALA REDDI:—"I do not know whether that Committee has made its recommendations finally. The hon. Sri Diwakar was the Chairman and our Chief Secretary

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was also a member of the Committee and they were going into the question. I do not think at this stage it will be desirable to lay the communication on the table of the House."

JANAB MUHAMMAD RAZA KHAN:—"Is it not a fact that the Government of Madras made representations to the Central Government that in the I.A.S. competitive examination, members of only one community—the Brahman community—dominated and therefore, they should be sent to other provinces and not to the Province of Madras?"

THE HON. SRI B. GOPALA REDDI:—"No, Sir, it is not a fact."

SRI V. I. MUNISWAMI PILLAY:—"May I know whether the Government have any information if the majority of the Provinces in India agreed to any change in the communal representation to the services and if so, whether the Madras Government will follow it?"

THE HON. SRI B. GOPALA REDDI:—"Perhaps the hon. Member's information may be correct. But I do not think the Committee has submitted its report and when it does, we shall go into the matter."

SRI V. I. MUNISWAMI PILLAY:—"May I have an assurance from the Hon. the Minister that the representation of the minority people, the scheduled castes, will not be disturbed in view of the fact that they have not reached the percentage set for them either in the services or in any other direction?"

THE HON. SRI B. GOPALA REDDI:—"We are anxious to give all help possible to the Harijan community and also to the backward communities and whatever could be done in the existing circumstances and under the constitution of Republican India, we shall certainly do."

JANAB MUHAMMAD RAZA KHAN:—"The Leader of the House said 'No' to my question. Will he at least admit this fact that the Madras Government did make a representation to the Central Government for the recruitment of the I.A.S. personnel particularly on the basis of communal representation?"

THE HON. SRI B. GOPALA REDDI:—"I have already answered the question and if the hon. Member wants to pursue the matter he may put a separate question."

SRI R. V. SWAMINATHAN:—"Will the Government assure this House that if at all they make any changes in the communal Government Order, they will consult this House and then make the changes?"

THE HON. SRI B. GOPALA REDDI:—"I cannot say that this House will be consulted or not. But of course, the views of the hon. Members of this House will certainly be remembered when we take a final decision with regard to it."

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SRI V. RAGHAVAYYA:—"In view of the India Government's policy not to countenance communal differences and distinctions even for priority's sake and in view of the well-established principles of nationalism and democracy, may I know why this Government still continue this invidious distinction between birth in one community and birth in another and may I know why they still persist in this policy despite the repeated protests from this House and elsewhere against it?"

THE HON. SRI B. GOPALA REDDI:—"I do not know whether this House is in favour of retaining the communal Government Order and wants us to perpetuate communalism or not. I am not prepared to say what the view of the House is. But it is not a fact that we are perpetuating anything. We are anxious that every community, forward and backward, should be given equal opportunities in public services."

JANAB MOHAMED ABDUL SALAM:—"May I know whether the Partition Committee has considered the question of communal representation and whether it will be disturbed while recruiting the personnel for the future Andhra Province?"

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

Functioning of the courts of Honorary Magistrates, etc.

* 272 Q.—BEGUM SULTAN MIR AMIRUDDIN (on behalf of Janab S. Muhammad Ismail): Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government have received any reports or representations from the public to the effect that the courts of Honorary Magistrates, Village Magistrates and Panchayats are not functioning properly and efficiently; and

(b) if so, whether the Government are considering any proposals to remedy these defects?

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

" (b) does not arise."

BEGUM SULTAN MIR AMIRUDDIN:—"May I know the educational qualifications prescribed for Honorary Magistrates?"

THE HON. SRI K. MADHAVA MENON:—"That does not arise from the original question."

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

SRI V. M. RAMASWAMI MUDALIYAR:—"May I ask whether it is not a fact that the Government have expressed about the good work turned out by the Honorary Magistrates both in the City and in the mofussal and whether there is any proposal to modify the scheme relating to the selection of Honorary Magistrates?"

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THE HON. SRI K. MADHAVA MENON:—"It is true that the Honorary Magistrates in general are doing very good work and there is at present no proposal to give up the idea of having Honorary Magistrates."

SRI S. NAGAPPA:—"May I know whether the Government have received any complaints against the misuse of power by the Honorary Magistrates and Village Magistrates especially on the poor and illiterate masses?"

THE HON. SRI K. MADHAVA MENON:—"The question is the same as the one in clause (a). The answer is in the negative."

MR. SPEAKER:—"The hon. Member has not followed it perhaps." (Laughter.)

SRI B. S. MURTHI:—"May I know on what basis the selection of Honorary Magistrates is made?"

THE HON. SRI K. MADHAVA MENON:—"The capacity, reputation, character and integrity of the person are taken into account and the Government have reconstituted the Advisory Committee to recommend the names of Honorary Magistrates."

JANAB MUHAMMAD RAZA KHAN:—"Is it not a fact that this recruitment is made not on the basis of efficiency, merit and capacity but only on the basis of party affiliation, which is apparent to the Law Minister?"

THE HON. SRI K. MADHAVA MENON:—"Absolutely not."

Elections to Panchayat Boards.

* 273 Q.—SRI GONA SEETHARAMASWAMY: Will the Hon. the Minister for Local Administration be pleased to state—

(a) when the elections to Panchayat Boards will take place; and

(b) whether there is any likelihood of their postponement till the new Panchayat Bill will come into effect?

THE HON. SRI K. CHANDRAMOULI:—" (a) The dates on which elections to panchayats should be conducted have not yet been settled."

" (b) The question is under consideration."

SRI B. S. MURTHI:—"Am I to understand that the legislation now before the House is to be passed before the elections are held or is it the Government's intention to hold the elections earlier?"

THE HON. SRI K. CHANDRAMOULI:—"The intention of the Government is to have the elections after the Panchayat Bill is passed."

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SRI S. NAGAPPA:—"May I know whether the electoral rolls for the election will be the rolls based on adult suffrage or the old electoral rolls?" 11-15 a.m.

THE HON. SRI K. CHANDRAMOULI:—"Most probably the elections will be held under the new electoral rolls."

Advance collection of one year's land-tax.

* 274 Q.—JANAB MOHAMED ABDUL SALAM: Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government have decided to collect one year's land-tax in advance;

(b) whether it is a fact that the Central Government have approved the above proposal; and

(c) whether the Government will place on the table of the House all the correspondence that passed between the Central and Provincial Governments on the above subject?

THE HON. SRI B. GOPALA REDDI:—" (a) The Government have under consideration a proposal for the levy of a 100 per cent surcharge of Land Revenue on pattadars paying more than a prescribed amount of land revenue assessment including water-rate per annum. The amount so collected will be refunded later with interest. No decision has yet been taken in the matter."

" (b) The Central Government have intimated that they have no objection in principle to the proposal to levy a surcharge on Land Revenue to be treated as a loan."

" (c) The correspondence is confidential and cannot be placed on the table of the House."

JANAB MOHAMED ABDUL SALAM:—"May I ask whether the attention of the Hon. the Finance Minister has been drawn to the volume of opposition to this proposal and if so whether, in view of that opposition he has reconsidered the matter?"

THE HON. SRI B. GOPALA REDDI:—"Of course I have seen the objections published in the dailies from time to time. I have already been holding consultations with some of the leading mirasdars and other ryotwari pattadars and they are agreeable to this scheme of collecting some land revenue to be repaid with interest a little later."

SRI P. NATESAN:—"May I know what is the sanctity about this 100 per cent? Why should it not be 150 per cent?"

THE HON. SRI B. GOPALA REDDI:—"It may be 150 per cent or 250 per cent. The capacity of the agriculturist to give this loan to the Government must be considered in fixing the percentage."

SRI C. M. KOTHARI:—"May I know whether the Hon. the Finance Minister will fix a date when this surcharge will be repaid to the ryotwari landholders?"

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THE HON. SRI B. GOPALA REDDI:—"All that will be done. I think we will have to pass some legislation also, because under the present statutes we have no right to collect any compulsory loan from the agriculturists. The House should be given an opportunity to pass the legislation necessary. And when it is taken up, I suppose the date also can be fixed."

SRI V. M. RAMASWAMI MUDALIYAR:—"Are the Government aware that the incidence of land-tax in this Province is the highest in the world? If certain mirasdars and ryotwari-holders have in private consultation with the Minister agreed to this levy, why do the Government fight shy of bringing forward a Bill for the levy of an agricultural income-tax instead of levying this compulsory surcharge?"

THE HON. SRI B. GOPALA REDDI:—"I do not know whether the land-tax in this Province is the highest in the world. I know about Motor Vehicles Taxation. I do not know about land-tax. But the agricultural income-tax stands on a different footing altogether from this. That is a tax which, if collected, will not be refunded; but this is a compulsory loan from the agriculturists which will be refunded to them in due course with interest."

JANAB ABDUL HAMEED KHAN:—"Arising from the answer of the Hon. Minister, may I know whether he has besides consulting the mirasdars, consulted smaller landholders also and found out whether they would be in a position to pay this surcharge?"

THE HON. SRI B. GOPALA REDDI:—"Of course the ways and means position of the Government also will have to be considered. This loan has been necessitated by the refusal of the Government of India to give us the originally promised loan of six crores for capital expenditure. If they had given this loan, there would have been no need for the Government to resort to this. But in view of the need to replenish our ways and means position, we have to resort to some such compulsory loan from the agriculturists."

SRI B. S. MURTHI:—"May I know whether the Government will exempt any ryots from this compulsory levy of the surcharge and if so, on what basis they are going to make the exemption, and whether they will take into consideration the case of ryots who are heavily indebted?"

THE HON. SRI B. GOPALA REDDI:—"We cannot go into the financial position of each individual ryot and find out whether he is indebted or has surplus money in his bank. But certainly we do not want to hit the poor agriculturists. We will have to exempt people who are paying kists of less than Rs. 10 or Rs. 15 or Rs. 25. Some such minimum may be fixed and people paying less than that may be exempt from this compulsory loan."

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SRI D. V. RAMASWAMI:—"Apart from the usual and ordinary objections, may I ask whether the Government will take into consideration the recent disastrous cyclone which has affected the Andhra districts before collecting a year's tax in advance from the people affected by it?"

THE HON. SRI B. GOPALA REDDI:—"It will be impossible for the Government to forget all the scenes of devastation caused by the cyclone in the Circars. We will certainly take full cognisance of the conditions there."

SRI R. V. SWAMINATHAN:—"Besides consulting the big mirasdars, has the Hon. Minister consulted the smaller ryots also, and in view of the special circumstances in this year caused by the failure of the monsoon, do the Government still feel that they should insist on collecting this surcharge?"

THE HON. SRI B. GOPALA REDDI:—"Let me not be misunderstood as saying that the leading mirasdars of Tanjore or other districts have agreed to this proposal. I have seen the objections of the Agriculturists Associations and the resolutions they have passed. They have sent a memorandum to the Government also. Apart from that, individual members, both small and big agriculturists and landholders, have sympathised with the ways and means position of the Government and as a last resort they are agreeable to pay this, because they are sure that it will be repaid to them with interest after three or four or five years as the case may be."

SRI K. SUBBA RAO:—"Is it not advisable for the Government to give up this levy system and adopt some system of compulsory saving insurance scheme for people who have got more than a certain income?"

THE HON. SRI B. GOPALA REDDI:—"We cannot go on the basis of income, because we would be trenching upon the sphere of the Government of India. We can only go on the basis of land revenue that these people are paying to Provincial Government. All these factors will be considered before we finalize the scheme which has not yet been finalized."

JANAB P. K. MOIDEEN KUTTY:—"Has the attention of the Government been drawn to the statement of Sri O. P. Ramaswami Reddiyar, the ex-Premier, to the effect that the ryots are not able to pay this surcharge at present, and in view of the weight that should be attached to that statement, will the Government be pleased to drop this proposal?"

THE HON. SRI B. GOPALA REDDI:—"The statement has been given due publicity in the papers and it is not easy to overlook such headlines in the newspapers. We have seen what the ex-Premier has said about the scheme and we will certainly give due consideration to it when we sit down and finalize the scheme."

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JANAB MUHAMMAD RAZA KHAN:—"Is it not a fact that when the Hon. Finance Minister came forward with this proposal there was such a volume of opposition to it that he became nervous and told the Press that he had given up the scheme for all practical purposes? Some such thing has appeared in the Press."

THE HON. SRI B. GOPALA REDDI:—"Unfortunately for me, Sir, sometimes I am not correctly reported. I do not make a complaint against my Press friends here, but occasionally they overstep the mark. I do not think I ever told them that I have dropped the scheme altogether. I might have said that it had not been finalized and that all factors were being considered. The Government may take any decision they think best. They may drop the measure or push it through."

BEGUM SULTAN MIR AMIRUDDIN:—"Is not the Hon. Minister aware that forced levies like this have been condemned as obnoxious from time immemorial ever since the time of Charles I? If the Government are in need of money why do they not come forward and float a loan in the open market instead of having recourse to such a levy?"

THE HON. SRI B. GOPALA REDDI:—"Had it been possible to raise money in the open market, we would certainly not have resorted to this 'obnoxious' measure."

SRI C. M. KOTHARI:—"Why have they not been able to raise money in the open market?"

THE HON. SRI B. GOPALA REDDI:—"I do not know. The circumstances in the country do not permit the Government going into the open market for their loan transactions. That is the state of affairs just now. It is no use laying the blame at the doors of the Government of Madras or the Government of India. But that is the position. As that source is not easily available we have to take recourse to this scheme of compulsory levy which is returnable after some time with interest. Let not that aspect of the scheme be forgotten or overlooked when hon. Members oppose it."

JANAB M. V. HYDROSS:—"Will the Hon. the Finance Minister be pleased to state categorically whether the people have lost confidence in the financial stability of this Government?"

THE HON. SRI B. GOPALA REDDI:—"If a particular loan has not been subscribed fully, it does not mean that the people have lost confidence in the Government. If people have lost confidence in the Provincial Governments and the Government of India, woe unto them. But I do not think that we can construe this to mean that the people have lost confidence in the Government. The investing public have their own problems to tackle and I think they are busy with them."

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JANAB M. S. ABDUL MAJID:—"In view of the extensive failure of crops in the Presidency, is it not advisable to postpone this levy by one or two years?"

THE HON. SRI B. GOPALA REDDI:—"We are alive to the situation created by the failure of the monsoon in the southern districts and the cyclone devastation in the Circars districts. But I want my hon. Friends to suggest alternatives to get some money to improve our ways and means position so that we can go on with our developmental schemes and irrigation projects."

JANAB M. A. MUHAMMAD IBRAHIM:—"Is it the considered opinion of the Government that the ryots in the rural parts have more surplus capital than other sections of the population, and if so what is the basis for that opinion?"

THE HON. SRI B. GOPALA REDDI:—"We do not hold the view that the rural people have more surplus money, but since a large amount of this money is going to be spent for irrigation and electrical projects which will benefit the agriculturists we thought we could safely ask the agriculturists to give us some money which will be repaid to them with interest."

JANAB ABDUL HAMEED KHAN:—"In view of the admission made by the Hon. Minister that the Government are not in a position to raise a loan in the open market on account of the financial conditions, may I ask, Sir, whether he does not realize that the same conditions apply to the agriculturists also from whom he wants to levy this surcharge?"

THE HON. SRI B. GOPALA REDDI:—"After all, Sir, the amount that each individual pattadar will have to lend to the Government would not be much, but when it is collected from numerous pattadars, it will be a substantial amount for the Government. We must also remember that in spite of the cost of administration going up—the village establishments and the services at the top—we have not increased the land revenue or the water-cess as has been done in the United Provinces, where recently they have increased the water-rate in some cases by 25 per cent and in other cases by 50 per cent. In this Province we have done no such thing. Right from 1930 or so, there has been no increase either in the land revenue or the water-rate. The other factors being there, perhaps we will have to do some such thing."

JANAB ABDUL HAMEED KHAN:—"The Hon. Minister in reply to the question has referred to the past when circumstances were very different. My question relates to the present financial position of all concerned, whether what applies to the Government does not apply to the agriculturists and the smaller mirasdars."

THE HON. SRI B. GOPALA REDDI:—"I am not referring to the distant past. I think there is a feeling in the banking

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circles that the agriculturist is in a position to give this loan. If he only strains himself a little bit, he can pay this loan and take it back later on with interest."

11-30 a.m. SRI C. M. KOTHARI:—"Sir, arising out of the answer given by the Hon. the Finance Minister, stating that the ways and means position of the Government of Madras is very precarious, may I know whether the Government will be pleased to withdraw ideological schemes like prohibition which will inspire confidence in the financial world of the country?"

THE HON. SRI B. GOPALA REDDI:—"I do not know whether prohibition has anything to do with the confidence which the investing public have in the Government; I do not know if under the spell of liquor, the investing public will perhaps get more confidence in the Government—I do not know all that."

SRI ROKKAM RAMAMURTHI:—"May I know if this scheme will be confined only to ryotwari areas or will be extended to the zamindari areas also?"

THE HON. SRI B. GOPALA REDDI:—"All that has to be considered; we have not yet paid any special attention to that portion of the scheme."

MR. SPEAKER:—"I have allowed fifteen minutes for this question. I pass on to the next question."

Alleged large-scale sale of "Amorphos."

* 275 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Prohibition be pleased to state—

(a) Whether "Amorphos" a drink which is manufactured in Bangalore is in large-scale sale in this Province;

(b) whether the Government ever examined its alcoholic contents;

(c) if so, what the percentage of the intoxicating element in the drink is; and

(d) whether it is a fact that it is being substituted for liquor in the mufassal?

THE HON. SRI N. SANJEEVA REDDI:—" (a) 25,671 bottles of this preparation of varying sizes were imported into this Province from 1st September 1948 to 31st October 1949.

" (b) & (c) Amorphos (plain) contains 19.9 per cent of proof spirit and Amorphos with liver extract and pepsin, etc., contains 31.5 per cent of proof spirit.

" (d) Representations have been received that Amorphos and certain other preparations were being misused as a substitute for liquor. The Board of Revenue has therefore recently issued orders directing that the above preparations shall be sold only by licensees under the Madras Prohibition Act on prescription by qualified medical practitioners."

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SRI V. RAGHAVAYYA:—"May I know why the Government of Mysore have been permitted to export this to Madras and why this Government have not raised its protest against this illicit trade going on, may be with the help of the customs authorities on the Mysore border?"

THE HON. SRI N. SANJEEVA REDDI:—"The first part of the question must be addressed to the Mysore Government, as I am not responsible for that. About the import of this into this Province, while we are controlling the sales, I do not think we should prohibit the imports."

SRI P. NATESAN:—"May I know whether the Hon. Minister has got this Amorphos drink himself?"

THE HON. SRI N. SANJEEVA REDDI:—"I do not think we should drink everything that we are going to prohibit."

SRI V. I. MUNISWAMY PILLAY:—"May I know from what date this ban was put on the importation of this Amorphos drink?"

THE HON. SRI N. SANJEEVA REDDI:—"I do not exactly remember the date; but I think it was a few months ago."

SRI V. RAGHAVAYYA:—"As the Hon. Minister himself admits that this drink contains about 19 per cent of spirit and it has been misused for liquor, may I know why it took so long for the Government to prohibit it outright?"

THE HON. SRI N. SANJEEVA REDDI:—"Only when things are being misused we will have to take action; previously they were used, but now that they are misused, we have taken steps to prohibit them."

SRI S. NAGAPPA:—"May I know whether this is essential for the health of the people? What is the medicinal value of this drink?"

THE HON. SRI N. SANJEEVA REDDI:—"Let the hon. Member give me notice; I shall enquire from doctors and let him know."

JANAB ABDUL HAMEED KHAN:—"Is this Amorphos drink a recent import into this Province, after the introduction of prohibition, or has it been in vogue in this province for a long time?"

THE HON. SRI N. SANJEEVA REDDI:—"It has been coming for a long time, but now it has increased to such huge quantities that we have had to take action."

SRI P. NATESAN:—"Does the Hon. Minister realize that on account of this prohibition, all sorts of evil drinks are coming into the market and that however much the Hon. Minister may take steps to prevent one, there will always be another springing up?"

THE HON. SRI N. SANJEEVA REDDI:—"It is quite true that drunkards are resorting to all sorts of things."

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SRI G. RAJAMANNAR CHETTI:—" May I know whether this question is not giving undue advertisement to the medicine to be used by people who really require it as a medicine for liver troubles? "

THE HON. SRI N. SANJEEVA REDDI:—" It is quite true that it may not deserve this advertisement."

SRI B. S. MURTHI:—" Arising out of the reply of the Hon. Minister that only permit-holders are given this Amorphos, may I know whether such permits will be available to those persons who do really require this, whenever necessary? "

THE HON. SRI N. SANJEEVA REDDI:—" For the information of my hon. Friend, I shall read the latter portion of my answer. I have said that ' the above preparations shall be sold only by licensees under the Madras Prohibition Act on prescription by qualified medical practitioners '. Whenever a man is really ill, he can get it with the permission of a medical practitioner."

SRI V. M. RAMASWAMI MUDALIYAR:—" Has it ever come to the notice of the Government in the course of investigating this question of increased consumption of such spirits, that shiploads landed in Pondicherry have been smuggled into India? "

THE HON. SRI N. SANJEEVA REDDI:—" There is some difficulty felt; and we are seeing how best we can control it."

SRI S. NAGAPPA:—" Arising out of the answer given by the Hon. Minister, may I know what are the minimum qualifications of a doctor? Will even village vaidyas be included in this term ' doctor ' ? "

THE HON. SRI N. SANJEEVA REDDI:—" A medical practitioner."

SRI V. RAGHAVAYYA:—" In view of the many medicated drinks coming into the market and in view of the assurance held out by the Ministry that they are giving permits to doctors, may I know if the Government propose to have a Medical Board to examine whether a particular medicated drink is really one which is medicated or is simply passed on as such, so that the abuse may be put an end to? "

THE HON. SRI N. SANJEEVA REDDI:—" Whenever it is brought to the notice of the Government that a particular drink is being misused, we certainly have it examined by doctors and then prohibit or control it."

SRI V. I. MUNISWAMI PILLAY:—" There has been excessive use of Tincture Zingiberis and also this Amorphos during the last year in this Province; may I know whether the Government have instructed the various officers to be on the watch to see that such tinctures are not brought into the market, unless the Government authorize it? "

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THE HON. SRI N. SANJEEVA REDDI:—" There was a question about tinctures last time; in the same way we have controlled tinctures also."

* 276 Q.—

[MR. SPEAKER:—" This question will be taken up tomorrow."]

Softwood Plantation Scheme.

* 277 Q.—JANAB ABDUL HAMEED KHAN (on behalf of Janab S. Muhammad Ismail): Will the Hon. the Minister for Prohibition be pleased to state whether the Government have under consideration any scheme of softwood plantation in any area of the Province? •

THE HON. SRI N. SANJEEVA REDDI:—" Yes, Sir. The question is under examination."

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

II.—ADJOURNMENT MOTION ON THE COMMUNIST ATROCITIES IN THE KRISHNA DISTRICT.

MR. SPEAKER:—" The hon. Member Sri A. Kaleswara Rao has given notice of an adjournment motion. It is this:—

I hereby give notice of my intention to move at the meeting of the Legislative Assembly on the 5th January 1950, that the business of the House be adjourned to discuss a definite matter of urgent public importance, viz., the failure of the Government to take adequate steps to put down the Communist atrocities in the Krishna district."

I wish to know what the Government have to say on this matter. So far as the Chair is concerned, it is perfectly in order."

THE HON. SRI B. GOPALA REDDI:—" The Communist menace is not a recent occurrence, Sir; it has been with us for a very long time, I suppose from 1941 or 1942 and it has become a nuisance in this Province. I may assure the House that we have been taking all possible measures; we have had consultations with the Hyderabad Government and officers and we are dealing with the situation. I do not think there will be any useful purpose served by our discussing it now here. As I said in the first instance, it is not a recent occurrence and it is also not true that we have failed to cope with the situation. Therefore, Sir, I object."

MR. SPEAKER:—" Then I shall take the sense of the House. If 35 or more Members rise in their places in its favour, the motion will be permitted; otherwise, it will not be."

SRI A. KALESWARA RAO:—" If the Hon. Premier and the Hon. Leader of the House object, of course, I am not moving it."

MR. SPEAKER:—" Hon. Member is not moving it."

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III.—ELECTION OF MEMBERS TO THE CONSTITUENT ASSEMBLY.

MR. SPEAKER:—"I am to invite the attention of the hon. Members to the two notifications published in the *Fort St. George Gazette*, Part II—Extraordinary, dated the 22nd December 1949, in regard to the election of twenty Members by the Madras Legislative Assembly as representatives of the Province of Madras on the Constituent Assembly of India, for filling the seats which will fall vacant under clause (3) of article 379 of the Constitution of India.

"The following is the programme of dates fixed for the several stages of the election:—

Nomination of candidates—Not later than 3 p.m. on Thursday, the 5th January 1950.

Scrutiny of nominations—3 p.m. on Friday, the 6th January 1950.

Withdrawal of candidature by candidates—Not later than 3 p.m. on Saturday, the 7th January 1950.

Poll (in the event of contest)—Between 11 a.m. and 1-30 p.m. and 2-30 p.m. and 5 p.m. on Thursday, the 12th January 1950, in the Chamber of the Secretary to the Madras Legislature and Returning Officer for Elections to the Constituent Assembly of India, Fort St. George.

Counting of votes—5-15 p.m. on Thursday, the 12th January 1950.

"I would also like to invite the attention of the hon. Members to a few, among others, of the more important changes brought about by the provisions contained in the Constitution of India and the Constituent Assembly Rules, as modified, in their application to the conduct of elections to fill casual vacancies arising in the membership of the Constituent Assembly of India which will function as the provisional Parliament.

Firstly, under the second proviso to clause (1) of article 388 of the Constitution of India, at an election to fill a casual vacancy in the seat of a Member representing a province, every Member of the Legislative Assembly of that province shall be entitled to vote.

Secondly, under the first proviso to the said article, seats have been reserved for persons belonging to the Scheduled Castes or to the Muslim or the Sikh community, as the case may be.

Thirdly, elections to fill casual vacancies, which were held heretofore, were conducted on the basis of proportional representation by means of the single transferable vote. That system of voting will no longer apply. Direct voting, on the basis of distributive system, will apply to the present election. Under sub-rule (6) of rule 5 of the Constituent Assembly Rules, as modified, at an election to fill more vacancies than one, a member of the Provincial Legislative Assembly shall have as many votes as there are seats to be filled, but shall not give more than one vote to any one candidate. In other words, cumulative voting is not allowed."

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IV.—MESSAGE FROM THE COUNCIL.

MR. SPEAKER:—"I have to announce to the House that I have received messages from the Hon. the President of the Madras Legislative Council transmitting copies of the following Bills as agreed to by the Council without any amendment and signed by him:—

(1) On 22nd December 1949, the Places of Public Resort (Amendment) Bill, 1949 (L.A. Bill No. 39 of 1949); the Madras Commercial Crops Markets (Second Amendment) Bill, 1949 (L.A. Bill No. 40 of 1949); the Madras Prohibition (Second Amendment) Bill, 1949 (L.A. Bill No. 41 of 1949); the Madras Prohibition (Amendment) Bill, 1949 (L.A. Bill No. 42 of 1949); the Madras Tuberculosis Sanatoria Regulation of Buildings (Amendment) Bill, 1949 (L.A. Bill No. 43 of 1949); the Madras Educational Institutions (Requisition of Property) Bill, 1948 (L.A. Bill No. 25 of 1948); the Madras City Police (Amendment) Bill, 1949 (L.A. Bill No. 45 of 1949); the Madras Estates Land (Reduction of Rent) Amendment Bill, 1949 (L.A. Bill No. 46 of 1949); the Motor Vehicles (Madras Amendment) Bill, 1949 (L.A. Bill No. 47 of 1949) and the Madras Electricity Supply Undertakings (Acquisition) Bill, 1949 (L.A. Bill No. 32 of 1949).

(2) On 23rd December 1949, the Madras Merged States (Laws) Bill, 1949 (L.A. Bill No. 44 of 1949.)"

JANAB MOHAMED ABDUL SALAM:—"On a point of information, Sir, as this election is to be by the entire House, may I know from the Hon. the Leader of the House what the procedure will be, whether the Select Committee procedure will be adopted, whether the Leaders of all the parties will be consulted or whether the names will be proposed by the Government."

MR. SPEAKER:—"The Hon. Minister can be asked in private; how can he be asked to answer it here? The election will be conducted according to the rules I have read out here; and whether the Hon. Minister is going to consult the Leaders of parties or not, is not a question to be raised now."

V.—GOVERNMENT MOTION.

MOTION UNDER RULE 17 OF THE MADRAS ASSEMBLY RULES.

THE HON. SRI B. GOPALA REDDI:—"Sir, I move—
"that rule 17 of the Madras Assembly Rules be suspended 11-45 a.m.
and the House do resolve to transact Government business
on Thursday, the 5th January 1950'."

"Sir, since you have fixed the poll for the 12th, it is necessary to keep the House going till the 11th. The main business now is only a request to the Governor-General for the creation of a High Court for the Andhra Province and the remaining provisions of the Panchayat Bill have also to be gone through. I hope there will be time for us to transact also non-official business,

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because we are sitting till the 11th. On the 12th, the Members may go to the Secretary's room and participate in the polling and there will be no other work."

MR. SPEAKER:—"We shall have that day question time and then adjourn."

THE HON. SRI B. GOPALA REDDI:—"We shall see if we cannot finish the items on the agenda before the 11th. If there is time we shall have non-official work during the next week. I hope, Sir, this motion will be accepted by the House."

The motion was put and carried.

VI.—GOVERNMENT RESOLUTION

CONSTITUTION OF A SEPARATE HIGH COURT FOR THE PROPOSED ANDHRA PROVINCE.

MR. SPEAKER:—"Regarding Mr. Madhava Menon's motion, I hope, the Hon. Leader of the House will consult the Leaders of Parties, for instance, Mr. Hameed Khan and the Leader of the Opposition, as regards the number of speakers who are willing to participate on the resolution, and give me a list of such speakers, so that I may allot the time for each speaker."

THE HON. SRI B. GOPALA REDDI:—"Regarding the speakers, the Whips will arrange for it. If this raises a general issue, I think Members can speak for any number of days, but if they confine themselves to the main question of the constitution of the High Court for the Telugu districts, we shall be able to finish the business expeditiously. Whatever it is, Sir, the Council will discuss the resolution on the 7th and I shall be very glad if we can finish the discussion in this House by tomorrow evening."

MR. SPEAKER:—"If the Hon. Leader of the House gives me the names of the Members who want to take part in the debate, then I will be in a position to fix a time-limit."

THE HON. SRI B. GOPALA REDDI:—"That would be done by the Government Whip."

JANAB ABDUL HAMEED KHAN:—"On a point of order, Sir. In regard to the motion that is sought to be moved by the Hon. Law Minister, the House is not at all aware of what is happening or what has happened or what we are going to discuss. We know, Sir, there is already a High Court working in the City of Madras and we also know there are sixteen Judges working in that High Court. But we do not know whether any division of this Province has been effected or is sought to be effected and we are entirely ignorant of what is happening or what is going to happen. In fact, no document relating to this has been furnished to the Members of this House so that we might know what the Government want to do. In the absence of that, we do not know whether it will be possible for this House to discuss this question usefully and profitably. I am sorry the House has not been treated fairly in this matter, particularly in view of the fact that it is

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being called upon to discuss a matter the A, B, C of which this House has no knowledge. Suddenly, the Hon. Minister for Law will come forward and say that another High Court is required in another area. Why should there be another High Court, Sir, we do not know."

MR. SPEAKER:—"That is not a point of order. Probably, the hon. Member raises a point of information. I will now ask the Hon. Minister to move the motion and if the hon. Member wants to express anything, he may do so later on."

JANAB ABDUL HAMEED KHAN:—"I bow to your ruling, Sir. May I know, Sir, whether in the circumstances we cannot adjourn the consideration of this subject till sufficient data is furnished to hon. Members?"

MR. SPEAKER:—"If the Government agree to the adjournment, I have no objection."

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

that in pursuance of section 229, sub-section (1) of the Government of India Act, 1935, an address be presented to His Excellency the Governor of Madras in the following terms:—

"May it please Your Excellency,

We, the Members of the Madras Legislative Assembly, request Your Excellency to submit this address to His Excellency the Governor-General, praying that he be pleased by an Order—

- (a) to constitute a separate High Court for that part of this Province which consists of the Andhra areas set out in the schedule below, and with its principal seat at a place situated within the said areas, and*
- (b) to reconstitute the High Court in Madras with effect from the date of the constitution of the separate High Court aforesaid.*

The Schedule.

- (1) The district of Visakhapatnam, East Godavari, West Godavari, Krishna, Guntur, Nellore, Chittoor, Cuddapah, Kurnool, Anantapur, and*
- (2) Adoni, Alur and Rayadurg taluks of Bellary district."*

"Before speaking on the Resolution, Sir, I would like to refer to the point raised by the hon. Muslim Member for Kurnool, Mr. Abdul Hameed Khan. He said that we do not know what has happened or what has transpired. My submission is, nothing need happen for this House to present an address to His Excellency the Governor under section 229 (1) of the Government of India Act, 1935, to have another High Court. Section 229 says that a Province can have more than one

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High Court, so that even if there is no question of the creation of an Andhra Province, it is open to this Government to come before this House to constitute more than one High Court for the Province or one High Court having jurisdiction over more than one Province. Nothing need happen. But, in this case something has happened. The House is aware, though it has not been formally brought before them, that there has been a demand for a separate Province for Andhra, and the Congress Working Committee has also agreed to that demand and the Government of India also are willing to accept the recommendation of the Congress Working Committee, provided certain conditions are satisfied. This Government appointed a Partition Committee and the Partition Committee worked on the lines recommended by the Government of India and has submitted their report to them. In the course of the discussion, it was found that the desire of the Members who want the Andhra Province was that there should be a separate High Court for the Andhra simultaneously with the coming into existence of the Andhra Province. We were faced with the problem as to how to have a separate High Court for the Andhra Province on the same day on which the Andhra Province would come into existence. We find that it is also the intention of the Government of India that the Andhra Province should come into being before the 26th January 1950, that is, before the date on which the provisions of the Constitution of India as a whole will come into force, as otherwise the procedure for having a separate Province under the new Constitution may delay the coming in of the new Province. The Andhra public, in general, the Andhra Congress Committee, as also this Government are of the opinion that everything possible should be done to satisfy the demands that have been made for the separate Province, so that it may come into existence before the 26th January 1950. The creation of a separate Andhra Province implies the creation of an independent High Court for the Province and there is a demand for that also. It is considered that it will be desirable to bring into existence a separate High Court in advance of the creation of the Andhra Province, so that as soon as the Province is created, a separate High Court can function in respect of that Province. The Andhra Province which has to be created before the 26th January 1950 has to be done under section 229 of the existing Government of India Act by the Governor-General issuing an Order-in-Council creating the Andhra Province. We have been advised that the Order-in-Council cannot create a High Court. So, if the High Court has to come simultaneously with the Order-in-Council then if there is already a High Court in existence created under section 229, sub-section (1), as an incidental thing to it the Order-in-Council can say that that High Court be the High Court of the newly constituted Province. So, we were advised that the High Court must come into existence before the Province actually comes into existence. Then there need only be a simple provision in the Order of the Governor-General to be issued under section 290 of the Government of India Act stating that the Andhra High Court will have jurisdiction over the whole of

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the Andhra area. The only way in which a separate High Court can be constituted now for the Andhra areas of this Province is under section 229 (1) of the Government of India Act, 1935, which is now in force and which will continue to be in force until the 26th instant. I hope, the House does not want me to read the provisions of section 229. Under this section, the Governor-General may, by order, constitute a High Court for any part of this Province if the two Chambers of the Legislature of this Province present an address to the Governor for submission to the Governor-General. The object of the motion is to present an address to His Excellency the Governor in pursuance of that section. His Excellency the Governor will submit the address to the Governor-General in due course. After the constitution of a separate High Court for the Andhra Province, it will clearly be necessary to re-constitute the existing High Court in Madras so as to limit its jurisdiction to the remaining or the non-Andhra areas of this Province. This re-constitution also has to be done in the same way as the constitution of the separate High Court, that is, by an address to the Governor to be submitted to the Governor-General. This explains the need for the second portion of the motion before the House which prays for the reconstitution of the Madras High Court after the Andhra Province is created.

“The principal seat of the Andhra High Court has necessarily to be situated at some place within its jurisdiction. This is, therefore, expressly mentioned in the motion.

“If the constitution of a separate High Court for the Andhra area is deferred, it will have to be created by a separate law passed by Parliament, that is to say, by the Constituent Assembly functioning in its legislative capacity. This will take time, whereas the constitution of a High Court under section 229 will be by a simple Order issued by the Governor-General, and it is possible to issue this order at once. There is no provision in the new Constitution corresponding to section 229 (1) of the existing Government of India Act. The subject of creation of a High Court will fall under Entry 78 of the Union List, viz., ‘Constitution and Organization of the High Courts’. A separate High Court can, therefore, be constituted after the 26th January only by a law made in pursuance of this Entry, and the passing of such a law will involve considerable delay. That is the reason for moving this address and the address is self-contained, so that a separate High Court with jurisdiction over particular districts may be constituted in this Province. Literally and even technically, though the creation of a separate Andhra Province need not necessarily be the reason for a separate High Court, the real reason is, there is such a proposal, the Government have been asked to consider the proposal and the Government have actually considered the proposal and sent their report to the Government of India. I hope that it is the opinion of this House that a separate High Court for the Andhra Province may be formed for the districts and taluks mentioned in the schedule, that it may be

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formed, if possible, before the 26th January 1950 and that there is nothing to prevent, whether financially or otherwise, the creation of this Province."

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noon.

MR. SPEAKER:—" Motion moved—

that in pursuance of section 229, sub-section (1), of the Government of India Act, 1935, an address be presented to His Excellency the Governor of Madras in the following terms:—

" May it please your Excellency, we, the members of the Madras Legislative Assembly request Your Excellency to submit this address to His Excellency the Governor-General, praying that he be pleased by an Order—

(a) to constitute a separate High Court for that part of this province which consists of the Andhra areas set out in the schedule below, and with its principal seat at a place situated within the said areas, and

(b) to reconstitute the High Court in Madras with effect from the date of the constitution of the separate High Court aforesaid.

The Schedule.

(1) The districts of Visakhapatnam, East Godavari, West Godavari, Krishna, Guntur, Nellore, Chittoor, Cuddapah, Kur-nool, Anantapur, and

(2) Adoni, Alur and Rayadrug taluks of Bellary district."

I will ask the hon. Members who have given notice of amendments to move them. Let them be formally seconded and then the motion and the amendments will be for the discussion of the House."

* SRI T. VISWANATHAM:—" Mr. Speaker, Sir, I beg to move—

that the following be added at the end of clause (a):—

" Provided however that until the necessary buildings and other equipment are ready at the new seat of the High Court, it shall continue to function in a portion of the present High Court to be set apart for the purpose and while so sitting shall have all the powers necessary for the effective discharge of its functions and exercise of jurisdiction."

SRI K. LINGA RAJU:—" I second the amendment, Sir."

MR. SPEAKER:—" Amendment moved—

that the following be added at the end of clause (a):—

" Provided however that until the necessary buildings and other equipment are ready at the new seat of the High Court, it shall continue to function in a portion of the present High Court

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to be set apart for the purpose and while so sitting shall have all the powers necessary for the effective discharge of its functions and exercise of jurisdiction."

JANAB MOHAMED ABDUL SALAM:—" Mr. Speaker, Sir, I move—

that the following be added at the end of clause (a):—

" and if for any reason His Excellency the Governor-General is of opinion that there are legal, constitutional and technical difficulties in locating the separate High Court of the proposed Andhra Province in Madras City, the Andhra High Court shall be located in Guntur district."

JANAB M. S. ATAULLAH:—" Sir, I second the amendment."

MR. SPEAKER:—" Amendment moved—

that the following be added at the end of clause (a):—

" and if for any reason His Excellency the Governor-General is of opinion that there are legal, constitutional and technical difficulties in locating the separate High Court of the proposed Andhra Province in Madras City, the Andhra High Court shall be located in Guntur district."

SRI L. N. GOPALASWAMI:—" On a point of information, Sir,

MR. SPEAKER:—" There is yet another amendment to be moved. What is it that the hon. Member wants? Let the hon. Member put it in writing and give it to me."

SRI K. LINGA RAJU:—" Mr. Speaker, Sir, I beg to move—

that for the words " and with its principal seat . . . said areas " at the end of clause (a), the following be substituted:—

" and that the newly constituted High Court shall continue to function in a portion of the present High Court buildings to be set apart for the purpose and while so functioning shall have all the necessary powers for effective discharge of its functions and exercise of jurisdiction."

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

MR. SPEAKER:—" Amendment moved—

that for the words " and with its principal seat . . . said areas " at the end of clause (a), the following be substituted:—

" and that the newly constituted High Court shall continue to function in a portion of the present High Court buildings to be set apart for the purpose and while so functioning shall have all the necessary powers for effective discharge of its functions and exercise of jurisdiction."

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JANAB MOHAMED ABDUL SALAM:—"On a point of information, Sir. I am thankful to you, Sir, that you asked at the very outset whether enough time will be allowed for discussing this resolution as it involves the question of the separation of the Andhra Province and the formation of a separate High Court. You might have noted, Sir, that the Hon. Mr. Madhava Menon, while moving the resolution, referred to the necessity for asking this House to pass this resolution. May I have a ruling from you, Sir, whether we are to confine ourselves to a discussion of this question or we might refer to the discussions and recommendations of the Partition Committee as well?"

SRI L. N. GOPALASWAMI:—"I want some information, Sir. This resolution involves the setting up of a High Court and so should involve additional expenditure on the exchequer of the Province. May I know from you, Sir, whether the sanction of Governor under section 82 of the Government of India Act has been obtained for the moving of this resolution?"

THE HON. SRI K. MADHAVA MENON:—"This is an address presented under section 229 of the Government of India Act and so, does not require the permission of the Governor."

MR. SPEAKER:—"The Hon. Minister when he moved the resolution said that this had been rendered necessary because of the proposed formation of the Andhra Province and in a like manner while discussing the question of a separate High Court, the question of the separation of the Andhra Province would arise."

THE HON. SRI K. MADHAVA MENON:—"I prefaced my remarks by saying that even if there is no separate province, it is open to this House and the Government to move an address to His Excellency the Governor asking him to constitute two High Courts for the same province. It is immaterial whether a separate province is formed or not. The resolution for the constitution of a High Court has been moved before the Andhra Province has been formed."

MR. SPEAKER:—"Where is the necessity for a separate High Court without its having a bearing on the question of the formation of a separate Andhra Province?"

THE HON. SRI K. MADHAVA MENON:—"The necessity for a separate High Court may be because of the size of the province and the distances to be covered and the nature of the work is such that it has to be done and on that, it is open for the Government and this House to decide that steps under section 229 of the Act be taken for the constitution of another court. This Province, Sir, has got three Universities and similarly constitutionally, we can have two or three High Courts. Section 229 of the Government of India Act says—

"His Majesty, if the Chamber or Chambers of the Legislature present an address in that behalf to the Governor . . . may constitute a High Court for that province or any part thereof or reconstitute in a like manner any existing High Court . . ."

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So, Sir, whether the Andhra Province comes or not, this House may present an address to the Governor for the constitution of another High Court and the question whether the province is coming or not is not the criterion for moving this resolution. The object is that the Andhra Province, when formed, must have a High Court simultaneously with the province and for that purpose must be an existing High Court for the Governor-General to declare that that High Court shall be the High Court for that province; we are not now asking for a High Court for the Andhra Province; we are asking for an additional High Court for this province."

MR. SPEAKER:—"The resolution says—

"that part of the province which consists of the Andhra areas set out in the schedule'."

THE HON. SRI K. MADHAVA MENON:—"The ten districts mentioned in the schedule and the three taluks of Bellary district form part of this province and they are existing districts of this province and I have explained, Sir, the need for it. The reason is that there must be an existing High Court which the Governor-General might declare to be the High Court of the Andhra Province. Section 229 says 'any part thereof'. So, Sir, the recommendations of the Partition Committee are not germane to a discussion of this resolution as it is only the creation of a second court for this province."

MR. SPEAKER:—"While explaining the necessity for this resolution, the Hon. Minister stated that they wanted a separate province and so he was moving this resolution."

THE HON. SRI K. MADHAVA MENON:—"Yes, Sir. I did say that. The provocation for this address is the proposal to have a separate province. If the Andhra Province requires a High Court simultaneously with the formation of the province, the Government and the House may help its formation by passing this resolution. While the recommendations of the Partition Committee are not germane to this discussion, incidentally hon. Members can as well refer to the proposal for the formation of the Andhra Province."

MR. SPEAKER:—"The resolution has no bearing on the recommendations of the Partition Committee. The Hon. Minister has explained the necessity for this motion. Some people want the Andhra Province and to enable a High Court being named as the High Court for that province, this resolution seeks to present an address to the Governor for the creation of another High Court. So, this is not about the Partition Committee. The main resolution and the amendments are for the discussion of the House." (At this stage the Deputy Speaker occupied the Chair.)

* SRI T. VISWANATHAM:—"Madam, although the Government have not been pleased to put the House in possession of

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the recommendations of the Partition Committee and although we have not been taken into confidence, yet the Hon. Minister incidentally, as he says, mentioned about the desire of the Andhras to have a separate province and therefore, as a consequence, the necessity of having a separate High Court has arisen. Members of the House, Madam, are aware that certain differences have arisen among the members of the Partition Committee in regard to the temporary location of the capital of the new Andhra Province and the seat of the High Court for the new province. One cannot get away from those facts and the House is fully aware of it. It is in the light of that setting that I wish to explain the necessity for the amendment which I have moved.

"Section 229 of the Government of India Act under the terms of which the Government are sponsoring this resolution, does not say that it should be stated in the address where the High Court should be located. The Government however have included in the resolution a sentence indicating where the seat of the High Court should be. The Hon. Mr. Madhava Menon said Andhra Province or no Andhra Province, the Government are to have two courts and asks us to discuss this resolution on that basis. He was apparently asking us to base our discussion on the language of section 229 of the Government of India Act, 1935. I shall read the section for the information of the House—

'His Majesty, if the Chamber or Chambers of any Province present an address in that behalf to the Governor, may by letters patent constitute a High Court for that province, or any part thereof or reconstitute in a like manner any existing High Court for that province or for any part thereof, or where there are two High Courts in that province amalgamate those courts.'

12-15 p.m. It is nowhere stated that we should also state 'and with its principal seat at a place situated within the said areas.' I want the House to carefully consider the distinction between the provisions of section 229 and the wording of this resolution moved by the Government under the language of section 229. It is really not necessary for the Government to have said that the principal seat should be at a place situated within a particular area because the Act does not contemplate that way. What the Act says is this—

'(2) Where any court is reconstituted, or two Courts are amalgamated, as aforesaid, the letters patent shall provide for the continuance in their respective offices of the existing judges, officers and servants of the Court or Courts, and for the carrying on before the reconstituted Court or the new Court of all pending matters, and may contain such other provisions as may appear to His Majesty to be necessary by reason of the reconstitution or amalgamation.'

So, Madam, it will be seen that the Members of this House need not bind the hands of the Governor-General with regard to any particular item. It is not necessary for the local Government to have circumscribed the scope of sub-clause (2) of section 229, by saying that the principal seat of the High Court shall be a place situated within the said areas and not in the City of Madras.

"Then, Madam, there are other reasons also why Government should not so restrict the scope of the section. Members of this House are aware of the discussions going on about this matter for some time. It is true that the Andhras have been asking for a

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separate province for themselves. It is a very old demand; and although for one reason or other delayed for long, it seems to be coming near fruition just now. But no steps have been taken in due time, in proper time or sufficient time to enable us to move out in full working order. All on a sudden, the partition council have recommended and the Cabinet of the Government of Madras have accepted the suggestion overnight, that the Andhras should walk out of this province into the areas denoted in the schedule to the present resolution. Madam, you are aware, that we have been carrying on as a common government and as a common administration for more than 250 years. It is not easy to go away from the City of Madras, whatever may be the claims and counter-claims put for the City. It is true that in our anxiety to have the Andhra Province we have gone to the extent of saying that we shall not demand the inclusion of the City of Madras in the new Andhra Province. But, does that mean, or does that justify, or is there any justification arising out of it for Members of this Government to say, 'All right, you have bargained for it; so you can walk out without any preparations; you can walk out without any equipment, you can walk out without any building, you can walk out without even necessary records, without even the division of assets and liabilities; you can walk out with nothing whatsoever; you can walk out before the 26th January wherever you like, because you have asked for it.' I submit, Madam, this is not a graceful approach to the problem. There must be a reasonable understanding of the question and the implications arising from it. We must deal between ourselves as between gentlemen and gentlemen. There is no use simply insisting on the point, 'because you want a province and you have agreed to leave Madras; you walk out before 26th January.' I say, from the practical point of view it is not possible. I ask the Hon. Mr. Madhava Menon whether he will be able to deliver all our records before January 26th next. I ask this Government, whether they can deliver to us all the records, the assets and other things before the 26th January. I ask, with what face can they say, that so far as they are concerned, they are agreeable to our going, but that in doing so, we shall not take anything with us. Madam, that should not be the attitude of a noble Government; that should not be the attitude of a people's Government, a Government which stands for the rights and liberties of the citizens of the province. Madam, I first submitted that under section 229 it is not necessary to locate a place within the new area for holding our High Court there and only there. Then I stated that on account of the history of the administration of our province for the last 250 years, we could not develop towns in the north and it is not possible to do so all on a sudden, as we have been all along one. Every one is aware that there is not a single town in the districts of the new Andhra Province, where either the capital or the High Court or both of them can be located. So it is not an easy matter; it is not a light matter, for any one to say, 'all right, you go and hold your Court in your area wherever you like.' It is the authority of the constitution that matters and nothing else. I submit that it is not the proper way of dealing with the question. In

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these days of transition, when property is not safe and questions of security are assuming great importance we want a building to keep our property, we require sufficient equipment, we require security of our equipment and we require sufficient equipment to locate our capital, to run our administration, to locate the High Court and maintain the prestige and authority of the government and administration of courts of justice. I submit, therefore, to the Hon. Law Minister, who has moved this resolution and the Government of the present province of Madras to view the matter in a large-hearted manner. Let us not be pettyforging; let us be generous towards each other. Generosity will repay both of us. It will repay both him who has shown generosity and him who has received it.

“ Now, Madam. I would like to touch on one point and that is that some whisper was heard that there may be a legal objection to locate the High Court in Madras. I have gone carefully through every section of the Government of India Act relating to the constitution and jurisdiction of High Courts. The sections are from 219 to 231. For the information of the House I shall briefly summarise those provisions. Section 219 gives us the list of existing High Courts. Section 220 says that every High Court shall be a court of record and it deals with the internal structure and constitution of High Courts and the qualifications of judges. Section 221 deals with the salary of judges. Section 222 deals with temporary and additional judges. Section 223 deals with the jurisdiction of the existing High Courts. Section 224 deals with the administrative functions of the High Courts. It says that every High Court shall have superintendence over all courts in India subject to its jurisdiction and deals with its powers of administration. Section 225 is a provision enabling one High Court to transfer certain cases pending in an inferior court to itself for trial. Section 226 deals with jurisdiction in revenue matters. Section 227 deals—I suppose that section is still there, and I suppose it is to be in force for the next five years—with the language of the court, and says that English shall be the language of the High Court. I suppose when we have our Andhra province, that section will not be observed very much. Section 228 deals with the expenses of the High Court. Then comes section 229, under which the present resolution has been moved and I have read *in extenso* the language of that section in my opening remarks. Then we come to section 230 which deals with the extra-provincial jurisdiction of High Courts. It says—

‘ The Governor-General may, if satisfied, that an agreement in that behalf has been made between the Governments concerned, by order extend the jurisdiction of a High Court in any province to any area in India not forming part of that province, and the High Court shall thereupon have the same jurisdiction in relation to that area as it has in relation to any other area to which it exercises jurisdiction.’

That section also says that in cases where the Governor-General gives such extra provincial jurisdiction to a High Court, the provincial legislature shall not increase, restrict or abolish that jurisdiction. Then, we come to section 231, which deals with saving and definitions. So, let me submit, that in none of these sections is

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it stated, or is there anything to infer that there is any legal objection to have the seat of the new Andhra High Court temporarily in the City of Madras. I ask to put the plain meaning for the words in the several sections. I ask to put the ordinary interpretation on the ordinary words of the ordinary language. Having looked at the wording of the various sections I submit, I find there is no warrant for the suggestion that there may be a legal objection to locate the High Court temporarily in the City of Madras. Let it not be forgotten, that the Andhras having agreed to have their capital and High Court permanently in a place to be chosen by the new Andhra Legislature, and after constructing the necessary building and after securing complete equipment, have given their word of consent that they will move into that seat of capital and High Court. So let no one raise any legal objection for the location of their High Court temporarily in the City of Madras. As I submitted earlier, the language of the Government of India Act does not restrict us to have it at any place. Even at the risk of repetition I shall read sub-section 2 of section 229. It runs thus—

‘ (2) Where any Court is reconstituted, or two Courts are amalgamated, as aforesaid, the letters patent shall provide for the continuance in their respective offices of the existing judges, officers and servants of the Court or Courts, and for the carrying on before the reconstituted Court or the new Court of all pending matters, and may contain such other provisions as may appear to his Majesty to be necessary by reason of the reconstitution or amalgamation.’

Therefore I submit that it is perfectly competent, within the meaning of section 299 and the other sections relating to the constitution of High Courts in the Government of India Act, for the Governor-General not only to constitute a High Court for the Andhra Province but also to give a direction that that High Court shall continue to function in Madras until the Andhras are able to establish its seat within the Andhra area. 12-30 p.m.

“ I have given all the relevant points and I only wish that the Government will take a broad, long-range and liberal view of the matter.”

SRI A. KALESWARA RAO:—“ Madam, Deputy Speaker, I wish to submit that the Government have done well in moving this resolution to present an address to the Governor-General through the Governor for establishing a separate High Court for the Andhra areas. So far, it is an excellent thing. The Andhra areas are mentioned in the Schedule and they are the ten Andhra districts and the three eastern taluks of the Bellary district which are under the jurisdiction of the Andhra Provincial Congress Committee according to the Kelkar Award. For the present we do not want to go into any claims or counter-claims for the settling of boundaries on all sides. We shall be content with having these ten districts and the three taluks constituted into a separate Andhra Province. Therefore the schedule is correct. It mentions only the admitted areas, areas about which there is agreement on all sides for the present.

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"The Government have introduced in the resolution a contentious clause, which is unnecessary and which raises any amount of controversy and produces heart-burning and disputes. That is the clause relating to the location of the principal seat of the High Court within the area of its jurisdiction. In the first place, the question is whether it is necessary. The Government want to divide the area of the whole Madras Province between two High Courts, one High Court having jurisdiction over the Andhra areas mentioned in the Schedule—the Government do not even call it the Andhra High Court—and the other having jurisdiction over the remaining parts of the Madras Province. One High Court is as good as, and equal to, the other High Court in status, etc. If one High Court has the right to continue in Madras, the other High Court also has the right to continue in Madras unless the new High Court is bound to get away from Madras to a place within its jurisdiction under any provision of law or under any section of the Government of India Act. Section 229 does not envisage any such legal impediment. The Governor-General in his order may say anything he likes. That is a different matter. Section 229 merely empowers the Governor-General to divide the area between two High Courts and to constitute a new High Court for a portion of the province. Now we are in that position. Hitherto I was made to understand by some friends on the Ministerial side that there was some legal difficulty with regard to the continuance of the new High Court in a place over which it has no jurisdiction and that therefore it could not continue in Madras. My hon. Friend Mr. Viswanatham has read section 229. It is only under that section that this resolution is moved; it is only under that section that the Governor-General has to act. No such legal difficulty is there. Besides, I am supported by an unanimous resolution passed by the Andhra section of the Madras Bar on the 4th January 1950. I am told that they consulted Mr. Alladi Krishnaswami Ayyar, Mr. Pappu Somasundaram and other legal luminaries of Madras. They are of opinion that there is no legal impediment for continuing the new High Court in Madras for any length of time. We may settle to go away very early or like to remain here for any length of time. The choice shall be ours. Madras City is our common property and our common home. We are going voluntarily to another home. Till we construct or prepare our home and make everything ready for our settling comfortably and conveniently in our home, we have a right to continue here. That is what I want to make my Tamil friends understand. We are not strangers; we are not hewers of wood and drawers of water. Madras City is as much our property as that of the Tamil, Malayalam and Kanarese friends belonging to the residuary province. When there is no legal impediment, it is only a question of convenience, and a matter of our self-respect. We would like to construct our own big and magnificent cities or acquire cities. It is a matter for us. Naturally we do not like to be here for even one moment longer than is absolutely necessary. But to ask us to get out at once is

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wrong, illegal, unjust and impolitic. This clause is unnecessarily and wrongly introduced and it merely creates bad blood and heart-burning. I do not understand why my Hon. Friend Mr. Madhava Menon, the Law Minister of this Government, who belongs to the residuary province after we separate, irritates the Andhras at the very outset. What is the advantage gained thereby? That portion is wrongly put in and there is no question about it. Therefore I request him to withdraw that portion and to accept any of the amendments moved by either Mr. Viswanatham or Mr. Linga Raju. Even if he merely omits those words, that is enough. Or he may even specifically say that the new High Court shall continue in some of the present High Court buildings. The present Judges will be divided, some of them will go to the new High Court, and a Chief Justice will be selected from among them. Instead of one Andhra and one Non-Andhra sitting together, two Andhra Judges will sit together in one or the other room. What is the difficulty? If we make a specific recommendation to His Excellency the Governor-General in the way we are proposing to do, he will naturally respect it and pass an order to that effect. If the new High Court continues in the present High Court buildings, even the difficulty raised by my hon. Friend Mr. Gopalaswami will be obviated. He said: 'Where is the money to construct a new building for the High Court to come from?' Why do you introduce this clause at this stage? It is premature. The need for this clause arises only after the Andhra Province is formed and when the Andhra Government want to have a High Court and are prepared to spend on constructing the buildings. After all, the number of Judges and subordinate officials will be the same and the total volume of work will be the same. Probably there will be an additional Registrar and he also will be taken from the existing staff and some Assistant will become the Principal. There is absolutely no difficulty for continuing the new High Court in Madras.

"There is very great difficulty for moving the Andhra High Court to some place in Andhra area. There are about two hundred Andhra lawyers here and they appear in Andhra cases. They also have to move with records and reference books on Law. How can they do it immediately? The High Court itself has to possess a library. Of course, it is easy for friend to say: 'Have a seal locate the Registrar's office in some small choultry or Town Hall or some small house in the Andhra area with one of the Judges, the Admission Judge, sitting there.' How can they be there with no records and library? Are the lawyers to go there with no records and reference books and argue like private vakils arguing before a panchayat court sitting under trees? Is that the way in which the Government want to send us from our common home? Andhras have been here for hundreds of years. We have built this City. Andhras and Non-Andhras are equally responsible for the prosperity, name, fame and beauty of this great City of Madras. What the Government are proposing to do is unfair. It is stated that when a province gets sovereignty, its High Court must be

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• within the area of its jurisdiction. Where is it stated? It is wrong. After all, we are under the same sovereignty, namely, the Government of India. It is not like ceding some portion of the Madras Province to the French Government, Dutch Government or Pakistan Government. So, where does the difficulty arise? This condition is merely humiliating. •

12-45 P.m. “ The other day I put a question and got the answer from the Ministerial side that there is absolutely no legal objection for the Andhra Government to continue here, for the Andhra Ministry to administer the Province from here and for the Andhra Legislature to pass legislation from here, even after the separation of the Andhra Province. But our Tamil friends are afraid that if we continue to remain here after separation, we would stay here permanently. That is probably why they want to send us away even at the very beginning. But, Madam, we are gentlemen; we will enter into certain agreements with them, that we shall continue here for some time, till we settle our things in the Andhra, that we shall occupy some of your buildings for the present, and administer our affairs from here, and when we go away we shall hand them over to you. We must act as brothers and as gentlemen. We must trust each other and not suspect one another. Supposing we do not go afterwards, how can you send us away? Are you going to bring all your army, and your police and drive us out? No. Therefore you must allow us to remain here for some time and then we will go willingly. These conditions, these restrictions and these demands are wrong and unbrotherly. We expect brotherly treatment from our Tamil friends and not laying down conditions like these. We will go, no doubt, when it is convenient to us. Therefore, please consult our convenience and not hustle us in this manner, especially when we have agreed to give up claims for the City.

“ Madam, I must therefore oppose the amendment of my hon. Friend, Mr. Abdul Salam, for this reason that we have not yet settled our capital, and after we have settled all the details, then it would be time enough for us to settle the location of the High Court for the Andhra Province. I request him not to bring this proposition prematurely. Let me appeal to my Andhra friends on the other side to join with us in our demands for continuing in the City for the present, for locating the new High Court in some portions of the same High Court buildings for the present and for the Andhra Government to function from Madras for some time, and to make this our temporary capital, till we are able to find out a suitable place for them in the Andhra Province. Therefore, Madam, I second the amendment moved by my hon. Friend, Mr. Linga Raju, namely, to delete the words ‘and with its principal seat at a place situated within the said areas’ and to substitute instead the words, ‘and that the newly constituted High Court shall continue to function in a portion of the present High Court buildings to be set apart for the purpose and while so functioning shall have all the necessary powers for the effective discharge of its

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functions and exercise of jurisdiction.’ That is all we want our Tamil friends to do. Let them allot some portions of the present High Court buildings to us for some time, where we can hold our High Court and we shall shift it to some other place in the Andhra Province at our convenience. Let us behave as good brothers and let us not quarrel even as we part, and let us show our mutual trust and affection in this respect.”

* JANAB MOHAMED ABDUL SALAM:—“ Madam, Deputy Speaker, this is one of the very historic occasions when we are discussing in this House a matter of very great importance and as my hon. Friend, Mr. T. Viswanatham, said, we have been together in this Province for a very long time and when we are parting now, let it not be said that we have not done it gracefully. My hon. Friend, the Law Minister, is now in the happy position of sponsoring a resolution like this, because he is to remain in the residuary Province. But our position is really different, because we have to voice the feelings and the demands of the people of the areas from which we come. But, let it be taken note of by the Hon. Law Minister that very soon he too will have to realize, since our ex-Premier, Mr. Omandur Ramaswami Reddiar, has said, that Malabar is a deficit district and that it is not advisable for it to go away from the Tamil Province. So, Madam, when he replies at the end of this debate, and when he presents his own case for the separation of the Kerala Province, let it not be said that he was uncharitable to us and later on repent for what he has said now, because very soon he will be in the same predicament as ourselves.

“ Madam, this resolution, I am led to think, has really been brought before the House at the instance of the Partition Council and not simply to satisfy the provision laid down in the Government of India Act, as read out both by my hon. Friends, the Law Minister and Mr. Viswanatham. Simply because that section in the Government of India Act mentions that a place shall be named for the location of the High Court for the administration of justice in the new Province, the Hon. Minister said that it was necessary to bring forward this resolution. I can assure him that there is no law or precedent which he can point out to the effect that that High Court should be located in a place within that area. The Hon. Law Minister cannot deny that this resolution is the outcome of the Partition Council. First of all, it is a very pitiable thing indeed that this House is asked to discuss this resolution without proper and fuller information. We do not know for what reasons and under what circumstances this resolution has been brought forward. I was really wondering whether the House was satisfied with the plea put forward by the Hon. Minister for Law when he said that he has brought forward this resolution because the Government of India Act has laid down such a procedure. His arguments were very narrow. He said that we should not discuss anything about the creation of the Andhra Province and various issues connected therewith. Can you imagine, Madam, a Minister coming before this House with

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such a shallow and unconvincing argument and asking us to pass this resolution, without even allowing us to discuss the pros and cons of it? Should he not give us more details and more information about what happened in the Partition Council and the reasons for bringing forward this resolution? If we are going to have a High Court for other reasons than the creation of the Andhra Province, then the Hon. Minister could have very well brought in the argument of the distance of the High Court from Visakhapatnam and other places in the north. I do not think, Madam, that the Government are so narrow-minded as to take shelter under the Government of India Act and tell us that we should not discuss anything beyond what is contained in the resolution. It is mysterious that this House is not given any information about the genesis of this resolution, not even something about what the Central Government have said, or how the Partition Council was constituted, or what their recommendations are and whether this resolution has anything to do with the recommendations of the Partition Council. We have been asked to discuss a vague resolution under some section of the Government of India Act, which says that we can bring forward any resolution for the creation of a separate High Court for a Province or a part thereof.

"Madam, I have to say that we are really surprised at the way in which the Partition Council has been constituted. What is the origin for it and what were the instructions of the Government of India in regard to this matter? It is a sealed book to us. We are forbidden to ask for any details in this House. What little information we are able to get on this subject is from the reports which appeared in the newspapers. We have to take it that this resolution is the direct outcome of the recommendation of the Partition Council. But our Ministers are not tired of saying that newspaper reports and information should not be relied upon for their correctness. Only this morning the Hon. Leader of the House said that the report that was published in the newspapers regarding the decision of the Government on the compulsory levy from agriculturists was not correct. But now we are asked to discuss this resolution from the information supplied by the newspapers. Even at this stage, the Hon. Minister has not given any information or details about the recommendations of the Partition Council or the Central Government's instructions in the matter. If the Partition Council has not made any recommendations in this respect, then I want to know what is the genesis of this resolution. Is it merely a figment of the imagination of the Hon. Law Minister that some provision of the Government of India Act should be complied with.

"Madam, we are asked to discuss this resolution without any background. The public are agitated over the humiliating recommendations which the Partition Council have made. They are certainly not binding upon the people and if they are to be given effect to, then I am sure, it would be impossible for us to have a separate Province, and a separate High Court for the area

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that is to be newly constituted. Madam, my hon. Friend, Mr. Viswanatham, asked certain pertinent questions regarding the creation of the Andhra Province. He wanted to know certain details regarding the division of assets and liabilities. Will the Hon. Minister lay on the table of the House the recommendations of the Partition Council in this regard? Will he answer all the points raised by him? The only information that is available to the House in regard to that matter is what is contained in the dissenting note of my hon. Friend Mr. Prakasam, which was published in the papers. He has revealed to us how justice was not done to the Andhras. He has raised certain important issues and unless those issues are properly and satisfactorily settled, I do not think it will be possible for the recommendations of the Partition Council to be carried out. The Madras Government say, "You please get out of this Province. Do not remain in Madras, the moment your Province is separated". Is this the recommendation of the Government of Madras or of the Hon. Premier or of the Partition Council or of the Central Government? No information is available and the issues raised by the hon. Gentleman, Mr. Prakasam, in his dissenting note clearly show how things have been done in the Partition Council. I hope, Madam, that the Hon. Minister for Law would take note of this, because he has himself said that he is in an unenviable position in this Province to-day. (The Hon. Sri K. Madhava Menon: 'I did not say anything like that.') Madam, the way in which the proceedings of the Partition Council have been conducted and the recommendations made by them clearly show what their attitude towards the Andhra Province is. They simply want the Andhras to get out of this Province, immediately that Province is formed. The Hon. Minister for Law now comes forward and says, 'From the day on which you get your Province, you should locate your High Court somewhere in that area'.

"Madam, I entirely agree with the arguments and the rationale behind the amendment of the hon. Gentleman, Mr. Viswanatham. We know the mentality of the present Government. We know the way in which it has been working all along. But knowing as we do the attitude and mentality of the present Government, what I have suggested is that in case it is not possible to locate the Andhra High Court in the City of Madras even for a temporary period, it may be located in Guntur. There are many grounds that can be urged in favour of locating it in Guntur. In this matter, I would appeal both to my Andhra and non-Andhra friends not to be swayed by considerations of sentiment. Perhaps my friends from the Rayalaseema may raise the question of Sri Bagh Pact. Others may raise different issues, on different party affiliations. But let it not be said that due to differences among the Andhras themselves, due to the differences exhibited by the Partition Committee members and because of the divergent opinions expressed by the different sections of the Andhras, the Andhras created enemies among themselves and so the realization of their dreams and ambitions has been delayed or not fructified.

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Let it not be said that the Andhras have allowed their sentiments to play on this important question, and that they have not played their cards properly. It is in that view that I have brought forward this amendment.

“Madam, there may be various arguments in favour of locating the High Court in various places. But let us weigh the arguments dispassionately and let us recommend that one which is most suitable. I have sought to move my amendment for the location of the High Court in Guntur. In view of the very unreasonable resolution that has been brought forward by the Hon. Minister for Law asking us to get away from this City immediately the new Province is formed, and not even allowing us to remain here for a temporary period, I hope, that at least my amendment may be accepted by the House.”

* SRI K. LINGA RAJU:—“Madam, Deputy Speaker, my amendment is substantially the same as that of my hon. Friend, Sri T. Viswanatham, except that I want to delete the objectionable portions of the address that is to be submitted to His Excellency the Governor and to substitute therein our idea in clearer terms. The only reason that prompted me to give notice of this amendment is this. It is not such an easy thing to construct the necessary buildings immediately to suit the dignity of the High Court of the Andhra Province at any place. Things should not be hustled in this manner.

p.m. “Nowadays we have several notional things. We are asked to have a notional principal seat, a notional capital, and perhaps a notional Province with notional credits. These are not contemplated by the partition. That is one reason why I have given notice of an amendment in clear terms. Coming after able lawyers like Mr. Kaleswara Rao, Mr. T. Viswanatham and Mr. Salam, I need not dilate upon the legal aspect. From the layman's point of view, I do not see any difficulties. The Orissa High Court functioned in Patna even when Orissa was separated.”

THE HON. SRI K. MADHAVA MENON:—“That is wrong. The High Court at Patna had jurisdiction over Orissa also.”

* SRI K. LINGA RAJU:—“If another High Court can exercise jurisdiction, I do not think there need be any alarm if the same thing is followed here. As a result of partition, if these legal difficulties arise, I submit there are the legal pandits—not to create further difficulties—but to solve them. As matters stand at present, by the creation of notional things, they are creating more difficulties for us. In a number of Bills that have been introduced in this Assembly, a provision has been inserted saying that ‘whatever may be done under this Act shall not be questioned in any court of law’. When this Legislature and the Government of India are in agreement about the separation, all these legal difficulties can be conveniently got over and the High Court can be carved out in the spirit in which it is intended. If the Andhras, according to the J.V.P. Report, surrendered their claims to the

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City of Madras as an integral part of their Province, it is only for political convenience and for good neighbourliness. It is not an easy matter for the Andhras to give up their claims to the City of Madras as history points out they owned it, they built it and they have contributed largely for its improvement. Even in the matter of the High Court, Madam, they have a large share in building it up and have even contributed to its finances, incidentally enriching some lawyers of the south. The interpretation of the principal authors of the J.V.P. Report has very much to do with the surrender of the Andhra's claim to the City as an integral part. We are made to understand that both the Capital and High Court and some Head-quarter's staff can be located in Madras City till such time as we can build our own buildings. Several of these buildings in Madras where big offices are located were built when wages to labourers were paid in annas. If we really want to build a capital to fit in with the dignity of a Province, I am afraid, Madam, even a single building will require crores of rupees. The manner in which the members of the Partition Committee are trying to give us compensation makes us nervous about thinking of a building for a High Court at present. It is argued by some friends that if we have a notional principal seat somewhere in Andhra districts, we can carry on our work even in cow sheds or in court-yards. I submit, Madam, that it is a very unfortunate position. Andhras who had been pioneers of linguistic movement and who are very anxious to have their Province are being hustled like this. Their eagerness is taken advantage of and they are asked to run their administration in cow-sheds and court-yards. The members of the Partition Committee who are trying to drive out the Andhras from the City should reconsider their stand in the interests of a happy partition. The Hon. the Law Minister was good enough to say that it is only notional and almost all the judges can function from here. That being the case, I would appeal to him to accept my amendment and end this controversy and bring about a peaceful and happy partition.”

* SRI A. VAIDYANATHA AYYAR:—“Madam, Deputy Speaker, I am not generally fond of partitions. Before the Dhar Committee, I myself insisted against a partition being made on linguistic lines. We in the Tamil Nad have absorbed large numbers of people having different languages. Reddis, Kammavars, Nayaks and a number of other communities, who are spread over the whole of the Tamil Nad, have become absorbed and become Tamilians. In fact, under the name of Tamilians, we have given a Premier Mr. Reddiar. At present we have Mr. Raja as the Premier who speaks Telugu only in his house and not Tamil. My point is if we two speaking two different languages could not exist together, how a Union consisting of 18 languages could, as a matter of fact, exist together at all. But at the present stage, it is too late to urge such arguments. The resolution that has been placed by the Hon. Minister for Law before the House is one which has no

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intention to tread upon anybody or to treat anybody with discourtesy or to see that our friends are inconvenienced merely because they are now separating from us. Far be it, not merely for the Ministry here but for any Member of our Tamil friends to take such an attitude. I understand that it is not in a spirit of malice or in a spirit to cause inconvenience that the Government have brought forward this resolution in the present form. On account of the present Government of India Act, and also the Constitution Act which has subsequently to come in, certain technical difficulties are there, which necessitate the use of the words 'principal seat'. This is done on legal advice. It was not introduced in a malicious or wrong spirit. Much heat has been generated in the House, on this resolution which is brought forward merely to comply with the terms of the present Government of India Act as well as the future Constitution Act. The real reason why this resolution for a separate High Court has been brought forward is that, if, on the date of the separation of the Andhra Province, there was not already a High Court functioning, there may be difficulties for a High Court to be brought into operation because, then, we would have to appeal to Parliament to constitute a High Court in exercise of the powers conferred on them by the Seventh Schedule. To avoid that course, and to have a High Court already functioning, the Government have brought forward this resolution. The existence and necessity of such a High Court being brought into operation, none of my Andhra friends really take objection to. The real difficulty seems to me is about the introduction of the words 'principal seat'. That is necessary because of the provisions in the present Government of India Act. I would only take two or three provisions to show that it was not in a spirit of malice that this resolution has been brought forward. It is a legal necessity. Once this is understood, I do not suppose that there will be any difficulty in complying with the requirements of the Constitution. It will be found from section 228 (1) of the present Government of India Act, under which the High Court has to be constituted, that the administrative expenses of a High Court including all salaries, allowances and pensions payable to or in respect of the officers and servants of the Court, and the salaries and allowances of the Judges of the Court, shall be charged upon the revenues of the Province, and any fees or other moneys taken by the Court shall form part of those revenues. That is, the salaries and allowances of the Judges as well as all the administrative expenses shall come out of the revenues of the Province, and the fees collected shall also form part of the revenues. Then comes section 229 (1), which enables the Governor-General to separate or to reconstitute or constitute a new High Court. After that there is the provision in section 230 (1) which says that extra-territorial jurisdiction may also be conferred upon the High Court, where there is an agreement between the Governments concerned. This section therefore contemplates a High Court, having its principal seat in one Province, and

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exercising jurisdiction over areas outside the Province in which it is situated. Then there is another provision also. Where a particular High Court is located in a Province, and has territorial jurisdiction in some areas of another Province, there is the provision that the Legislature of the Province in which the High Court has its principal seat shall not pass any legislation in respect of that jurisdiction. There is the corresponding provision enabling the Legislature of the Province where the High Court has no principal seat but has jurisdiction to pass legislation regarding the jurisdiction of the High Court. The section says— . . . nothing in this Act shall be construed as preventing the Legislature having power to make laws in that behalf for any such area from passing such laws with respect to the jurisdiction of the Court in relation to that area as it would be competent to pass if the principal seat of the Court were in that area'. Then follows section 231 (1), which has compelled the Government to bring forward this resolution in its present form. Section 231 (2) of the Government of India Act, says—

'Where a High Court exercises jurisdiction in relation to more than one Province or in relation to a Province and an area not forming part of a Province, references in this chapter to the Governor in relation to the judges of a High Court and references to the revenues of the Province shall be construed as references to the Governor and the revenues of the Province in which the Court has its principal seat.'

Under section 231 (2), if the High Court has its principal seat in Madras, but has jurisdiction over the Andhra Province, the result will be that all the salaries and administrative expenses will have to come from out of the Madras Province on the date when the New Constitution comes into operation. Because, the moment the New Constitution comes into operation, the Province where the principal seat of the High Court is located, shall be the Province to which all the income of that particular Court will go and all the expenses like salaries, etc., will have to be debited to that Province. It is the difficulty and it is to avoid such difficulty that the words 'with its principal seat at a place situated within the said areas' have been put in so that the moment the Constitution Act comes into operation on the 26th January, automatically the High Court that is newly proposed for the Andhra area shall become the High Court of the Andhra Province itself. In referring to that, I will take you to the New Constitution which provides for it and which also runs on the same lines as the present Government of India Act. We find in the Constitution Act, section 214 provides 'There shall be a High Court for each State'. Section 221 (1) provides for the salaries of the Judges: 'There shall be paid to the Judges of each High Court such salaries as are specified in the Second Schedule'. Section 221 (2) provides for the allowances. Then we go to section 227 (3) where the previous approval of the Governor is required to be taken in certain cases such as prescribing forms in which books, entries and accounts shall be kept by the officers of the Courts. Then we go to section 229 (1) which deals with the making of appointments

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and I don't thing my hon. Friends from Andhra really see the difficulty in having a principal seat in Madras. The provision is—

'Appointments of officers and servants of a High Court shall be made by the Chief Justice of the Court or such other Judge or officer of the Court as he may direct:

Provided that the Governor of the State in which the High Court has its principal seat may by rule require that in such cases as may be specified in the rule no person not already attached to the Court shall be appointed to any office connected with the Court save after consultation with the State Public Service Commission.'

So, if the principal seat is located within the new Madras Province itself, the difficulty will be that with regard to appointments to be made by the Chief Justice to the High Court, the Governor of Madras may insist that they should pass through the Public Service Commission of Madras itself because of the language that is found in this provision. Regarding the rules to be made for the conditions of service of officers and servants of a High Court, it is said—

'Provided that the rules made under this clause (Clause 2 of section 229) shall, so far as they relate to salaries, allowances, leave or pensions, require the approval of the Governor of the State in which the High Court has its principal seat.'

"Another difficulty is this. As soon as the New Constitution comes into operation, the High Court which is existing in any State will be the High Court of that State and the Parliament under article 230 may by law extend the jurisdiction of a High Court to any State specified in the First Schedule other than, or any area not within, the State in which the High Court has its principal seat. That is, the result will be extraordinary. What section 230 contemplates is that the High Court in any State shall be the High Court for that State and with regard to any extension of jurisdiction, Parliament must pass a law which would enable the High Court to have jurisdiction over the other area. So, if the principal seat of the proposed High Court is in Madras, the question will be whether it would not itself be the High Court for the new Madras Province simultaneously if the Andhra area is declared to be a separate Province on the 26th January 1950 because this provision only contemplates the principal seat being within the State and an extension by law of jurisdiction to any area beyond the State itself.

"Then there is a further difficulty. You will find in section 231 a similar provision with regard to the principal seat. Where a High Court has got jurisdiction over its own State area and also over some other part which is not within the State, there is provision for making legislation under section 231. Then, we go to section 232 which is very important because it introduces the same difficulty that I pointed out in the present Act itself. It says—

'Where a High Court exercises jurisdiction in relation to more than one State specified in the First Schedule or in relation to a State and an area not forming part of the State—

(a) references in this Chapter to the Governor in relation to the Judges of a High Court shall be construed as references to the Governor of the State in which the Court has its principal seat . . .

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The result will be that if the principal seat of the High Court happens to be in Madras, then all references to the Governor will be to the Governor of Madras and not to the Governor of the new Andhra Province.

"Then, all collections from Court-fees, etc., shall go to the State Consolidated Fund. Section 232 (c) provides that all references to the Consolidated Fund of the State shall be construed as references to the Consolidated Fund of the State in which the Court has its principal seat. Therefore, both the expenditure as well as the income from Courts would possibly have to be tacked on to Madras on account of the way in which the Constitution itself has been framed.

"Section 375 relates to Courts and Judges having the same jurisdiction as at present in the future also. We find also section 376 (1), which states—

'Notwithstanding anything in clause (2) of Article 217, the Judges of a High Court in any Province holding office immediately before the commencement of this Constitution, shall, unless they have elected otherwise, become on such commencement the Judges of the High Court in the corresponding State and shall thereupon be entitled to such salaries and allowances and to such rights in respect of leave of absence and pension as are provided for under Article 221 in respect of the Judges of such High Court.'

Article 221 refers to the salaries of Judges. So, the result will be if you want to have in Madras the principal seat of a High Court which is going to become the High Court of another Province, namely, the Andhra Province, the Constitution itself will have to be amended and the Constituent Assembly will have to be called upon to see whether a provision cannot be made to meet this difficulty and create a new Andhra High Court. But if there is a High Court having its principal seat within the Andhra Province itself, there will be no difficulty. There is one other alternative but I do not think it will be liked. You may set apart a particular portion of the High Court building to be the principal seat of the Andhra High Court to belong to the Andhra Province to be formed. You may carve out 100 feet by 200 feet and say that it shall form part of the Andhra Province. But that would mean adding one more apple of discord to the already numerous apples. I do not think it will be desired. One of the hon. Members who preceded me appealed to Mr. Madhava Menon to think of his future as a Malabari gentleman who may in the future have to stick on like that. I do not think such appeals, however strong, are likely to weigh with any individual Member of the Cabinet and least of all the Hon. the Law Minister. He has had enough of criticism from myself but he has stood unabashed and I do not think in a case where he is right, he will give up his position.

"The other way in which we might do it is this. It is a technical complaint and I do not see at all why this should arouse so much heat. The Government want technically to comply with this Act so that on the proclamation of the Constitution coming into force, that particular High Court may be the Andhra High

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Court itself. For that, you have to comply with this technical provision and have the principal seat somewhere outside Madras. Of course, nobody is anxious to push our Andhra friends bag and baggage out of Madras. There are many lawyers and judges among our Andhra friends and the Tamilian has got the fortune of having our Andhra friends always ruling as Premiers or High Court Judges or as prospective High Court Judges. Even if there is a division, we are prepared to have them in our midst. We are a tolerant set of people and I do not believe so long as there is good administration going on and good justice is being rendered, we will be moved by whether a person belongs to a particular linguistic category or not. You have seen how much we have been supporting Andhra friends also. It is only our regret that they part. But afterwards we will have nobody to quarrel with unless we quarrel within ourselves. Apart from that, we believe that this can be solved in a short way. If the real difficulty is about accommodation, the principal seat may be declared to be somewhere, a board could be hung up there and a Registrar and all the other officers may be there. What the Government really want is on the coming into force of the Constitution, there should be no difficulties. My hon. Friends will remember that the Hon. the Law Minister is now bringing this for the purpose of having a ready-made High Court immediately to function for Andhra itself and not in any spirit of trying to spoil the separation of Andhra. It is evident if only the legal points are looked at. We are not going to push you out on account of frigid feelings. Even to-day I count on some of the Andhra friends among the hon. Members of the Legislature and very often I have had the fortune to vote with them against my Tamil friends. But that is no ground at all. You can comply with the law and have the High Court functioning. The Government do not want you to go or to push you out bag and baggage with all the Law Reports and the lawyers. You may remain with us. But one thing I can tell you. If you remain with us long enough, we will absorb you. That is the absorbing faculty of the Tamilians. The Tamilians have absorbed many nations and many religions and are likely to absorb many more. I am glad assurances have been given on the floor of the House that they will go away. But we are likely to have some more vakils practising there also. Some Tamilians may go and practise there. We are not afraid of Telugu friends practising in our High Court also. So, different feelings need not have been generated at all. We must overcome the actual inconveniences by having a High Court actually functioning. To comply with the provisions of the Constitution Act, what the Government propose is 'Have the principal seat somewhere in the Andhra area, for all time you may have it closed or opened, you may have only some officer functioning, but have it in order to comply with the statute, or otherwise it causes considerable legal difficulties.' If only the Hon. the Law Minister had explained that it is only for satisfying a temporary difficulty that has arisen not by virtue of any legislation of this House but a legislation of the Constituent Assembly.

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which is binding upon us, I do not think all this kind of suspicious feeling would have been generated. You are welcome to remain with us as long as you please, but for God's sake, please have a High Court conceived as your own by putting up a board that it is the principal seat of the Andhra High Court."

THE DEPUTY SPEAKER:—"The House will now adjourn and meet again at 2-30 p.m."

(After lunch—2-30 p.m.)

* SRI D. V. RAMASWAMI:—"Mr. Speaker, Sir, I do not propose to take much of your time, but I would submit that, after Hon. Sri Madhava Menon has explained the reasons underlying the motion for the constitution of a separate High Court for the proposed Province and has also explained the legal implications, the legal formalities and the circumstances that necessitated the submission of this address to His Excellency the Governor-General through His Excellency the Governor, I thought any detailed discussion will be merely acrimonious. After all what is envisaged is that a situation has arisen whereby certain facilities have got to be afforded for the functioning of one of the major institutions of the Province, namely, the High Court. Instances are not wanting throughout the history of the world—when during the War and after the War—several States and High Courts had to function from different places other than their capitals. Not only States that were actually involved in the War, but also States that were affected by the War had to remove some of their High Courts to stations far beyond their territories, when there was a catastrophe like bombing or any such thing taking place. Instances are not wanting when some of these institutions had to be located temporarily just to overcome some such predicament. Here, there is no such predicament. But the present situation warrants accommodation like this being given, provided of course the Legal Department or the Advocate-General have given their considered opinion in this matter that it is quite feasible. I feel, Sir, that we need not bother our heads with the acute implications and technicalities involved in this matter. It is only temporary accommodation that is wanted. We need not quite envisage a situation where the Registrar has to be located in a place outside Madras and have his board there and grant admissions of suits or applications. Mr. Viswanatham has explained the matter in detail, section by section. His amendment would be helpful. In view of the present difficulty in finding buildings and the short time available for the location of a separate High Court, accommodation only as a temporary measure is requested. As I have already stated, if we look at the problem in a friendly spirit there cannot be any difficulty which cannot be overcome by either the Legal Department or the hon. Members of the House. I support the amendment."

* SRI R. V. SWAMINATHAN:—"Mr. Speaker, Sir, I support the resolution moved by the Hon. Minister for Law. Also,

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I have to oppose the amendments moved by Mr. Viswanatham and Mr. Salam. Sir, while speaking on the resolution, the Hon. Law Minister stated that even if there was no separation at all and we were one, there was nothing wrong in having two High Courts—like First High Court and Second High Court. That is one of the points mentioned by the Minister for Law. Anyhow, everyone knows that this resolution has emerged on account of the separation of the Andhra Province. As a Tamilian, I want to make my point clear that we Tamilians are not interested in these linguistic Provinces. We do not say that we must have Tamil Province. It is only the Andhras who are very eager in getting their Province."

MR. SPEAKER:—"Let us not discuss about any controversial matter now."

* SRI R. V. SWAMINATHAN:—"Anyhow, these are matters pertaining to the subject under discussion, and therefore I cannot avoid them. So I beg of you to permit me to say a few words on this occasion, which I want to express. We have heard through the newspapers that the work of the Partition Council went on very smoothly and they have agreed on many points. We were very glad to hear that, though we did not know whether the information published in the newspapers was authorized or not. Recently, we have also heard that one of the members of the Partition Council has dissented."

MR. SPEAKER:—"We are not discussing the report of the Partition Committee. Let the hon. Member come to the resolution."

SRI R. V. SWAMINATHAN:—"Sir, on account of the findings of the Partition Committee, this resolution has come."

MR. SPEAKER:—"I want to make it clear to the hon. Member that we have nothing to do with the Partition Council report. The subject under discussion is about the constitution of a separate High Court for Andhra. So he may confine his speech to this subject."

* SRI R. V. SWAMINATHAN:—"Sir, the resolution relates to the creation of a High Court which should be located in one of the places in Andhra jurisdiction. Sir, hon. Member, Sri Vaidyanatha Ayyar has dealt with the legal points and the difficulties and said that the High Court must be located only in the Andhra area and not in the Madras area. I am not a lawyer. So I need not go into any detail with regard to the legal aspect of the matter. But, according to the amendment of Mr. Viswanatham, it is stated that the High Court should be located temporarily in Madras. I want to know why Mr. Viswanatham is again coming and saying that the High Court must be located in Madras, when the Andhra Province is coming. When Sind was separated from Bombay and when the Orissa Province was established, they never asked that their High Court and headquarters should be located in Bombay

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or in any other Province with which they were connected previously before separation. Again, recently, when Pakistan was separated and established, the Pakistan Government never said that they wanted to remain in India and have their High Court and headquarters at Delhi."

MR. SPEAKER:—"I do not think that there can be any comparison between the separation of Pakistan which is a separate Dominion and the separation of Andhra as a separate Province in the same Dominion."

* SRI R. V. SWAMINATHAN:—"Sir, Mr. Viswanatham has said that the High Court should be located temporarily at Madras. I want to reply to him that this cannot be so. For this purpose, I must give reasons. When Pakistan was established, the Pakistan people never wanted to remain in Delhi. The India Government wanted that they should shift their headquarters and other things to Karachi. The Pakistan Government gladly went to Karachi. They never said that there were no buildings and no facilities at Karachi. They gladly accepted the India Government's suggestion and went to Karachi."

"People wanted a separate Province. But when it is coming, they must not try to give further trouble. I think I am correct in saying that a kind of bitter feeling has been created by those who have been agitating for a separate Andhra Province. Recently, I have read in newspapers certain views expressed in one of the meetings by Sri Bulusu Sambamurthy, who once occupied the Chair now adorned by you and by another member of this House. Their speeches have created a bitter feeling. Therefore, if at all the Andhra Province comes or not, and if at all the High Court goes there or not, a feeling of suspicion has been created in the minds of the people. Under the present state of suspicion, I do not think that people will live in peace and that there will be smooth administration. Everybody will be suspected. The Andhras will suspect the Tamils and the Tamils will suspect the Andhras. That feeling has been created whether wantonly or not. That is the reason why the Andhras must go to their Province and must have their High Court and headquarters in their own jurisdiction. I want to ask what is the fun in their wanting to have their headquarters and High Court in a place which does not at all belong to them. Until some days ago, we were under the impression that the Andhras are for the separation of the Province, headquarters and High Court, etc. Now there is hesitation. I have got a little doubt on account of the trouble which has just emerged. Some lawyers from Andhra who have settled down in Madras do not want to go to Andhra and live there. If the High Court is established in a place outside Madras City, these people fear that they will not be in a position to go there and live, as they are living in the City. That is why this group of people are creating this trouble. The trouble created by another group of people is by the businessmen. They have also settled down in Madras City and they do not want separation—separation of either the Andhra Province or the High Court. They want to remain in Madras itself."

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There is yet another set of people, viz., some of the retired civilians, who are also creating some trouble. We do not know anything definite about these people, but we have heard about these people. These people who were serving the Britishers when there was British Government in this country are living in Madras City and are established here. These people who think that there is no future of life for them in the Madras City after separation, are creating trouble, and are pulling wires from behind. So I want to tell my Andhra friends, 'Please do not create any illfeelings hereafter. In the interests of Andhras and in the interests of all, please go away to your own area'.

"Another thing to which I would like to refer is this. When this question of separation was brought, these leaders who wanted separation said that it is only in the interests of the people that they wanted separation. Some of these people want to gamble with the masses and bring a sort of pressure on the poor and innocent people for their own objects. ●

2-45 P.M. "Some of the leaders who said that they would give their lives for the cause of the Andhra Province have come forward to create trouble. I cannot understand the logic behind such a move. It will not do any good to suggest that unless the High Court and the provincial headquarters are located temporarily here it is no use having a Province and that they would go without a Province. If this is not done now it will lead again to the question of separation and we will be treading over what we have covered already. I would, therefore, request my hon. Friend, the mover of the amendment, to withdraw it and support the main motion before the House."

SRI K. VARADACHARI:—"Mr. Speaker, Sir, I am sorry that my hon. Friend, Sri Swaminathan, who has just spoken has missed the whole point of the original motion as well as the amendment moved by my hon. Friend Sri Viswanatham. Sri Viswanatham, after deep thought over the matter, has moved this amendment which does not raise any controversial issue as such covered by the points made out by my hon. Friend, Sri Vaidyanatha Ayyar. Sri Vaidyanatha Ayyar was making out that there was difficulty about the result of the wording in the sections of the Government of India Act which speak of the principal seat of the High Court. He was making out also that it was not out of a feeling of pique or anger or any other feeling that this motion of the Government craving His Excellency the Governor in the language it has done, has come out and that it confines itself to the principal seat of the High Court as the only important point. Sir, the Government, in order to avoid all technical difficulties, which may or may not arise, and to make provision to meet such difficulties that may arise, are making an attempt at closing all avenues for difficulties of that nature and have, therefore, come forward with this proposition. But they might, in a large-hearted spirit and in accordance with their intentions as I understand them to be, have the Andhra High Court here for some time. I

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know, they do not want that the Andhra High Court should be inconvenienced in its working by being asked to go bag and baggage from this place even before they can get all the accommodation and the equipment necessary for establishing a High Court full-bloomed in the Andhra area. It is not their intention that the judges who are to do the day-to-day work of hearing and disposing of cases should do their work from outside the Madras City in a place within the Andhra area, pending the establishment of a regular High Court. I am quite certain that the Government of the residuary province will accommodate the Andhra judges by allowing them to function from here while the principal seat, to satisfy technical matters, may be located somewhere else. That is the position, Sir, and Sri Viswanatham's amendment confines itself to this. The amendment is moved with the object that the intention of the Government to accommodate the Andhras in Madras itself should be specifically stated so that the bulk of the work relating to the High Court can go on in Madras pending the construction of the necessary buildings and organization of work. Sir, I need not mention the several inconveniences that will arise out of the original Motion if carried. If we are asked to go bag and baggage and arrange for the transaction of the business of the High Court from outside the City at once, it is not fair. There is no space in the whole of the Andhra area which can accommodate the High Court. Many of the Members of the House do not know that even as it is the volume of work in the High Court is great and a larger percentage of work is from the Andhra area. (An hon. Member: 'Hear, hear.') You will find it from the figures available with the Government—the High Court can furnish this information—that the volume of work relating to the Andhra area is greater than the rest. Sir, this work cannot be carried on if the High Court is located at a place outside the City. There is also one other thing, which this House must note. That is, the Bar which consists of both the Tamilians and the Andhras as well as the Malayalees and the Karnataks has not only its sectional or regional work but work from Andhra area also. Large numbers of eminent Tamil lawyers are in charge of work coming from the Andhra area. As a practising lawyer, in the mufassal, I know to whom I am sending my work so far as appeals are concerned and I know how many are sending their work to Tamil lawyers practising in the Madras High Court. On one side or the other, an eminent Tamil lawyer is engaged even for work coming from Andhra parts. What are we going to do with these people if the High Court is not so located as to enable them to adjust their work and see that they function on lines which will give them a compartmental work, a line of work for the areas in which they are living? How are you going to adjust these things? Have you consulted the Tamil lawyer element in Madras? It is perhaps on account of these difficulties that the Government have not specifically stated that the whole of the work of the High Court shall be carried on in the Andhra area immediately. I hope I am correct in saying that. Therefore, for God's sake, be as generous as you Tamilians are always

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reputed to be and as chivalrous as you have been for several centuries. Do not, simply because we have asked for a Province, penalize or victimize us by an arrangement like this. After all, we are not asking for anything great from you. We are asking for only breathing time. If this is refused what can we say to our Tamil brethren who have lived with us for centuries and who in their midst have got Telugu brethren living of the size of nearly three millions among them? Do not drive us in this way. It is not good. It is not wise. It is not practical. Therefore, I request my hon. Friend, Sri Swaminathan, not to raise bogeys of misunderstanding already existing everywhere. Let him not speak of creating a phenomenon when there is none. We are still peaceful and there is no misunderstanding of any kind among us. Let us part like brothers, like friends. Let us not go with exacerbated feelings. It is not as if that everything will come to an end when a separate province is formed. Our contacts are bound to remain there. Our contacts are not only political, but social and economic. They will not disappear as long as we decide to remain under the common Flag of the Indian Union. Therefore, we are not parting like Pakistan. We are parting like brothers living as common citizens of the Indian Union. Do not indulge in this sort of treatment by asking us to carry on our administration in huts, to locate the High Court on the banks of rivers and under the shade of trees. It is not generous to do so. The Government have not gone so far. Let not Members of the Tamil or the Malayalam or the Karnataka area go to the extent of using language which merely exacerbates feelings and does not serve any purpose."

* JANAB H. S. HUSSAIN:—"Mr. Speaker, Sir, I am glad that our Andhra brothers are going to have a homeland of their own. The people concerned appear to be bent upon having the Andhra Province and they seem to be very keen on having it established by the 26th January. That is to say, they want, at any rate a good number of them so far as I have been able to understand, the inauguration of their Province on the day of the inauguration of the Sovereign Indian Republic. They want it to synchronize with that, perhaps, the greatest event in the history of India. Now, Sir, this Motion of the Hon. the Law Minister is concerned with the constitution of a High Court for the Province which is going to come, and secondly in the residuary Province, some adjustments have to be made. This is proposed under the relevant section of the Government of India Act, 1935, and that is as it ought to be. And naturally enough, when the Partition Committee has come to certain conclusions with regard to all matters connected with the separation of the Province from the rest of the Province, these things would follow and they are matters which have to be brought before this House under the Government of India Act, so that it may get the necessary legal sanction.

3 p.m. "Therefore, Sir, on an occasion like this when everybody seems to agree that the dismemberment of this great, major and

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premier Presidency of the whole of India is to take place, we should see that all controversial issues are avoided as far as possible. The constitution of a High Court for the new Province and the reconstitution of the High Court of the residuary Province are matters which are to follow necessarily if the new Province is to be given all its necessary equipment. Some people appear to be carrying on some controversy about these and the Motion before the House has been taken as a handle to bring in all other matters. If it is agreed that this Province should be dismembered, there need not be any controversy about other matters that follow as a natural consequence. Speaking for myself I must deprecate such tendencies when we have agreed to divide. We have agreed to divide this major Presidency, this premier Presidency as it is called, or rather the whole of South India which is our Province. South India is to be dismembered. Personally speaking and frankly speaking, I am opposed to any kind of division on linguistic or religious considerations or on the two-nation theory. Whatever it is, this is not the time or the occasion to go into a further division of the country. That is my belief. But whatever my personal opinion may be, things have to take place according to certain commitments. Even the High Command of the Congress and the Central Government cannot go back upon what has already happened and upon their commitments. The High Court is a necessary institution and naturally it must be within the area of the Province to which it belongs. Meanwhile for the sake of carrying on the work, as a sort of interim arrangement, if the new Province is to come into existence on that great day—it has to be seen—the Government of Madras and the Partition Committee have come to certain unanimous conclusions. We should do our part of the duty in this House. The whole thing will then rest in the hands of the Central Government and ultimately of God Almighty. It is quite possible that the whole Province might remain intact and it is also quite possible that the Andhras might divide and part from us as brethren and friends. We wish them well. We should be very glad if they become independent in their own sphere and have their own homeland. But let us not have this provincialism and parochialism. Let it not be perpetuated any longer. Let us put an end to all petty controversies. I really feel very sorry that such controversies should arise among the people concerned or even outsiders. We should deprecate such things. I might even warn people who are responsible for such controversies that they might even delay the coming into existence of the Province on the date on which they want to have it. It is quite possible that the papers might be referred back with further queries from the higher quarters and they may be tossed to and fro between Madras and New Delhi for a long time. If they are earnest about the job, let them not enter into any kind of controversies over such matters. Let them leave Madras alone and let them leave Tamil Nad alone. I come from Karnataka, but I am not keen on the formation of a united Karnataka Province immediately. But when the whole Province

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is being dismembered, the tendency will be to ask, why not Karnataka also have it. The resolution before the House is a necessary thing legally for the constitution of the new Province very soon. I think we should all heartily support it so that we may say to the world that we have done our part of the duty. The rest lies in the hands of the Central Government. Whether the Province comes into existence on the 26th January or not, we would have done our part of the duty."

***SRI B. VENKATANARAYANA REDDI:**—“అధ్యక్షా, ఈ తీర్మానమును మా నాయకులలో చాలామంది బలవంతముగా ఉన్నప్పటికీ, నేను దానిని ఎదిరించి మాట్లాడ వలసివచ్చినందులకు చాలా విచారముగనే యున్నాను. మా నాయకులు మాకు ప్రజల అభివృద్ధిని ప్రజాభివృద్ధిని మేము గమనించాలని ప్రజాభివృద్ధికి వ్యతిరేకంగా వ్యవహరించడం ప్రజాప్రతినిధులకు తగదని, ప్రజామోక్షములేనిదే ఏ సంస్కరణగాని సక్రమంగా కొనసాగించబడదనే మాకు నేర్పియున్నాడు. ఆ ముఖ్యద్వైతములనే మనము సమంచముగా ఈనాడు ఈ తీర్మానము ప్రజాభివృద్ధిని విరుద్ధంగా ఉన్నదనేకారణం చేత ఎదిరించ సాహసించినాము. ఈ తీర్మానమును ఎవరైనను ఎదిరించ తలపెట్టినట్లయితే అటువంటివారికి రాష్ట్రము ప్రస్తుతము విర్బుడుట ఇష్టములేదా అని కొందరు అనుమానించవచ్చును. కాని రాష్ట్రము ప్రస్తుతము విర్బుడుటకు నేను వ్యతిరేకుడను ఎంత మాత్రము కానని, ప్రజలహితం వ్యతిరేకులు కారని నేను చెప్పగోను. కాని ప్రతి వారును ఒక ముఖ్య విషయమును దృష్టియందుంచుకొనవలసినదని కోరుచున్నాను. ఈ నాడు ఏ పరిస్థితులలో రాష్ట్రము విర్బుడుతున్నది, ఎట్టి పరిస్థితులలో ఎట్టి నిబంధనలకు లోబడి నాయకులు రాష్ట్ర సలహాదాతకు కృషి చేయవలసివచ్చుచున్నది అనేది విషయములను సంతోషంతోకనముచేసి చూసుకొన్నట్లయితే, ఆ పరిస్థితుల ప్రజలలో ఎంతటి విచారాన్ని, ఎంతటి ఆసంతృప్తిని కలుగజేస్తున్నాయో ప్రతివారికి బోధపడ గలదు. రాష్ట్ర సిద్ధికై నాయకులు అనుసరించుచున్న విధానాలు ఒప్పుకొనవలసివచ్చిన నిబంధనలు అలాగే చూచినట్లయితే అవి యావదాంధ్ర జాతిలోను ఆసంతృప్తిని కలుగజేస్తున్నవని చెప్పక తప్పదు. అత్యంత ప్రధానమైనటువంటి ఆంధ్ర రాష్ట్ర నిర్మాణ విషయమును గురించి రాష్ట్ర నాయకులు కొందరు తీవ్రమైన ప్రయత్నములు జరిపిన విషయము అందరకు తెలిసినదే. ఇదివరలో సర్వరాంధ్ర రాష్ట్ర నిర్మాణ ఆవశ్యకతను గమనించి అఖిల భారత కాంగ్రెసు సంఘమువారు, కేంద్ర ప్రభుత్వము వారు ఆంధ్ర రాష్ట్ర కాంగ్రెసు సంఘమువారిని, తమిళ రాష్ట్ర కాంగ్రెసు సంఘము వారిని, మద్రాసు ప్రభుత్వమువారిని, వారి వారి అభిప్రాయాలను అడిగియున్నారు. అందువలన గత సవంబరు మాసములో ఆంధ్ర రాష్ట్ర కాంగ్రెసు సంఘమువారు సర్వ సభ్య సమావేశాన్ని జరిపి విషయాన్ని కూలంకషంగా చర్చించి ఏమిపరిస్థితులలో ఆంధ్ర రాష్ట్ర నిర్మాణము, ఆంధ్ర జాతికి లాభకరంగా ఉంటుందో గమనించి సర్వజనామోద మయినటువంటి ఒక తీర్మానముచేసి దానిని కేంద్ర ప్రభుత్వమువారికి, అఖిల భారత కాంగ్రెసు సంఘమువారికి పంపియున్నారు. కాని మద్రాసు ప్రభుత్వమువారు ఈ విషయమై తాదృశ మంతివర్గమే వహించిన చాలును అని అనుకొనినట్లున్నది. కేవలము Cabinet వారే ఈ విషయములను చర్చించి, వారి అభిప్రాయమును కేంద్ర ప్రభుత్వ మునకు పంపించియున్నారు. ప్రత్యేక రాష్ట్ర నిర్మాణ సమస్య అత్యంత ముఖ్యమైనటువంటి, ప్రధానమైనటువంటి విషయమని వారికి తెలియక పోలేదు. ఇటువంటి దానిని కొనసాగిస్తూ చర్చించి సభ్యులయొక్క అభిప్రాయములను గమనించి వారి సలహా సంఘ తింపులను నేరేరించి ఒక తీర్మానమునువచ్చి దానిని కేంద్ర ప్రభుత్వమోదమునకు పంపి

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యంపినట్లయితే చాలా బాగుండెడిది. కాని ప్రభుత్వమువారు ఇట్టి విధానాన్ని అనుసరించలేదు. అయితే రాష్ట్ర కాంగ్రెసు కమిటీలో వివిధ సమస్యలను సమగ్రంగా తర్కించారని రాష్ట్ర కాంగ్రెసు తీర్మానము వికసితంగా ఆంధ్రులచేత ఆనుందింప బడినదని తదనుగుణంగానే మంతివర్గంవారు ఈ విషయమై ఒక నిశ్చితాభిప్రాయానికి వచ్చినారని చెప్పి ప్రభుత్వంవారు తప్పించుకొనవచ్చును. కాని ఎట్టి పరిస్థితులలో రాష్ట్ర కాంగ్రెసు సంఘమువారు తీర్మానమును అంగీకరించినారో అలాగే చివరికి వలసినదని నేను మనవి చేస్తున్నాను.

“మద్రాసు పట్టణము మనది, మద్రాసు పట్టణము మనది” అనే నినాదాలతో ఉద్యమాన్ని నడిపిన ఆంధ్ర రాష్ట్ర కాంగ్రెసు సంఘమువారు ఏ పరిస్థితులలో మద్రాసు లేని ఆంధ్ర రాష్ట్రాన్ని అంగీకరించినారో గమనించ గోరుతాను. మద్రాసు పట్టణంపై ఇతరులకు వలెనే ఆంధ్రులకు కూడ హక్కు కలదనెడిది నిర్వివాదాంశము. దీనిని అందరును ఒప్పుకొని యున్నారు. ఈ విషయాన్నే బెజవాడలో సమావేశమైన ఆంధ్ర రాష్ట్ర కాంగ్రెసు సర్వసభ్య సమావేశము విస్పష్టంగా ఉద్ఘాటించినది. ఆంధ్ర రాష్ట్ర కాంగ్రెసు తీర్మానంలో ఎక్కడచూచినా, ఆంధ్రులు మద్రాసుపై తమకు గల సర్వహక్కులను త్యజించాలనిగాని రాష్ట్ర నిర్మాణమైన తేదీనే ఆంధ్రులు మద్రాసు నుంచి వైదొలగాలనిగాని ఎక్కడా లేదు. ఎంతవరకు ఆంధ్రులు మద్రాసుపై హక్కును కలిగి ఉండాలో ఆ తీర్మానంలో స్పష్టం చేయబడియుంది. మద్రాసు పట్టణం ప్రస్తుతం ఆంధ్రులయొక్క, తమిళులయొక్క సమిష్టి అస్తి. అట్టి పరిస్థితులలో మద్రాసు పట్టణం ఆంధ్ర రాష్ట్రంలో చేరాలనడంవల్ల ఆంధ్ర రాష్ట్ర నిర్మాణం ఆలస్యం అయ్యే పరిస్థితు లేర్పడవచ్చుననియు, ముందు మద్రాసు చేరని ఆంధ్ర రాష్ట్రానికి మనము ఒప్పుకొని తరువాత మద్రాసును ప్రత్యేక రాష్ట్రంగా ఏర్పాటు చేయడానికి కృషి చేయవచ్చుననే సంకల్పముతోనే ఆంధ్ర రాష్ట్ర కాంగ్రెసువారు వారి తీర్మానాన్ని సర్వసభ్య సమావేశంలో అంగీకరించజేసినారు. వారి ఈ అభిప్రాయం J.V.P. Report యొక్క సృష్టికర్తలును, అగ్రనాయకులలో ఒకరును అగు కాంగ్రెస్ అధ్యక్షులు పట్టాభి నీతారామయ్యగారియొక్క విస్పష్ట ప్రకటనలకు అనుగుణంగానే యున్నది. ఈ కారణాలవల్లనే రాష్ట్ర కాంగ్రెసు తీర్మానము వికసితంగా బెజవాడలో ఆమోదింపబడి అవకాశం కలిగినదిగాని, లేకపోయినట్లయితే ఆంధ్రులు J.V.P. Report ను ఎట్టి పరిస్థితులలో కూడ అంగీకరించియుండరని మనవి చేస్తున్నాను. ఈ విషయాన్ని నాయకులు విస్మరించరాదని, ఆ విధంగా చేసినట్లయితే అది ప్రజాభిప్రాయానికి విరుద్ధమైనదని గమనించ గోరుతాను. రాష్ట్ర కాంగ్రెసువారు ఆగ నాయకతయ నివేదికను ఆమోదింపచూ, ఆంధ్రులయొక్క రాజధాని హైకోర్టు తాత్కాలికంగా మద్రాసులోనే ఉండవలెనని సూచించియున్నారు. కాని, ఈనాడు విభజన సంఘ నిర్ణయములను బట్టి చూచినట్లయితే, రాష్ట్ర విభజన జరిగిన వెంటనే ఆంధ్రులు మద్రాసును తమ సర్వ హక్కులను వదులుకొనవలసి వచ్చినట్లు, ఎంత మాత్రము కూడ మద్రాసులోవారు తాత్కాలికంగా నైన ఉండే అవకాశము లేనట్లు ప్రజలు అనుమానిస్తున్నారు. ఇటువంటి పరిస్థితులు ఎందువలన కలుగజేయ బడవలసి వచ్చినదో అర్థం కావటంలేదు. రాష్ట్రంలోని ప్రజలను విభజన సంఘ నివేదిక చాలా ఆసంతృప్తి పరచినది. ఆంధ్రులలో నిరాశ, ఆసంతృప్తి ప్రబలటానికి ఈ నివేదిక లోని సారాంశాలు ఉపకరిస్తాయి కాని వేరుకాదు. విభజన సంఘంవారు చేసిన నిర్ణయాలు ఆంధ్రులకు అశాభాగకరంగా ఉన్నవని చెప్పటం నిర్వివాదాంశము. ఈ నాడు ఆంధ్రదేశంలో ఉన్న ఏ పట్టణములో కూడ ప్రభుత్వ కార్యాలయాలను

[Sri B. Venkatanarayana Reddi] [5th January 1950]

పెట్టుటకు అనువైన కట్టుడాలు లేవు. ఈ కార్యాలయాలు పెట్టుటకు ఎక్స్ కోట్ రూపాయలు కావలసి యున్నవి. ఈ మొత్తములను వెచ్చించుటకు నూతన ఆంధ్ర రాష్ట్రానికి ఆర్థిక స్థావర ఉన్నదో లేదో ముఖ్యంగా ఆలోచించాలి. అంతే కాకుండా మేము మద్రాసు ప్రభుత్వ హక్కులను వదలకొనవలసి వస్తే, ఈ నాడు సమిష్టి మద్రాసు ప్రభుత్వ ఆధీనంలో ఉన్న ఈ పెద్ద పెద్ద కట్టుడాలు విలువ ఎంతో నిర్ణయించుటకుగాను ఒక కమిటీని వేసి, ఆ కమిటీయొక్క నివేదికను ఆధారంగా తీసుకొని ఆంధ్రులకు ఎంత compensation ఇవ్వవలసి వస్తుందో నిర్ధారణ చేయవలసి యుండును. ఇది చాలా న్యాయమైన కోరిక. ఇటువంటి కోరికనుగూడ విభజన సంఘంవారు ఆమోదించినట్లు లేదు. ఇటువంటి అసంతృప్తికరమైన తీర్మానాలకు వచ్చిన విభజన సంఘంవారి నివేదిక ఎంతమాత్రము కూడ ఆంధ్రులకు తృప్తికరముగా లేదని ప్రభుత్వంవారు గమనించగలరు. ఆంధ్రదేశంలోనే ప్రజలలో చాలా అసంతృప్తి ఏర్పడినది. విభజన సంఘంవారి నిర్ణయం అన్యాయమని ప్రజలు బాధ పడుతున్నారు. వారి బాధను ప్రజాప్రతినిధులైన మేము ప్రభుత్వంవారికి తెలియజేయడం మంచిది. మద్రాసు పట్టణంలో ఆంధ్రులకు భాగములేదు సరిగదా, వారు తాత్కాలికంగా గూడ ఇక్కడ ఉండటాడని, ఇక్కడ ఉన్న ఈ పెద్ద పెద్ద భవనాలకు ఇటువంటి న్యాయమైన విలువ పరిహారంగా ఇవ్వ నవసరంలేదని ఒక కోటి రూపాయలతో వారు సంతృప్తి పడాలని, వెంటనే రాజధానిని, హోటల్లను ఆంధ్ర రాష్ట్ర ప్రాంతాలలో ఏర్పాటు చేసుకొనవలెనని అంటుంటే ఆంధ్ర ప్రజానీకం ఎంత బాధ పడుతుందో, ఎంత విచారస్తుందో ప్రభుత్వంవారు, నాయకులకూడ గమనించాలని కోరుచున్నాను.

“ముఖ్యంగా, అస్త్రీ ఆపృల పంపకం విషయంలో ప్రధాన మంత్రిగారు ప్రభుత్వంవారు చాలా పొరపాటు చేసినారని నా అభిప్రాయము. అస్త్రీ ఆపృల పంపకం చాల ప్రధానమైనటువంటిది. ఏ పక్షము వారికి కూడ నష్టమురాకుండా, నిష్పాక్షికంగా, న్యాయంగా వివిధ అంశాలను పరిశీలించి నిర్ధారణచేయడము ఎంతో అవసరము. అనేక సందర్భాలలో బేదాభిప్రాయాలు పొడసూపవచ్చును. ఇటువంటి క్లిష్ట సమస్యలను పరిష్కరించాలంటే ఉభయ పక్షాలవారికి చెందనివారిని ఈ పనికై నియమించడం ఎంతో అవసరం కాని అస్త్రీ ఆపృలను పంచే విషయములూ కూడ కొందరు తెలుగు మంత్రులను, కొందరు తమిళ మంత్రులను నియమించడమైనది. దీనివల్ల మంత్రి వర్గంలోని వారిలో బేదాభిప్రాయం పొడ సూపవచ్చును. ఇటువంటి పరిస్థితులు ఏర్పడుటకు ఎటువంటి అవకాశము కలుగజేయకూడదు. మంత్రి వర్గమునకు సంబంధములేని ఇతరులను ఏర్పాటు చేసినట్లయితే ఉభయ పక్షాలవారికి న్యాయం జరుగుతుంది. ఒక పక్షంవారు మరొక పక్షంవారికి అన్యాయం చేస్తున్నారనే అనుమానానికి అస్కారం ఉండదు. అటువంటి విధానము అనుసరించబడిన కారణం చేతనే ఈ నాడు ఆంధ్రప్రజానీకం తమకు విభజన సంఘంవారు అన్యాయం చేశారని అనుమానించడం అసంతృప్తిపడడం జరుగుతోంది. ప్రజలలో నిరాశ ప్రబలిపోతోంది. ఇంతటి అన్యాయమైన నిర్ణయాలకు లోబడి ఈ నాడు రాష్ట్రము సంపాదించక పోతే వచ్చే నష్టమేమని కూడ ప్రజలు అంటున్నారు. అందులో ముఖ్యంగా దేశ అగ్రనాయకులు భాషాప్రయుక్త రాష్ట్ర నిర్మాణసూత్రాన్ని ఆమోదించినప్పటికీ, నూతన రాష్ట్ర నిర్మాణానికి ప్రస్తుత పరిస్థితులు తగినవి కావని మనల వారిస్తుంటే, ఎంతనష్టము వచ్చినప్పటికీ, ఎంత కష్టమైనప్పటికీ ఈ జనవరి 26 వ తేదీకి ముందుగానే ఆంధ్ర రాష్ట్ర నిర్మాణము జరిగి

[5th January 1950] [Sri B. Venkatanarayana Reddi]

తీరాలని కొందరు నాయకులు తలపోయడం బాగుండలేదని ప్రజలు అనుకొంటున్నారు. ఇంత అగౌరవ కరమైన నిర్ణయాలకు లోబడి రాష్ట్రము సంపాదించే బదులు దాన్ని తిరస్కరించడమే మంచిదనిగూడ కొందరు భావించక పోవడంలేదు. ప్రజలలో ఈ నాడు ప్రబలిన అసంతృప్తిని పురస్కరించుకొని నేను ఈ తీర్మానాన్ని ఎదిరిస్తున్నాను. ఎంతోకాలంగా ఆంధ్రులు ప్రత్యేక రాష్ట్రాన్ని వాచిస్తున్నారంటే దానికి కారణం పరిపాలనా సౌలభ్యం కలుగుతుందని ప్రజలకు ఇప్పటికన్న హెచ్చు సౌకర్యాలను కలుగజేయటానికి అవకాశం ఏర్పడుతుందనే గాని వేరుకాదు. కాని విభజన సంఘంవారి నిర్ణయానుగుణంగా ఏర్పడే ఆంధ్ర రాష్ట్రం ఎంతవరకు ఆంధ్రులకు ఉపయుక్తంగా ఉంటుందో ఆలోచించాలి. ఎంతో నష్టాన్ని భరించి మనము ఆంధ్ర రాష్ట్రాన్ని నిర్మించడంలేదంటే, ప్రజలకు ఎట్టి సదుపాయాలను కలుగజేయగలమా గమనించాలి. పన్నుదలచినట్లయితే, ప్రజలకు ఎట్టి సదుపాయాలను కలుగజేయగలమా గమనించాలి. పన్ను భారంతో క్రుంగిపోతున్న రైతును రక్షించడమే ప్రభుత్వ బాధ్యతగాని ఇంకా అతనిపై రాజధాని నిర్మాణానికి వేరే ఇతర కారణాలకని అదనపు పన్నులను వేయడం రాజనీతికర కాదు. ఈ నాడు మద్రాసు పట్టణంలో ఉన్న ఈ పెద్ద భవనాలను వదలివేసి గవర్నరు నివాసాధానికీ, రివిన్యూ డివిజన్ ప్లాట్ల డైరెక్టరానికీ, హోటల్ల డైరెక్టరానికీ, నైట్ కేటేయింగ్ కార్యాలయాలు ఉంచుకోవడానికీ, ఇంకా వివిధ ఆఫీసులు పెట్టుకోవడానికి పెద్ద పెద్ద కట్టుడాలు ప్రత్యేకంగా ఆంధ్రప్రాంతాలలో వెచ్చించాలంటే ఎన్ని కోట్ల రూపాయలు ఖర్చు అవుతుందో ఇంత వ్యయాన్ని భరించే ప్రజా సామాన్యము యొక్క పరిస్థితి ఎంత నిరాశాజనకంగా ఉంటుందో నాయకులు ఆలోచించాలి. ప్రత్యేక ఆంధ్ర రాష్ట్రం అవశ్యకత ప్రజల జీవన పరిమాణాన్ని అనివృద్ధిచేయటానికేగాని వారిపై అదనపు పన్నులను రుద్దటానికేగాదు. నాయకుల ఇట్టి పరిస్థితులలో నూతన రాష్ట్రాన్ని వాచిస్తున్నారుంటే వారు ఆంధ్ర ప్రజానీకాన్ని సర్వవిధాలా అనివృద్ధి పరచాలనే చేస్తున్నారు. కాని వేరే ఉద్దేశములతోనని నేను వారిని శంకించను. కాని ఒక్క విషయము మాత్రము వారు విస్మరించకూడదు. ఈ నెల 26 వ తారీఖులోపలే రాష్ట్ర నిర్మాణం జరగాలని లేకపోయినట్లయితే ఇప్పటికీ మనకు రాష్ట్రము వచ్చే అవకాశం సన్నగిల్లుతుందని నాయకులు అతురత చూపుచున్నారు. వారి ఈ తొందరనే అవకాశంగా తీసుకొని మనకు నష్టం కలగటానికి మరికొందరు ప్రయత్నము చేస్తున్నారు. మనము ఇంత నష్టానికి ఒప్పుకొని రాష్ట్రాన్ని నిర్మించకోవడమా లేక రాష్ట్రాన్ని వదలకోవడమా అనే సమస్యలు వారిని కలవరపెట్టి ఉండవచ్చును. వారు సత్వర రాష్ట్ర సర్దుబాటుదని భావించియుండవచ్చును. కాని ప్రజాభిప్రాయ దృష్ట్యా చూచినట్లయితే ఇంత నష్టము భరించేదానికన్న కొంతకాలము రాష్ట్రానికి వాయిదా వేసుకోవడమే మంచిదేమో అని నేను మనవి చేస్తున్నాను.

“కొందరు సభ్యులు మేము మద్రాసు ప్రభుత్వం వదలుకొంటాము కాని కొన్ని పాటు సున్నులను ఇక్కడ ఉండనివ్వండి. కొంత కాలము మా ఆఫీసులను కూడ ఇక్కడ పెట్టుకోనివ్వండి అని తమిళ సోదరులను బ్రతిమలాడుకొనుచున్నారు. ఈవిధంగా బ్రతిమలాడుకోవడంలో ఆర్థిక కనిపించడంలేదు. ఇతరులకు కున్నట్లే మనకు కూడ మద్రాసు ప్రభుత్వం ఉన్నది. ఇతరులలోపాటు ఆంధ్రులకూడ మద్రాసు యొక్క అభివృద్ధికి పాటుపడారు. ఆంధ్ర జిల్లానుంచి వచ్చిన రివిన్యూ కూడ మద్రాసులోని ఈ పెద్దకట్టుడాలో భర్తీయైపోయాయి. అట్టి సందర్భంలో ఒక కోటి రూపాయలు మాత్రమే మద్రాసు పుచ్చుకొని మనము మద్రాసు ప్రభుత్వం వదలుకోవడం మంచిదికాదని నా అభిప్రాయము. ప్రత్యేకంగా ఇప్పుడు భారతదేశం అనేక ఆర్థిక క్లిష్ట పరిస్థితులను ఎదుర్కొనవలసి వస్తుంది. ఈ సమయం భాషా

[Sri B. Venkatanarayana Reddi] [5th January 1950]

(ప్రయత్న రాష్ట్ర) విభజనకు అనుకూలంగా, అని అగ్రనాయకులు చెప్పుతుంటే ఏమైనా ఈ జనవరి 26 లోపలే మనకు విడిపోవాలి అనే తొందరతో ఇంకనష్టాన్ని మనకు భరింపదలవడము సముచితము. అంటే కాకుండా అంధ్రులకు మౌనము పట్టణముపైగల హక్కు భాగ్యశలను వదులు కోవడం ప్రజాస్వామ్య దృష్ట్యా మంచిది కాదని ఉద్దేశ్యంతో ఈ తీర్మానాన్ని, దానిపై తెచ్చిన సవరణలను కూడ ఎదిరిస్తూ ఇంతటితో నేను విరమిస్తున్నాను."

3-15
P.M.

SRI T. PRAKASAM:—"Mr. Speaker, Sir, I thought at first I should not take part in this debate; but after the various speeches on the amendments and also on the side of the Ministerialists, I feel compelled to say a few words now. In this debate, the points relating to questions of law and also to questions of constitution were discussed without keeping in mind the fact that there is a distinction between a legislation and a discussion on a matter like this before the 26th January when the new Constitution is to come into operation. Under the new Constitution after it comes into operation, the sections relating to the formation of the High Court and other incidental matters have to be discussed; but before the new Constitution is passed, we are governed by the Constitution of 1935 as adapted. All the points raised on the basis of the interpretation of the sections relating to the High Court in the new Constitution cannot be construed in the same sense now; until the new Constitution comes into operation and so long as the Constitution of 1935 as adapted is in force, we have to deal with the matter on that basis alone. Under the present Constitution which is in force to-day, we are entitled, we are bound rather, to be guided by the sections in this Constitution of 1935 as adapted. There is nothing under the present Constitution to prevent the separation of the High Court or amalgamating different High Courts that may be situated in the same place, so as to suit the present demands and necessities. We cannot bring the argument based upon the language of the section in the new Constitution, particularly the words 'principal seat of the High Court'—they should not be brought here because you do not find those words in this Constitution of 1935 as adapted. They can come into force only after the new Constitution comes into operation; and until then we should not invoke the aid of the words 'principal seat of the High Court'. Because the intention is to separate a certain area from the whole Province, we are bound only by what the present Constitution lays down and also by what has been done in the past. When Orissa was separated, it was separated not only from Madras, but also from the Central Provinces and from Bihar. The High Court of Patna was exercising jurisdiction over Orissa also, just as now the High Court of Madras is exercising jurisdiction over the whole Province including the districts that are proposed to be separated and formed into a separate Province. The Patna High Court after the separation of Orissa, continued to exercise jurisdiction over separated Orissa, over those parts which were separated from the Central Provinces and added on to Orissa; and similarly over other parts taken over from some other Province and added on to Orissa. That is, the Patna High Court was

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exercising jurisdiction over all the parts carved out not only from Madras and Bihar but also from the Central Provinces area. So, taking that precedent for our own use now, we have to judge whether there is anything wrong in separating this Province into Telugu areas and non-Telugu areas and in stating that the High Court which is now in the Madras Province should also stand separated, one portion exercising jurisdiction over the newly-to-be carved-out Province and the other over the rest of the area. It is a very simple matter. If we introduce legal points into it, expert lawyers that some of us here are, would bring in many other points with which we have nothing to do at present. The simple question now is an address to the Governor-General and why should we worry ourselves and worry the Government, the Governor and the Governor-General also with what might happen after the new Constitution comes into force? I was glad that the Law Minister, Mr. Madhava Menon, was trying to explain away this address in a manner in which no disturbance can be caused to anybody. He stated what would be the position even if the Andhra Province does not come into existence to-morrow. The result will be that there will be two High Courts, one High Court split into two, functioning according to the jurisdiction which each Court would be allowed. That is the correct position he was putting forward. We are doing this in anticipation of the Province being separated into two and coming into existence shortly. You have now to consider what would be the position if the Province is not separated, but the High Court only stands separated. That is why he said, we can split up the High Court, as we are entitled to do under the Constitution as it is in force to-day. That is all what we have to look to now. The difficulty comes because the words 'principal seat' are introduced. My hon. Friends, the Members who gave amendments, thought that these words 'principal seat of the High Court' would create troubles. I was a Member of the Partition Committee and I was discussing with the other Members all points; in respect of this also I presented my view and I reconciled myself to this resolution coming in here. As a matter of fact, I gave a memorandum for separating the Madras High Court as it is to-day, before the 26th January 1950. We should not bring in here all the difficulties that might come into existence after the 26th January 1950 and after the new Constitution comes into force.

"Clause (a) of the resolution says 'to constitute a separate High Court for that part of this Province which consists of the Andhra areas set out in the schedule below, and with its principal seat at a place situated within the said areas, and'. Now, the words 'and with its principal seat at a place situated within the said areas' must be construed by us as intended to apply to a permanent High Court that would come into existence after 26th January 1950. But, there is not a chance of a permanent High Court or even a temporary High Court coming into existence before that date. Therefore, these words must be taken to have been intended to apply only to a permanent High Court which

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may actually come into existence and when a separate High Court is established inside the limits of the new Province, that High Court automatically becomes the new principal seat of that High Court. Beyond that, I do not think we need stretch any meaning into those words. But, at this stage no other technical meaning can be attached to those words because the constitution has not come into existence. It is only when the High Court is constituted under the new Constitution the principal seat of the High Court must be considered. Therefore, these words would not apply as we stand to-day if this address is accepted or before 26th January if the Governor-General accepts it and declares that this High Court can be separated into two. But, for my part, I should not consider it as in any way creating trouble for the newly separated Province. This is how I understood it when I gave my consent to this motion being placed before the House and for obtaining the necessary sanction before 26th January because this will help us after the 26th January, as we need not go through the whole process provided for under the new Constitution after that date. By way of caution, as the Law Minister has stated, it would be convenient if the High Court stands separated, one for the newly carved out Province and the other for the rest of the Province. I should think if the Hon. Minister had put this before, these amendments would not have come in and so much of discussion would not have taken place. Now, there is nothing to obstruct the passage of this resolution and its being forwarded to the Governor and through the Governor to the Governor-General. If I had a chance I would have placed my views before the hon. Members who moved the amendments. Now that the Law Minister himself has made the position clear we need not worry about the matter. He says that the present High Court as constituted to-day stands separated and that will be before 26th January. About all other matters they have spoken and I was also telling the members of the Committee that this is not a very simple matter. When a thing is not possible to be performed within a few days we have to consider not one of the sections in the Constitution of 1935 or in the Constitution of 1935 as adapted. But there is nothing in any of these two constitutions to say if the High Court is separated at once you must go and stay somewhere outside where the Court is established. There is nothing in it at all. Then on the question of rights, interests and principles about which I am fighting as vehemently as any other hon. Member, I should say they will all be ultimately settled. I am still hoping that the separation might be effected and that all the things that have yet to be finished will be finished in course of time. The question of assets and liabilities is not a thing which can be settled within two, three or four weeks or even six months. That can stand over for a very very long time, sometimes even for years. Again the question regarding the creation of a capital or the removal of a capital is not possible to be settled immediately. That is a matter on which we have differed no doubt. We have referred it to the High Command or to the top authorities to decide.

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Therefore, we need not speculate on this now. This resolution stands by itself. So far as this matter is concerned, the Government have taken steps before the new Constitution comes into operation. Under the old Constitution, this High Court can be divided. As the Law Minister says, if the separation is effected that will be a stage at which we will have to consider what should happen after separation is made. After the Court is divided into two and made applicable to this side or that side it will be an end of the matter. It comes into operation automatically on the date on which the order is passed under the old Constitution. We need not have any trouble about it. We can leave it there. That is how I am feeling, Sir."

SRI A. KALESWARA RAO:—"On a point of information, Sir, . . ."

MR. SPEAKER:—"I will allow the hon. Member to speak."

SRI A. KALESWARA RAO:—"I have already spoken, Sir."

MR. SPEAKER:—"Then the hon. Member cannot speak except by way of personal explanation."

SRI A. KALESWARA RAO:—"No personal explanation, Sir, but I would like to have information or rather enlightenment both from the Hon. Minister and the hon. Sri Prakasam."

MR. SPEAKER:—"Probably the hon. Member is not satisfied with what the Hon. Minister has stated."

SRI A. KALESWARA RAO:—"I would like to know what will happen if the words 'and with its principal seat at a place situated within the said areas' are omitted. Secondly, if the words are there, are they not binding on us and as soon as the Province is separated we will be compelled to go outside the City and so on."

MR. SPEAKER:—"The hon. Member perhaps wants the hon. Sri Prakasam to make a second speech. He can only make a personal explanation."

SRI T. PRAKASAM:—"The question raised by the hon. Sri Kaleswara Rao with regard to various matters of detail may be left over at this stage in this House. As the Hon. Law Minister says even if the separate Province does not come into existence at all the two parts stand separate and they would be functioning on the 26th January and will be continuing also and I do not think we need be talking about so many other things which have not come into regular form either in this resolution or in the amendments. No doubt, speeches have been made with regard to rights, titles, interests, etc. But, taking this question as it is, we have to consider what will be the effect of separation before that date. I do not think we need tack this thing on with

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other things. Perhaps those things will be considered, if necessary, by the Tribunal at the top to whom these matters have been referred. That is how I am feeling, Sir."

* SRI M. S. PATTABHIRAMIAH:—"Mr. Speaker, Sir, there is a well-known Sanskrit saying which says

विक्रीते करिणि किमंकुशे विवादः

'Vikrite Karini Kimankuse Vivadah.'

It means after the elephant is sold out what is the dispute about the 'ankusa'. 'Ankusa' is the weapon or the goad with which the elephant is driven. Now, Sir, it is not a hidden fact that the Madras Province is to be partitioned. If not exactly on the sentimental basis at least from the point of view of administrative convenience it will be good for both the separated Provinces. Especially after the persistent demand from the Andhra part of our Province when we have agreed that it should be given as early as possible, when they have agreed that it should be divided on the basis of the J.V.P. report, when they have renounced all claims over Madras and when this resolution which is being moved by the Hon. Minister for Law is simply an enabling and helping provision for the formation of a new Province, I do not understand the vehemence or the heat of the Andhra Members of the Assembly in opposing it or bringing in amendments which are not helpful to the cause we have all in our hearts"

SRI T. PRAKASAM:—"I have not opposed it at all."

3-45 p.m. * SRI M. S. PATTABHIRAMIAH:—"I am basing my remarks upon the speeches which I have heard in this Assembly. Now, Sir, as has been pointed out in the very clarifying speech of our revered Leader, the hon. Sri Prakasam, I think no one in the Assembly can have any objection to the passing of the motion of the Government. It has been also ably pointed out by my hon. Friend, Mr. Vaidyanatha Ayyar, as to how it could be adjusted after the passing of the resolution and the coming in of the new Constitution and how it will be helpful for the new Province to have the principal seat of the High Court somewhere and functioning practically from the High Court of Madras here.

"There is nothing for any one to see anything sinister or suspicious in this motion; it is simply an enabling and a helping motion for the formation of a new Province, for which we have been desiring all along. If I have understood the hon. Sri Prakasam correctly, I think we need not be fearful about immediate separation and an immediate change over of the High Court to a hut in a village somewhere outside the City of Madras. It is true that very many lawyers in Madras will be inconvenienced, Tamilnad lawyers, Andhra lawyers or Kerala lawyers. When we are out for revolutionary changes and when we are out to make great changes, should we not also have the revolutionary spirit and be ready to renounce anything and to sacrifice? If a lawyer belonging to the Andhra area hesitates to sacrifice the comforts he had been having in the City and is not willing to

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go to the new capital, I do not think he can claim to be patriotic even in the narrow sense of being an Andhra. I am really surprised to see people so much enamoured of the City of Madras. You know, Sir, in the year 1942 when there was the fear of invasion by Japan the whole City was deserted; I came here; the streets were deserted and there was not a single person in many streets of the City; all of them had fled away. After all is our country dependent upon big cities like Madras? Does the existence of the country and continuous progress of the country depend upon them? We are disgusted with these big cities, Sir. After all, if many people give up the City, Madras will not be so very important afterwards and there may not be many who will like to live in Madras at all. Cities will rise, flourish and they perish; but the countryside do not as easily as cities do. What about Madras itself? Madras City is quite new and its development is almost distorted though we command some conveniences and enjoy all pleasures of life. I am politically a Tamil and a domiciled Telugu in the Tamilnad just as Sri K. Varadachari is a Tamil in the Andhra country. I am politically Tamil and economically also I belong to Tamilnad though there may be social ties which I may not be able to break. To the Andhras, as a brother, I would say that it would be well for them to renounce Madras, to renounce thinking of it or of having any ambition to have it and on the contrary it would be well if they go out of Madras, have a new Province and build a new city for their capital. My appeal to them would be to renounce Madras and stand on their own legs and not depend upon Madras City for their capital. I request very humbly Members from the Andhra side to accept the Government motion and not to press their amendments. Of course, I believe that the other Members of the Assembly are for this motion and so I request them to drop the amendment and accept the Government motion."

* SRI S. NAGAPPA:—"Mr. Speaker, Sir, I have heard with very great attention the speeches by hon. Friends on either side. I come from the Rayalaseema and it hurts me to see that we are asked to go out of this Province, and, Sir, the City practically which is a contiguous part of our Rayalaseema. This is my soil, my country and my place and neither Circarians nor the Tamilians have any right over it. No doubt, Sir, these people have contributed to some extent to the beauty of the City. I know the Government of Madras would have spent a few crores for constructing buildings; I am not adamant and in order to facilitate matters, though all these days we have been fighting like cocks, I say: Let us part as friends. In that spirit, and on that motto, I would request my Tamil friends who are in a majority to look to the needs, to the comforts and to the conveniences of the minority, the smaller number of people who are going out of this Province. You know, Sir, when there is partition in a family and the younger brother is going out of the family, it is the duty of the elder brother to see that he is comfortably situated and well settled in life. Do not we see that

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even for a tenant, you cannot give the quit notice without approaching the Rent Controller. When that is the position, you are asking us to leave the City, a City which is our own which we have constructed and by our own toil and moil have beautified. And you want us to go out without giving us due consideration! Are you justified, my Tamil friends, are you fair-minded; are you large hearted; do not be unfair to us; are we not your friends and have we not been living with you for centuries and have we not contributed more than you for beautifying the City? As my Friend Sri Varadachari was saying, let us take the statistics concerning the litigation coming to the High Court; which part of the territory is contributing more to the High Court; is it the Andhra part or the Tamilnad part. Let us take business statistics as to who are exporting or importing more. I do not want to go into details now. (The Hon. Sri K. Madhava Menon: 'These are not correct and there are figures.') I need not be correct. You are the Government and you have the information and you can manipulate and show any figure. I am a layman; a practical man without any access to these figures. You must know, Sir, how the City has been claimed by the Tamilians. It is not the fault of the Andhras that the South Indian Railway was put up earlier than the Madras and Southern Mahratta Railway and by that you were able to come and settle in large numbers in the City. There is a proverb in Telugu:

'చీమలు పెట్టిక పట్టలు
పాముల పెంచెనయ్యె'

The meaning is: The ants will build the anthill but the serpent gets into it and drives away the poor white ants. Are you going to play that role? I appeal to your good sense; I appeal to your commonsense . . ."

MR. SPEAKER:—"Order, order. He is addressing the Chair and when he says 'you' it refers to the Speaker."

SRI S. NAGAPPA:—"I bow to your ruling, Sir. I am sorry. I appeal through you, Sir, to the Tamilians, though you are a Tamilian and I know that in your hands the scales of justice will be held evenly—I am convinced about that. If at all they want me to go out, let me be given time to find out a suitable place in my part of the country where I can settle permanently and until then be large-hearted enough and broadminded enough to allow us time. If the Tamils are broadminded they should give us not only the portion of the City up to the Cooum which we were claiming but the whole portion of the City because we have to go away. You must remember that the City has been constructed at the cost of the whole Province; you may have spent lakhs and lakhs for the construction of roads and electric power but they were spent from the resources of a combined Province and is it, proper and right to shift us elsewhere without any developed town or city to go to, but to take shelter under the sky and drink

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water from the sea? I can even understand our Tamil friends even asking us to go off into catamarans and live on a floating city over the sea. You are up to that."

MR. SPEAKER:—"Order, order; I am not."

* SRI S. NAGAPPA:—"I am sorry, Sir, the Tamil friends are up to that. They are simply interested in themselves. Let them be broadminded and look to the convenience and comforts of others. That is the Gandhian principle; it is the principle of winning even your enemy by love and reason and we have to win people by love and not by hate, or torture or trouble and by teasing them. We, Sir, have been very fair. We were prepared to proceed on the basis of population; we granted you 61 per cent of the balances and 39 per cent for us. Let us take the cost of the buildings, let us take the cost of the High Court; let a Civil Engineer prepare an estimate of the cost in respect of every brick, and every gunny of cement used for it and on that basis, you pay us 39 per cent of the cost or we pay the 61 per cent and take it and you leave the City for us."

MR. SPEAKER:—"Let the hon. Member confine himself to the motion before the House."

* SRI S. NAGAPPA:—"The Hon. Minister in moving the resolution said that there could be one High Court for two Provinces and two High Courts for one Province. If that is the case, why not we continue until we have our own High Court, well-built High Court, well situated? Why should you be in such a hurry to drive us out? Are they justified in doing so? In the interests of my Tamil friends, in the interests of their clients, in their own economic interests, I would request them to be fair-minded and let us continue not only the High Court but also the capital until Hyderabad is disintegrated and we can get a well-built capital. So I request them to be fair-minded and allow us to continue to have not only the High Court but also the capital here, in Madras, until we have been able to build them in the new Andhra Province. Why should we now quarrel and try to snatch as much as one can? It is only a greedy principle, and it has not been backed by any canon of justice. So I once again say . . . (Mr. Speaker rang the bell.) Is my time over, Sir?"

MR. SPEAKER:—"No, I rang the bell to remind you to confine your remarks to the motion before the House."

* SRI S. NAGAPPA:—"Yes, Sir, now I come to the point (Laughter), as regards bifurcation. I will only confine myself to the High Court. Take the case of the High Court building and its cost. See, where it is situated. According to the claim of the Andhras, it is situated on the other side of the Cooum. Why not you, Tamilians, give it to the Andhras? Will it not show your large-heartedness? Don't you think, my Tamilian friends, that it is your duty to do it? Anyhow, Sir, the Hon. the Law Minister, who has moved this resolution, is neither a Tamilian

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nor an Andhra. He is a Malayalee. Simply because some of the Malayalees are allowed to stay in Madras by the Tamilians, I hope he will not lean towards them. I hope he will be large-hearted enough to see that we get our share; we want only our due share to the last pin and nothing more. Sir, with these remarks I close my speech."

THE HON. SRI K. MADHAVA MENON:—"I do not know whether he has opposed or supported the motion."

* SRI G. SANYASI RAO:—అధ్యక్ష, ఆంధ్ర రాష్ట్రమునకు ప్రత్యేక హోర్టును నిర్మించవలసినది ఈ బిల్లును బలపరచుట, శ్రీ టి. విశ్వనాథంగారు ప్రతిపాదించిన సవరణనుకూడ ప్రభుత్వంవారు ఆమోదించినట్లయితే అందరు సంతోషిస్తారని మనవి చేస్తున్నాను.

"అయిన, ఇప్పుడే ఈ హోర్టును ఆంధ్ర రాష్ట్రములోని 12 జిల్లాలలో ఎక్కడో ఒకచోట ఏర్పాటు చేయవలసిందని చెప్పటం చాలా హాస్యాస్పదముగనూ, కష్టముగనూ యుండును. అయితే ఏలాగైనా రాష్ట్రము విడిపోయిన తరువాత, హోర్టును మార్చవలయునని అనవచ్చును. అప్పుడు మన నాయకులు వెంటనే మార్పుల పాథ్యహా, అపాథ్యహా అని గుర్తించవలసియున్నది. ఇప్పుడు ఒక ఇంటిలోనుండు సోదరులు విభాగమయ్యేటప్పుడు, అందులో ఒక సోదరునికి ఇల్లు భాగము వచ్చిన, తక్కిన సోదరులు ఆ ఇల్లు విడచి వెంటనే పొమ్మనడు, అటువంటి విపరీత పరతులను ఎవ్వరును పెట్టరు. అందుకు సోదరులు వారివారి వస్తువులను విరచించుకొను వరకు అయింటిలోనే యుండురు. అటులే ఈ విషయములోకూడ కొంత వ్యవధి ఉండవలెను. ఒకటి, రెండు సంవత్సరములలో లేక సాధ్యమైనంత time-limit పెట్టవలెను. అట్లుగాక హోర్టును ఏ చెట్టుక్రిందనో, ఏ గుడిసెలోనో పెట్టుకొమ్మనుట చాలా విచిత్రముగాను, కఠినముగాను ఉండును. ఇప్పుడున్న హోర్టు buildings తయారు చేసుకొనుటకు ఎంత వ్యయమో పట్టినదో ఎంతటి బుద్ధి వ్యయపరచవలసివచ్చినదో వారికి తెలిసిన విషయమే. హోర్టును నిర్మించే విషయంలో చాలా డబ్బుపట్టిన, ప్రజలందరూ మాకు రాష్ట్రము రావడంతోనే ముందే హోర్టును నిర్మించుటకుగాను మనము డబ్బు ఆంధ్రా కూడ waste చేస్తున్నాము అని శ్రీ బి. వెంకటనారాయణ రెడ్డిగారు చెప్పినట్లు ఆంధ్ర ప్రజలు అనుకొంటారు. కనుక ప్రస్తుతము ఈ హోర్టును ఇక్కడనే ఉంచినట్లయిన, అందరికీని అనుకూలముగానుండును. ఎట్లు ఒరిస్సా రాష్ట్రము ఏర్పడిన తరువాత చాలా కాలమువరకుకూడ ఆరాష్ట్రం బీహారులోని పాట్నా High Court క్రిందనే ఉన్నదనే విషయాన్ని ఎవ్వరును విస్మించరాదు. అదేమాదిరిగా ఈ మద్రాసులో ఆంధ్ర హోర్టునుకూడ ఉంచే ఏర్పాట్లు చేయగోరూను. అనిధంగానే ఆంధ్ర High Court తాత్కాలికంగా కొంతకాలం మద్రాసులో ఉండుటకు ఎవరికిని ఎట్టి ఆభ్యంతరమును ఉండనవలసినదే. ఒకవేళ ఏదైనా legal objections ఉన్నట్లయితే వాటిని వివిధంగా మనము దాటగలమా అని యోచించవలసియుండుంది. ఈ విషయంపై గురించి మాట్లాడుతూ, శ్రీ నాగప్పగారు హోర్టునుగురించి మాట్లాడుచు ఆంధ్ర రాజధానిలో ఎక్కడో, ఒకచోట పెట్టుకోవలసిందని, ఆంధ్రలకు మద్రాసుపై హక్కులేదని, అందుకోసరం తమిళ సోదరులు మమ్ములను drive out చేస్తున్నారని అనుట నేను అంగీకరింపను. మనము, మన జిల్లాలలో administration వక్కాగెరవేయకొనుటకు అవకాశముండుననే ఆంధ్ర రాష్ట్రము కావలసిన అనుచున్నాము గాని, మనకు మద్రాసుపై హక్కులేదని, అందుచేత మనము పెట్టుకోవలసిందని అను

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చున్నారని నేను అనుకొనను, తమిళులుగాని, మరే ఇతరులుగాని, మనలను మద్రాసునుంచి తగిలేస్తున్నారని అనుకొనడం మనకు గౌరవంకూడాకాదు. అంతేకాకుండా, మనము మనవారు తగిలేస్తున్నారని, మనము పెట్టుకోవలసి వస్తుంది అని అనుకోవడం సిగ్గుచేటేనని నేను అనుకుంటున్నాను. మనము అందరము ఒక కన్నతల్లి పిడ్డలమే గనుక సవతి సోదరులవలెగాక నిజమైన సోదరులు విడిపోయినట్లు జాయింటు యిల్లులో హక్కు ఉన్నప్పటికీ, వేరే ఇంటిని వివిధముగా మంచి భావముతో నిర్మించుకొనునో అదేవిధముగా మనము వేరే గృహమును నిర్మించుకొనుచున్నాము."

SRI S. NAGAPPA:—"I rise on a point of order, Sir. The hon. Member is referring to my speech. He says that I said that we, Andhras are surrendering Madras City, and it is shame that we do so. I never said that."

MR. SPEAKER:—"I was not able to follow what the hon. Member, Mr. Sanyasi Rao, was saying."

SRI S. NAGAPPA:—"He says, that I said, it is shame that Andhras should surrender Madras City. I never made any such remark at all."

MR. SPEAKER:—"He never meant you, I know it. Let the hon. Member continue his speech."

* SRI G. SANYASI RAO:—"ఇట్లు చెప్పడంలో నేనేమీ పొరపాటుమాట అనలేదు. సదుద్దేశముతోనే మనము ఎవరిని అనుమానించ నవలసినదో లేదనిమాత్రము చెప్పుచున్నాను."

"ఇప్పుడు నిర్మించబోవు హోర్టుకూడ ఇప్పుడున్న టువంటి హోర్టు స్థలములోనే ఉన్నను ఏమి ప్రమాదము ఉండదు. ఒకవేళ ఈ తీర్మానము pass అయి మన High Court ను తప్పనిసరిగా మనము ఆంధ్ర-రాష్ట్ర ప్రాంతములలోనే పెట్టుకోవలసి వస్తే హోర్టు నిర్మించవలసిన ప్రదేశమును గురించి బాగుగా ఆలోచించవలసి యుండుంది. ముఖ్యముగా సముద్ర ప్రాంతాలలోగాని మరి ఎక్కడో శీతోష్ణస్థితి బాగుగా యుండునో అటువంటి చోటునగాని High Court ను ఏర్పాటు చేసినట్లు లే చాలా బాగుండుంది. ముఖ్యంగా సముద్ర ప్రాంతములే చాలా యోగ్యంగా ఉంటాయి. అది విశాఖ పట్టణమైన సరే, బందరు అయినా సరే, కాకినాడ అయినా సరే, మరే ఇతర సముద్ర ప్రాంతమైన సరే, సముద్ర ప్రాంతమే హోర్టుకు తగిన ప్రదేశము. అన్ని విషయములు మనము బాగా ఆలోచించి, తప్పనిసరిగా స్థలము ను పరిశీలన చేయించి, ఏ స్థలము బాగుంటే అక్కడ హోర్టును నిర్మించవలసియున్నదని, సముద్ర ప్రాంతమున నుండు సమశీతోష్ణ ప్రదేశాలలో High Court వంటి ముఖ్యస్థానాన్ని ఏర్పరచినట్లయితే న్యాయాధిపతుల brains వక్కాగా పనిచేస్తాయని మనవిచేయుచు ఈ తీర్మానాన్ని బలపరచుట, శ్రీ టి. విశ్వనాథంగారు సూచించిన సవరణను కూడ ప్రభుత్వమువారు అంగీకరించవలసిందని సోదరులూ ఇంతటితో విరమించుకొంటున్నాను."

* SRI PYDAH VENKATANARAYANA:—"Mr. Speaker, Sir, as I sat listening to the speeches of several members of this House I was really wondering whether Government had no other business but this motion, and why they should have brought this motion on the opening day of this session of the Legislature. Sir, the High Court has been there for long, and it has been

[Sri Pydah Venkatanarayana] [5th January 1950]

functioning all right; it has been in a central place, and it has not caused any inconvenience either to the clientele or for the lawyers; and administratively too, there has been no complaint at all. Now, though there is a demand for the formation of the Andhra Province on the basis of language and culture and other things, it is not absolutely necessary that a separate High Court should be formed even before the Andhra Province is formed. As some hon. Members before me observed, though a separate Orissa Province was formed some time back, the High Court was functioning for a long time in Patna; and it was with jurisdiction over Orissa only after several years had elapsed since that Province was formed, it had a separate High Court. Sir, for the Andhra Province, the High Court may be located in Madras. So I feel the amendments moved by Sri T. Viswanatham and Sri Linga Raju are quite in order. If Government will be pleased to withdraw their motion, it will be very good; but if they feel that a separate High Court should be constituted, I request the Government to accept the amendment of Sri Viswanatham or of Sri Linga Raju, so that we may be able to allow a separate High Court to function in one wing of the present High Court Buildings. When the new Province is formed, naturally cities and capital there will grow with the lapse of time, and then, at the proper time we can shift the High Court there. Sri M. S. Pattabhiramiah, in a very philanthropic and a great philosophical speech, advised the Andhras to get away with good grace and not repent for giving up Madras City to the Tamilians. He also said in his speech that he was originally an Andhra, but that now he has become a Tamilian. He also said that when he said so, he was speaking not as a Tamilian but as an Andhra. I am very greatly obliged for his advice, but we are very sorry, we are unable to accept what he said. Some advised us to part with Tamilians as friends and not behave like Muslims when they went over to Pakistan. Sir, the analogy is not correct. There, they are two different races. Here it is a mere separation of areas. It does not mean we are going away altogether from the sister Province. So, Sir, several questions can be settled even after separation. I do not think the Tamils will lose anything—on the other hand they will gain much—by allowing us to use a section of the High Court building, as thereby the Tamil lawyers will continue to have their present practice. Considering all these things, I request Government to accept the amendment of either Sri Viswanatham or that of Sri Linga Raju."

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p.m.

* SRI R. SUBBA IYER:—"Mr. Speaker, Sir, I rise to support the Government motion. A good deal of unnecessary heat and controversy has been created over this simple resolution. In view of the explanation offered by Mr. Prakasam and after hearing his speech, it seems to me that the amendments moved by my hon. Friends Messrs. Viswanatham and Linga Raju are entirely unnecessary. If only they had previous consultation, these amendments might not have come up before this House for discussion."

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"I am surprised that Sri Prakasam used in the course of his speech a new word which I have not so far heard him use. For the word 'Andhra' he used the word 'Telugu' for the first time on the floor of this House. I do not know what he had in mind when he uttered that word. I am unable to gauge whether his intention was, in the words of the great President of the Indian National Congress, Dr. Pattabhi Seetharamiah, to safeguard the interests of the 10 lakhs of Andhras in and around Madras City or the 30 lakhs of Andhras who are permanent residents of Tamilnad. I wish to emphasize and impress upon hon. Members that there is something significant in the use of the word 'Telugu' for the first time here."

"Coming to the main resolution, it seems to me that it is only intended to create conditions favourable for the formation of Andhra Province so that, when the conclusions of the Partition Council have been accepted by the Government of India and an Order-in-Council is issued by the Governor-General, all the organs necessary for the functioning of a State might be kept ready and the necessity for amending the new Constitution or any legal and technical difficulties may be avoided. From the speech of Mr. Prakasam I understand that it is with the concurrence of the Partition Council that the Government have moved this resolution. It has been a cherished ambition of the Andhras to have a province of their own. I suppose it is in pursuance of that ambition that they wanted a separate University and had it located in Waltair. I suppose it is with the same idea that they want a separate High Court, a separate capital and ultimately a separate province. All these things have to be realized before the 26th of January so that the formation of the province may synchronize with the establishment of the Republic of India. We all earnestly hope that by that date the great ambition of the Andhras would be realized. I fail to see why all these impediments or spokes in the wheel are now sought to be placed in the way of the realization of that ideal. They seem to be entirely unnecessary. It looks as though the outgoing Andhra brethren are pleading with the non-Andhras: 'Here we are. We wanted partition and you have given it. We are going away. Nevertheless allow us to remain in your place for some time.' That seems to be the burden of their song as far as I could make out from the speeches made on the floor of this House. There does not seem to be any formidable or least objection to the creation of a separate High Court for the Andhra Province. The difficulty comes in only in regard to the location of its principal seat. In view of the very many legal difficulties for continuing the Andhra High Court in Madras that have been explained *in extenso* by Sri A. Vaidyanatha Ayyar, I am inclined to think that, if the principal seat is not settled even now, it may not be possible to establish the High Court by the 26th of January. With the best of intentions and to facilitate the formation of the new province by the 26th of January, the Government have come forward with this resolution. Having agitated for a separate

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province for so many long years, why should some of my Andhra friends feel shy of locating their High Court and the capital inside the Andhra area when there is a hundred per cent chance of the formation of the province simultaneously with the inauguration of the Indian Republic?

“Reference was made to the J.V.P. Report. That Report has closed all the doors for the Andhras to claim any share in the City of Madras. But by a strange inspiration the great President of the Indian National Congress has come forward with a glossary of his own. The doors having been banged, it seems to me he tries to create a hole in the back door through which to enter. As a condition precedent the Andhras have been asked to give up all rights to the City of Madras and on that condition the formation of the province was assured. When they have accepted that condition gracefully, I would very humbly plead with them to accept this resolution also gracefully and thereby create conditions favourable for the immediate formation of the province. After partition there is no charm in asking for a place in the City of Madras to carry on the functions of Government. It is not as though I do not want my Andhra friends to stay in Madras or have the benefit of any building here. There cannot be a partial partition; the partition must be complete in everything. To ask for creating a division only in status and keep the properties unpartitioned is not fair. That will not conduce to smooth administration either. If you create a partition and then try to re-unite, that will not work well. In the interests of Andhras as well as non-Andhras, I plead that the Andhra section should accept this resolution gracefully. There is nothing wrong in it. As I see it, it only recommends the establishment of a High Court for the Andhra area. Whether the Andhra Province is formed or not, by all means let them have a separate High Court just as they have a separate University.

“The argument of Sri A. Vaidyanatha Ayyar to put up a notice board at the principal seat of the High Court and carry on the administration of justice from Madras does not appeal to me. The question of finding suitable buildings need not at all constitute a formidable obstacle because during the period of evacuation of Madras, most of the Government offices including the High Court and the seat of the Government itself were shifted and located outside Madras. The High Court was located in the Holy Angels Convent in Mambalam. Having worked for an ideal all through their lives, I only wish that they do not create impediments which will retard, or stand in the way of, its fulfilment. If there is a will, I am sure, there is a way. They can certainly find suitable buildings in Rayalaseema or in any other Andhra area to locate the High Court and even the capital. Some time back I read that a Legislative Assembly met for the first time in the open air and transacted business. If only the Andhras are earnest, they can find a way out. Having one foot here and the other foot there does not stand to reason.

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“In view of what the great leader Mr. Prakasam has stated, I request Messrs. Viswanatham and Linga Raju to withdraw their amendments and unequivocally support the Government resolution.

“With these words, I support the motion.”

SRI V. RAGHAVAYYA:—“Mr. Speaker, Sir, much of the acrimony and confusion that has arisen could have been avoided if every one of the members, be he a Tamilian, Telugu or Malayalee, had posed before himself the Biblical saying: ‘Do unto others what you would like others to do unto you.’ Suppose the Tamilian friends are in our predicament. It is a predicament which has been thrust upon us. I am not going into the reasons for it now. Malayalee gentlemen are going to be put into a similar position very soon. Mr. Madhava Menon is a very clever and shrewd gentleman. Lest a similar situation should arise to his own province on a future occasion and create trouble to the parties concerned, he has taken ample care to word the resolution very vaguely. Like a lawyer, I take advantage of that vagueness. Just like the Tamilians would not like to be rushed into a sanctuary on a particular date, the Telugus also do not like to be hustled into a particular place. That must stand to reason. After all what does clause (a) of the resolution say? It does not refer to any temporary arrangement at all. It only says that there shall be a separate High Court for the areas mentioned in the schedule. It does not say when this is to happen. The real danger to the Andhras or for the matter of that to the Malayalees on a future occasion will arise only when the date is fixed. So long as the date is not mentioned, there is no harm done by this resolution. Clause (b) also simply says that the Madras High Court shall be reconstituted from the date on which the other High Court is constituted. Both clauses (a) and (b) are vague about the date of the constitution of the separate High Court. I take complete advantage of that position and console myself that no legal power on earth can rush me into accepting a hermitage for locating the High Court. I do not see any reason why we should get worried over that. No Government with any sense of decency would compel the Andhras to take away their High Court and place it in the fishermen’s huts on the sea-side. So when the Hon. Minister for Law framed this resolution, he should have contemplated the other exigency of the Andhra Province not fructifying and of the Government continuing as the Government of all the districts, in which case the High Court will continue as such. So far as the Government are concerned, they are not committing themselves in this resolution that the High Court will come into existence. They are simply making an address to His Excellency the Governor-General to constitute a separate High Court for that part of this Province which consists of the Andhra areas mentioned in the schedule. Now the real trouble is this. We are trying to give a name to a baby even when conception has not taken place. We do not know whether the child that is going to be born will be a male or a female one. That is why the Hon. Minister for Law is not able to be more specific

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about it. Let him be happy in thinking that there is going to be a male child. So, let hon. Members of the House, instead of quarrelling with each other over the various details as to where its birth-place should be, or what name should be given to it, etc., take the resolution for what it is worth and be content with the wording thereof. Not only that, but let us take the explanation of the Hon. Minister at his word and go on with the idea that there will be a High Court for the time being to cater to the needs of the districts mentioned in the schedule. That is all that is stated in the resolution. The High Court may function from any place. Differences may arise only when there is a separate province. When the two provinces are separately functioning, one will try to quit the place, whether the separation takes place in April or August. Whatever that be, the High Court for the Andhra areas does come into existence the moment the Governor-General approves and gives effect to this resolution, and the choice of the place in which it is to be located has been left to the parties concerned.

“Sir, one word more and I have finished. I do not know why some of the hon. Members have waxed so very eloquently over this issue. My hon. Friend, Sri R. V. Swaminthan set the ball rolling. This kind of hon. Members vying with each other on a matter like this is thoroughly unwarranted. Somebody began to say that the soil of the Madras High Court belonged to the Andhras. Some other member said that it belonged to the Tamils. Another member said that the City was sold by an Andhra. Perhaps some fishermen would have lived in this City and owned it in the ancient days. Those are all things which are of historical value only. Whatever that be, we have been under one Government for the last 150 years, and now we are trying to separate from each other, adjusting things between us. Why should we rake up the past embers and quarrel over them?

“Sir, some hon. Members have argued that we must go out bag and baggage. The Hon. Minister for Law did not say that, because he is very cautious about one thing. The same fate may befall him some day. He will be in the same miserable predicament as ourselves if the Tamil gentlemen to-morrow think of separating themselves and are prepared to pay some amount to the Province of Kerala, as they have done in the case of the separation of the Andhra Province. He has, therefore, been wise and good and generous. At the same time, I have no quarrel with my hon. Friends, Sri Viswanatham and Sri Linga Raju, for the amendments they have brought forward and for the speeches they have made because more mischief is done by what is said in the Assembly than by what is not said. During all these two and a half months, a cold war has been going on between the Andhras and the Tamils over the City of Madras in the press and elsewhere, because of the suspicions engendered in them. I hope my hon. Friend, Sri Viswanatham, will take the advice of leaders like Sri Prakasam and accept the wording of the resolution as such, and not press his amendment.”

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* SRI P. VENKATASUBBAYYA:—“Mr. Speaker, Sir, the long-cherished desire of the Andhras for the formation of a separate Andhra Province is going to be fulfilled very soon and this resolution requesting the Governor-General to constitute a High Court for the Andhra areas is a happy beginning and so I wholeheartedly support the motion moved by the Hon. Minister for Law.

“Sir, the agitation for a separate Andhra Province was started very long ago—I think it was in 1913—by our great and revered leaders like the late Desabhaktha Konda Venkatappayya and by our Andhra Kesari. Sir, we could have realized the Province earlier, but our Andhra leaders thought that national freedom should be achieved first, before we could claim a separate Province. When the Simon Commission came to this country, at the clarion call of our leaders, we boycotted that Commission and it was our revered leader the Andhra Kesari who led that movement in this Province. The Oriyas took the opportunity and made out their case before that Commission and got their Province. But the Andhras, in their agitation for the Andhra Province, did not relax their efforts in getting independence for this country, and now that independence has been attained, they want their province to be separated. For various reasons, the formation of a separate Andhra Province has been delayed, but it is better late than never. We are now able to achieve our long-cherished ideal, for which we had fought all these years.

“Sir, when I heard the speeches of so many hon. Friends saying that we are asked by the Tamils to go bag and baggage, I was quite unable to reconcile myself with their feelings. Even on sentimental grounds, when once we have abandoned our claims over the City of Madras, there should be no opposition, no recrimination and no harsh words used by either side. Our leaders have said that they are prepared to run the administration of the Andhra Province from anywhere and have given up their claims for the City. When we have that determination and when we have that strong will within us, there is no point in begging our Tamil friends, ‘Please allow us to remain here for some time more, till we find a suitable place for our capital and our High Court’. So, when we are prepared for all the eventualities and when we are prepared to have a separate Province in order to improve our language and culture and to keep up our individuality and pride as an Andhra nation, we should not go on begging that we should be allowed to stay in the City for some more time. That is my sincere feeling in this matter. I hope that the leaders of Rayalaseema and the coastal districts will be able to come to an agreement on the basis of the Sri Bagh Pact and see that everything goes on very smoothly and that the formation of the Andhra Province is not delayed any further on account of any disagreement among ourselves. If this resolution is passed and if we accept the motion of the Hon. Minister for Law, it will certainly be a happy augury for the realization of our cherished

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ideal of the Andhra Province. It is in that view that I wholeheartedly support this resolution which has been moved by my Hon. Friend the Minister for Law."

SRI M. NAGESWARA RAO :—“అధ్యయన, ఈ రోజు మద్రాసు రాష్ట్ర చరిత్రలో చాల ప్రసిద్ధమైన రోజుని చరిత్రకారులు బ్రాయకతప్పదు. కొన్ని వందల సంవత్సరములనుంచి దక్షిణ భారతదేశములోని వివిధభాషలను మాట్లాడేడి మనలను బ్రటిష్ ప్రభుత్వమువారు, వారి విధానానుగుణంగా బుకే రాష్ట్ర ప్రభుత్వముకేంద్ర నుండునట్లు చేసినారు. ఈ విధమైన విర్వాటులను చేయుటలో వారు ప్రజాభిప్రాయముకన్న, స్వలాభాన్నే ముఖ్యంగా పరిగణించారు. ఇటువంటి ఉమ్మడి ప్రభుత్వపాలనా విధానము మంచిదికాదని భావాప్రయుక్తరాష్ట్ర నిర్మాణము అవసరమని వినాడో కాంగ్రెస్ అమోదించినది. ఆ సూత్రాన్ని అనుసరించే నేడు ప్రత్యేకాంధ్రరాష్ట్ర నిర్మాణాని మన ప్రభుత్వమువారు అంగీకరించినారు. ఆంధ్ర ప్రాంతముల కొక ప్రత్యేక High Court కావలసిన చేయబడిన ఈ ప్రతిపాదనకూడ అశయసిద్ధికారక.

“భారత స్వాతంత్ర్యపోరాట చరిత్ర మనము చూచినట్లయితే అందులో ఈ మద్రాసు పట్టణంయొక్క కీర్తిని నిలబెట్టినవారిలో ముఖ్యులు ఆంధ్రులేనని అందరకు తెలియగలదు. దేశం కూడీనమొయ్యన్నప్పుడు స్వరాష్ట్రానిమానాన్ని వదలి, దేశ స్వాతంత్ర్య సమపార్జన అవశ్యకతకన్న భావనతో, ధైర్యముతో పోరాడి మద్రాసు పట్టణంయొక్క కీర్తిని కాపాడినవారు అగ్రనాయకులు ఆంధ్రులేనని ఎవ్వరును విస్మరించరాదు. అటువంటి ఆంధ్రులు ఈనాడు మద్రాసులో తాత్కాలికంగా తమ నూతనరాష్ట్ర కార్యాలయాలను విర్వాటుచేసుకొనే సౌకర్యాలను కలుగజేయ వలసినదని ఆడుగుతూంటే, కొందరు మిత్రులు ఆంధ్రులు వెంటనే మద్రాసునుంచి వెడలిపోవాలనే అభిప్రాయంతో ఉన్నారని వినడం చాలా విచారకరమైయుంటుంది విషయం. 1927 వ సంవత్సరంలో సెమర్ కమిషన్ వచ్చినపుడు, ఇతర నాయకులు భయపడి మద్రాసు పట్టణాన్ని వదలి జిల్లాలకు పోయినారు. పజలు సరి అయిన నాయకులు లేక ఏమిచేయవలెనో అని ఆందోళన పడుచున్న సమయంలో, వారిని భయపడవద్దని ప్రోత్సహించి, ఆ ప్రజలు, నా ప్రజలే అని నిలబడి, పోలీసుల తుపాకిగుండ్లకు గుండెచూపిన ధైర్యశాలి, ప్రసిద్ధ ఆంధ్రనాయకుడు శ్రీ ప్రకాశం పంతులుగారిని మద్రాసు చరిత్ర విస్మయముగా చెప్పుచున్న విషయము అందరకు తెలిసినటువంటిదే. ఈ విషయాలను ఆంధ్రులు సగర్వంగా చెప్పుకొనగలరు. మద్రాసు పట్టణముయొక్క కీర్తిని కాపాడుకొనుటకు ఇంతటి త్యాగములను చేసిన ఆంధ్రులకు, ఇతరులవలెనే మద్రాసుపై హక్కుకలదని, అది న్యాయమైనటువంటిది, ధర్మమైనటువంటిదని మన తమిళసోదరులకు, ఇతరులకు కూడా నా మనవి.

“ఆంధ్రులకు రాష్ట్రము వినాడో రావలసినది. వినాడో స్వరాష్ట్రాన్ని వారు సంపాదించుకొని ఉండేడివారు. కాని ఆంధ్రులు అనేక అవకాశములను తమంతట తామే నిరాకరించినారు. దీనికి కారణం ఆంధ్రులకుగల దేశభక్తిగాని వేరుగాదు. భారతదేశ దాస్య విముక్తి ఆత్యంత ముఖ్యమైనటువంటి ప్రాధాన్యసమస్యగా వారు భావించుటే ఆంధ్రులు స్వరాష్ట్రానిర్మాణానికి వాయిదాలు వేసుకొన్నాడు. అంతే కాని రాష్ట్రానిర్మాణమే వారు ప్రధానముగావించినట్లయితే ఇతర రాష్ట్రములవలెనే ఆంధ్రరాష్ట్రముకూడా వినాడో ఏర్పడిఉండేడిది. అటువంటి స్వాభిమానముకన్న, దేశాభిమానమే ప్రధానమైనటువంటిది, భారతదేశస్వాతంత్ర్య సమపార్జన తమకు ప్రధానదర్శనమని ఆంధ్రులు భావించుటవలననే ఆంధ్రరాష్ట్రానిర్మాణము వాయిదాపడినది,

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దేశము పరదేశముల హక్కుగతమే ఉన్నపుడు ఆ పరామువారిని ప్రాధేయపడి రాష్ట్రమును సంపాదించుకొనేకన్న స్వరాజ్యమువచ్చిన తరువాత సగర్వంగా రాష్ట్రాన్ని నిర్మించుకోవడము గౌరవప్రదమైనదని ఆంధ్రులు భావించినారు. ఇదే అభిప్రాయంతో ఈ నెల 26 వ తేదీన సర్వస్వతంత్ర భారతప్రజాస్వామికము, విర్పడుచున్నది కనుక, అనాడే ఆంధ్రరాష్ట్రము ఏర్పడవలసిన ఆంధ్రులు యావత్తంది ఆశిస్తున్నారు. ఈ ఆశయసిద్ధికారకే ఆంధ్రప్రజానీకము, ఆంధ్రనాయకులు ఎదురుచూస్తున్నారు. స్వాతంత్ర్య పోరాటకాలంలో, ఆంధ్రులు, తమిళులు అనే భేదములేకుండా మనమందరము అభిభారతకాంగ్రెస్ సంఘ యాజమాన్యమున కృషిచేసినాము. మనలో ఎట్టి సందర్భములలోకూడా భేదాభిప్రాయములు కలుగలేదు. ఇకముందుకూడా, ఆంధ్రరాష్ట్రము ఏర్పడి, ఆ ప్రభుత్వము విడిపోయిన తరువాతకూడా మనమందరము ఎట్టి విభేదములను పెట్టుకొనకుండా వర్తింపగలమని ఆశిస్తున్నాను.

“నాయకులందరు ఈ సంవత్సరం జనవరి 26 వ తారీఖునకు ముందే ప్రత్యేక ఆంధ్రరాష్ట్రాన్ని ఏర్పడుటకు విశిష్టముగా కృషిచేస్తారని నమ్ముచున్నాను. సత్వర ఆంధ్రరాష్ట్రానిదికి దోహదమిచ్చే ఈ తీర్మానాన్ని అందుకు కొద్దిపాటి సవరణను తెచ్చిన శ్రీ విశ్వనాథంగారి ప్రతిపాదనను వారు ఉపసంహరించుకొని, వికసీవంగా అమోదింప వలసినదని, జనవరి 26 వ తేదీనాటికి ముందుగనే ఆంధ్రరాష్ట్రము విర్పడుటకు అవకాశము కలుగజేయవలసినదని మనవిచేస్తూ ఇంతటితో విరమిస్తున్నాను.

* **DR. U. P. MALLAYYA :—**“Mr. Speaker, Sir, when I rise now to take part in the debate, I would rather like to express myself as a Kannadiga, because, we all know that in this division the interests that are mostly concerned are the Tamilians, Telugus and the Kannadigas. It has been rather unfortunate that in the Partition Committee that was set up, no Kannadiga representative was there. I have every reason to believe. . . .”

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MR. SPEAKER :—“This resolution is not about the Partition Committee.”

* **DR. U. P. MALLAYYA :—**“The Partition Committee's report has come before the Cabinet, and I should think in a very large measure the Partition Committee's report must have influenced the Cabinet. In fact, the details were compiled by the Partition Committee. The Partition Committee was constituted by the Madras Government. If in the initial stages, there were representatives who could put forth the case of the Kannadigas, I should think that, in a very large measure, it would have been very beneficial. I would rather like to give expression to a specific instance where the Kannadigas have failed to achieve their cause.”

MR. SPEAKER :—“The hon. Member is going out of the subject.”

* **DR. U. P. MALLAYYA :—**“In the schedule to the resolution the taluks of Adoni, Alur and Rayadrug of Bellary district have been included. These taluks have been a matter of dispute between the Kannadigas and the Telugus. The Bellary district, as we all know, has been in dispute between the Telugu and the

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Kannadigas. If there was a Kannadiga in the Partition Committee, he would have expressed the opinion of the Kannadigas. However, it has been expressed very clearly by the Provincial Congress Committee in their memorandum. This memorandum was not considered on its merits. I had occasion to go into the Kelkar report. At the end of that report there is this sentence which reads—

'The Telugu Province as now reorganized is already too strong and extensive to lose much by its losing the Bellary district, and I might even have been justified even in awarding the whole of the Bellary district (for reasons already mentioned) to the Kanarese Provincial Congress Committee. But I have not done so.'

This contention of the Kelkar report was also made known to what is known as the Dhar Committee. The Dhar Committee report has clarified the contention of the Kannadigas in the matter of these three taluks. Neither party is satisfied with this, and each wants to lay claim to the entire area or a portion of it. The main partition is based on the J.V.P. report. What does the J.V.P. report say? The J.V.P. report is very clear on this point. It says that all the contentious portions should never be included in the proposed Province. The three taluks of Bellary district have been disputed by both the Telugus and the Kannadigas. On what authority have these three taluks been included in the proposed Andhra Province? This is my question. The J.V.P. report has stated that no disputed territory should be brought into the Andhra Province. I can very well understand that Tamilians and the Telugus certainly came to a compromise over ever so many bi-lingual areas. The Kannadigas also would have agreed to a compromise over the contentious portions. When that is so, it is not very proper for the Government to include these contentious portions in the proposed Andhra Province, and say that the High Court may also be situated in any of these three taluks of the Bellary district. I am really pained to see that the interests of our area have not been attempted to be satisfied by the Partition Committee or even by the Government. I do hope the Government of India at least will move in the matter and see that we are given the due justice which we can naturally claim."

MR. SPEAKER:—I want to know whether any other hon. Member wants to speak. If no hon. Member wants to speak, the Hon. Minister will reply."

THE HON. SRI K. MADHAVA MENON:—"I will reply to-morrow, Sir. My reply may be taken as the first item in the agenda for to-morrow."

MR. SPEAKER:—"But, if some hon. Members want to take part in the debate, then I will have to allow them."

THE HON. SRI K. MADHAVA MENON:—"Then, I shall begin my reply now."

JANAB MUHAMMAD RAZA KHAN:—"Sir, many hon. Members have left the Assembly under the impression that the debate will be continued to-morrow."

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SRI P. KANDASWAMI PILLAI:—"Sir, we were told by our Whip that discussion on this resolution will continue to-morrow also."

MR. SPEAKER:—"The Chair has nothing to do with what the Whip has said. It is the duty of every hon. Member to remain here till 5 o'clock. As there is no hon. Member to speak on this resolution now, I am calling upon the Hon. Minister to reply."

* THE HON. SRI K. MADHAVA MENON:—"Sir, apart from the merits of the resolution, a considerable portion of the discussion has been on questions which are absolutely unnecessary for discussion here. There have been speeches about some people being asked to go away and being driven out bag and baggage. I do not see why those things should come here. The hon. Member, Mr. Nagappa, asked 'why do you drive me out'. To quote his own language, who on earth has got the power to drive him out of this country? I certainly say that nobody on earth has got the right to ask anybody else to go out of this country. If he is in the Indian Union, nobody can ask him to get out of the place in which he settles. Under the Constitution Act, he has absolute right to remain in any place in the Indian Union."

SRI S. NAGAPPA:—"On a point of information, Sir."

MR. SPEAKER:—"The Hon. Minister is not yielding."

* THE HON. SRI K. MADHAVA MENON:—"I am speaking only generally, Sir. It is not with reference to Mr. Nagappa's remarks. Under the Constitution Act, every citizen of the Indian Union has a right to live anywhere he likes in the Indian Union. So, there is no question of anybody being asked to get out or driven out to another place bag and baggage. If some set of people legitimately say that they want to go away not from their houses in Madras but as Andhras and that they want to have a separate Province, we certainly agree to their separation from this Province. The question of being asked to go out and being driven out bag and baggage, I cannot really understand. All these feelings that one is asking somebody else to go away, or that he is attempting to drive out the other man, do not arise here. It is a sort of finding an imaginary thief in every bush. That is all I can say about them. There is absolutely no idea of asking anybody to go away. The Andhras want to have a separate Province. We have been trying, as far as possible, to get together. If it is not possible to get together, and that we should have a separate Province, let us by all means have a separate Province. This is all what has been done. As the hon. Member Mr. Vaidyanatha Ayyar has stated, there is no need to create any heat on this point on either side and imagine all sorts of things. My resolution regarding the High Court does not at all deserve to be the cause for all the speeches which have been made as to who built the City of Madras, whether the fishermen built it or some others built it. Those speeches would have been better

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in some other place and on some other occasion, but not on the resolution now before the House. The Congress Working Committee recommended to the Government of India that a separate Province for Andhras be carved out. The Government of India wanted the Madras Government to send up their proposals for the formation of the Andhra Province. The Andhras want a separate Province. Somebody stated that Andhras were objecting to this resolution. Nobody has objected to this resolution. The principle underlying the resolution that the Andhras should have a separate High Court has not been objected to by Andhras. The Andhras want a separate High Court if possible simultaneously with the formation of the Province. How can that be effected? Mr. Prakasam stated that under the present Government of India Act, 1935, the words 'principal seat' do not come. I do not know what exactly he means. The words 'principal seat of the High Court' are there in the Government of India Act, 1935, under which we are now working. The principal seat of the High Court is a material factor in the Government of India Act, 1935. I agree with Mr. Prakasam to this extent that if there are two High Courts in a Province under one Government, then the question of the Governor or the Government doing two different things will not arise. If there is no Andhra Province, but there are two High Courts, the difficulties of having the principal seat in the same place will automatically resolve themselves, because the Government are the same and the Governor is the same. The revenues will also be the same. Whether, according to the Criminal Procedure Code, other difficulties will arise or not, I cannot say. But I do not agree with Mr. Prakasam that we can ignore the Constitution Act that has already been passed. This Andhra Province, if it is to come before January 26, 1950, must come under the Government of India Act, 1935. The High Court also will come into effect before the Constitution Act comes into force. But we cannot have a Constitution for Andhra Province or High Court which cannot be dovetailed for working under the Constitution which will come into force on the 26th January 1950."

MR. SPEAKER:—"The Hon. Minister will continue his reply to-morrow. The House will now rise and meet at 11 a.m. to-morrow."

The House adjourned to meet again at 11 a.m. on the next day.

THE MADRAS LEGISLATIVE ASSEMBLY.

Friday, the 6th January 1950.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

The Tambaram Government Sanatorium.

* 269* Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Public Health be pleased to state—

(a) the number of patients for whom accommodation has been provided in the Tambaram Government Sanatorium, Madras;

(b) the number of patients that have actually been admitted at present; and

(c) the number of cots that have been so far supplied to this sanatorium?"

THE HON. DR. T. S. S. RAJAN:—" (a) The present bed strength of the Sanatorium is 107. Additional buildings have been put up and when these buildings are equipped the total bed strength will be 380.

" (b) 128. Patients in excess of 107 are accommodated in temporary cottages inside the Sanatorium compound.

" (c) 173. All the 128 patients who are now in the Sanatorium are provided with cots."

SRI V. RAGHAVAYYA:—"In view of the great demand for beds in this sanatorium as well as in other sanatoria, may I know what steps the Government have taken to increase the bed strength and to provide greater facilities and accommodation for the incoming patients?"

THE HON. DR. T. S. S. RAJAN:—"Well, Sir, I have already answered it as clearly as possible that the number has risen from 107 to 380. We cannot have a big jump because provisions for extension of sanatorium are very costly and we have got to look into the whole scheme and as far as possible we are trying to meet the demand."

JANAB MOHAMED ABDUL SALAM:—"May I know whether the attention of the Government has been drawn to the fact that money is being paid and a lot of influence is being brought to bear on these doctors to get admission rather than getting admission on the merits of the case?"

THE HON. DR. T. S. S. RAJAN:—"It is just possible that people suffering from this disease will try to influence the

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doctor to get admission as early as possible. It is only natural. But as far as the Government are concerned, they are seeing that admission is regulated by proper principles and right conduct."

JANAB ABDUL HAMEED KHAN:—" May I know how many of the existing beds are reserved for paying patients and how many for non-paying patients? "

THE HON. DR. T. S. S. RAJAN:—" I have not got the information ready just now but I may say that there is a ratio regarding the admission of paying patients and non-paying patients and the ratio is always observed."

SRI V. RAGHAVAYYA:—" May I know when the proposed additional accommodation will be ready and what amount of money do the Government propose to provide or have provided for these additional buildings? "

THE HON. DR. T. S. S. RAJAN:—" The additional buildings are nearing completion and the Public Works Department have to hand them over to the sanatorium authorities. When it is completed, the whole of this additional accommodation will be made available."

JANAB MUHAMMAD RAZA KHAN:—" Will the Hon. Minister for Public Health cause an inquiry into a scandal which is well-known in the City of Madras that people actually suffering from this deadly disease cannot get admission but only those who are prepared to pay Rs. 500 or Rs. 600 get ready admission? "

THE HON. DR. T. S. S. RAJAN:—" I do not know whether there is any substantial ground for this statement. But if it is brought to our notice, we shall certainly go into the matter."

SRI V. M. RAMASWAMI MUDALIYAR:—" Referring to this institution, may I ask whether there have been frequent changes in the personnel of the doctorate in that institution which have prevented the proper specialization in the treatment of this disease? "

MR. SPEAKER:—" The hon. Member may put a separate question. If the Hon. Minister is prepared to answer, I have no objection."

THE HON. DR. T. S. S. RAJAN:—" I will just give the answer because I have the information ready. As far as the specialists in the hospital are concerned, they are not transferred frequently. It is not desirable in the interests of the institution to change experienced hands who have been working there. But with regard to facilities for training, a number of students are taken annually for training in diploma for treatment of tuberculosis and they are given all the facilities that the hospitals are capable of giving for their knowledge so that they may serve the public with the knowledge so gained."

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SRI N. S. VARADACHARI:—" Is it not wisdom to give priority of admission to those cases where there is a reasonable chance of cure rather than jeopardise the lives of such people by taking extreme cases also where cure is difficult and perhaps will almost end in fatality? "

THE HON. DR. T. S. S. RAJAN:—" It is certainly a suggestion for wise discretion, I admit, Sir."

JANAB MUHAMMAD RAZA KHAN:—" Is the Hon. Minister aware that the unfortunate people who get this disease have practically no chance of getting admission either into the Royapetta Tuberculosis Hospital or the Tambaram Sanatorium unless they are prepared to pay substantial sum for admission . . . ? "

MR. SPEAKER:—" The allegation must be proved."

THE HON. DR. T. S. S. RAJAN:—" I would suggest to the hon. Member to bring concrete instances and allow me to examine the cases."

JANAB K. M. SEETHI:—" May I know whether the Government have received any complaint about the doctor in charge of this Government sanatorium in the matter of admission of patients making a specific charge that he is insisting on remuneration if patients are to be taken? "

MR. SPEAKER:—" If it is an allegation, it will have to be proved."

JANAB K. M. SEETHI:—" I am only asking whether the Government have received any complaint."

THE HON. DR. T. S. S. RAJAN:—" The Government have not received any complaint on this matter."

SRI B. S. MURTHI:—" In view of the fact that there are many people seeking admission and as the hospital cannot admit all of them, may I know whether the Government are contemplating to build one or two more wards? "

MR. SPEAKER:—" The Hon. Minister has already answered that question. At that time the hon. Member was not here."

THE HON. DR. T. S. S. RAJAN:—" I have already answered in great detail that additional buildings have been put up."

SRI V. RAGHAVAYYA:—" Is it not a fact that although the new buildings were got ready as early as six months back, the patients were not taken in because the cots were not ready? "

THE HON. DR. T. S. S. RAJAN:—" No, Sir. I just explained the position that the Public Works Department who are in charge of the building will have to complete their work and hand the building over formally to the sanatorium authorities. Unless that is done, they cannot admit patients in the building."

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JANAB ABDUL HAMEED KHAN:—"Whatever may be the allegations regarding the payment of moneys to the doctors in charge of such institutions, in view of the fact that there is an overwhelming complaint against the admissions made to that hospital that poor people are not admitted for reasons best known to themselves, will it not be advisable not to make admissions on communal basis?"

THE HON. DR. T. S. S. RAJAN:—"It is a suggestion which requires consideration. But as far as I could see, I have no proofs and have not had any reports. (Interruption.) I cannot take that proof with regard to this matter."

SRI K. BRAHMANANDAM REDDI:—"Because we are on the eve of the formation of the Andhra Province, I want to know from the Government whether they would give the same treatment to Andhra patients as is given to others in the Tambaram Sanatorium till a sanatorium is established in the Andhra area." (Laughter.)

THE HON. DR. T. S. S. RAJAN:—"Admission to the sanatorium is not done on territorial considerations and I do not think it will be done hereafter also."

SRI S. NAGAPPA:—"In view of the fact that strong dissatisfaction prevails in regard to the admissions to the hospital, will the Government consider the desirability of constituting a committee for admissions as they do in the case of the Medical and other colleges?" (Laughter.)

JANAB M. S. ABDUL MAJID:—"The hon. Members of this House represent the views of the people and now that those representatives have brought it to the notice of the Government that there is dissatisfaction among the people in the Province with regard to the treatment meted out to the patients by the officers in charge of the sanatorium, will the Government institute an inquiry into the matter immediately without waiting for evidence?"

THE HON. DR. T. S. S. RAJAN:—"I may inform the hon. Members of this House that mere statements in the Legislature are not enough to go into allegations of this character. The thing has got to be pursued and proper evidence taken because we are dealing with a number of high-paid officers against whom the charge is made. Unless the Government are provided with authority . . ."

JANAB MUHAMMAD RAZA KHAN:—"It is a fraud and it must be stopped."

MR. SPEAKER:—"Let the Hon. Minister be allowed to answer it. If the hon. Members disturb him, he cannot answer the question."

JANAB K. M. SEETHI:—"May I know whether the Government have any scheme for opening Government sanatoria in the districts?"

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MR. SPEAKER:—"Let the hon. Member put a separate question. But if the Hon. Minister is prepared to answer it, I have no objection."

THE HON. DR. T. S. S. RAJAN:—"I may inform the hon. Member that arrangements are being made for starting sanatoria in various parts of the Province. I may mention that there are four sanatoria already working, one at Perundurai in the Coimbatore district, one at Tiruchirappalli, another is being constructed in the Tanjore district and a fourth one is being constructed in the South Kanara district. (An hon. Member: 'What about the Andhra area?') It is not considered on grounds of Andhra or Tamil area."

JANAB MUHAMMAD RAZA KHAN:—"Is the Hon. the Minister for Public Health aware of the fact that when these poor patients go to this hospital for admission, admission is refused and they are asked to get treatment privately at the hands of the Superintendent of the hospital?" 11-15 a.m.

THE HON. DR. T. S. S. RAJAN:—"No such information has been received by the Government."

SRI K. SUBBA RAO:—"May I know whether any admission fee is fixed in the rules by the Government for these patients to be admitted in the hospital?"

THE HON. DR. T. S. S. RAJAN:—"There is no such rule fixing admission fee for patients who are being admitted into the hospital."

JANAB MOHAMED ABDUL SALAM:—"Arising out of the answer of the Hon. Minister that admission into the sanatorium is not made on a linguistic basis, may I know whether admission will be given for Andhras after partition of the Province?"

THE HON. DR. T. S. S. RAJAN:—"This question does not arise in view of my previous answer."

DR. U. P. MALLAYYA:—"May I know whether it is not a fact that these institutions are having Advisory Committees, of one of which Mr. Varadachari is the President and whether these Committees have received any complaints with regard to the admissions?"

MR. SPEAKER:—"How is the Hon. Minister to know whether those Committees have received complaints or not. I have no objection if the Hon. Minister can give the answer."

JANAB M. MUHAMMAD ISMAIL:—"In view of the necessity of reducing the pressure on such an institution as the Tambaram Sanatorium is it not necessary to encourage private institutions? In view of this fact, may I know whether the Government have been readily and easily helping private sanatoria to be set up and where they are set up, whether the Government have encouraged them sufficiently?"

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THE HON. DR. T. S. S. RAJAN:—"The facts that I have stated will show that the Government are encouraging it and they are prepared to encourage as much as possible whenever there is local demand for starting such sanatoria. To-day, we give grants according to the numbers that are admitted and we also give half grants for building purposes and for all other expenses. According to the rules made thereunder, we will give all the help necessary and this mere fact that four or five sanatoria are being started shows that the public wanted and they are prepared to subscribe in the building up of these sanatoria and the Government on their part help them with expert advice and financial assistance when once these sanatoria begin to function."

SRI N. S. VARADACHARI:—"Will the Government be pleased to state whether it is not the object of such sanatoria, wherever they may be located, to safeguard the lives of the people who have a reasonable chance of getting back to normal health rather than continuously jeopardise the safety of such people who are in the sanatoria and who have a reasonable chance of getting cured by making them even worse by taking very acute cases, where fatality is almost certain?"

THE HON. DR. T. S. S. RAJAN:—"That is a consideration which must be left to the administrative authorities concerned of each sanatorium to decide as to whom they should take and to whom the advantages should accrue by the help they give to these patients."

SRI G. KUMARASWAMI:—"In view of the statement made by the Hon. Minister for Public Health that there are any number of sanatoria in Tamilnad, am I to understand that in the other areas of the Province, the disease is at a very low ebb than in Tamilnad?"

THE HON. DR. T. S. S. RAJAN:—"Sir, I must state that there is a Tuberculosis Sanatorium at Rajahmundry; there is a big Tuberculosis Sanatorium, the biggest in the whole of India, at Madanapalle. When I said that these sanatoria are under construction and are in the process of construction, it so happened that these sanatoria are located in the Tamil districts. That does not mean that there are no sanatoria in the Andhra districts at all."

SRI D. V. RAMASWAMI:—"Will the Hon. Minister for Public Health be pleased to give the names of members of the Sanatorium Advisory Committee?"

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

SRI B. S. MURTHI:—"Arising out of the answer given by the Hon. Minister that there are well-established sanatoria in Madanapalle and Rajahmundry which are getting subsidies from the Government, may I know whether there are any other organizations which have applied for the grant so that they can start sanatoria in the Andhra area?"

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THE HON. DR. T. S. S. RAJAN:—"Anybody can ask for grants provided they are prepared to contribute and start the institution."

JANAB M. S. ABDUL MAJID:—"May I know whether the Government are giving any grant to Dr. Santhosham's Sanatorium at Tambaram which is functioning very well and which was also visited by the Hon. Premier?"

THE HON. DR. T. S. S. RAJAN:—"It may be that some distinguished members of the Government might have visited the sanatorium, but that does not mean that it is necessary that the Government should give a contribution to the sanatorium."

SRI L. N. GOPALASWAMI:—"In view of the apprehensions expressed by some of the hon. Members, will the Hon. Minister consider the suggestion of admitting patients to this hospital on a linguistic basis?"

Kerosene rationing in mufassal areas.

* 276^a Q.—JANAB S. MUHAMMAD ISMAIL: Will the Hon. the Minister for Food be pleased to state whether the Government propose to remove kerosene rationing in mufassal areas of the Province?

THE HON. SRI J. L. P. ROCHE VICTORIA:—"No. Kerosene is not now rationed statutorily but only on an informal basis, in Madras City and in the mufassal areas."

SRI R. V. SWAMINATHAN:—"Will the Government consider the desirability of removing even this informal rationing as plenty of kerosene is available even in the villages and rural areas also?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"The question was considered; but in view of the fact that the companies might cut down supplies, we are now awaiting further developments to review consideration of the question."

SRI S. NAGAPPA:—"May I know what is the pre-war quota and what is the present quota of kerosene allotted to our Province?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Notice, Sir."

SRI S. NAGAPPA:—"May I know whether these dealers are to be given the licences by the Government or by the local authorities; if local authorities, who are the authorities?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"The licences are issued by the local authorities."

SRI S. NAGAPPA:—"Who are the authorities?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"The district authorities, Sir."

^a Postponed from the list dated 5th January 1950.

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SRI L. N. GOPALASWAMI:—“ Is it not a fact that while kerosene is available in large quantities in some areas of the Province where it is not wanted it is in short supply in some other areas where it is really wanted and what are the proposals of the Government to adjust this mal-distribution? ”

THE HON. SRI J. L. P. ROCHE VICTORIA:—“ Wherever kerosene is not wanted the supplies are reduced and wherever it is wanted we increase the supplies.”

Constitution of the Andhra Province.

* 278 Q.—JANAB MOHAMED ABDUL SALAM: Will the Hon. the Premier be pleased to state the reasons that prompted the Government to arrive at a decision that it would not be possible to settle by January 26th, 1950, all the issues raised by the Central Government relating to the constitution of the Andhra Province?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—“ There has been no final decision as to the date from which it is practicable to bring the new Province into existence. It is one of the matters now engaging the attention of this Government. Since this was approved by the Hon. Premier, we have taken a decision that it is quite possible to bring the Province into being from the 26th of January.”

JANAB MOHAMED ABDUL SALAM:—“ May I know what are the reasons, after the decision was taken, to say that it is possible to get the Province before the 26th? ”

THE HON. SRI B. GOPALA REDDI:—“ A Partition Committee was constituted and it went into the question and made its recommendations.”

SRI V. M. RAMASWAMI MUDALIYAR:—“ What is the latest position in which the Government of Madras stand on the question of partition? ”

THE HON. SRI B. GOPALA REDDI:—“ We made our recommendations to the Government of India and they have been sent to Delhi.”

SRI V. RAGHAVAYYA:—“ In view of the answer given by the Hon. Minister that the Madras Government have recommended that it is possible to usher in the new Province before the 26th, may I know if the Government have made any recommendation as to where the capital should be in Andhra and whether the Government think it necessary to make such a fixation even before the Province is included in the list of Provinces? ”

THE HON. SRI B. GOPALA REDDI:—“ The decision of the Cabinet is that the headquarters of the new Government should be within its own territory, viz., Andhra districts.”

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JANAB MOHAMED ABDUL SALAM:—“ Arising out of the answer that some recommendations have been made by this Government, may I know what were the terms of reference of the Government of India communication and what the recommendations of this Government are and why such information was not supplied to hon. Members of this House? ”

THE HON. SRI B. GOPALA REDDI:—“ The communication is strictly confidential.”

SRI S. NAGAPPA:—“ May I know whether the Partition Council has recommended to the Central Government to make Madras City as the temporary capital of Andhra? ”

MR. SPEAKER:—“ The hon. Member may put this question when question No. 283 is taken up.”

SRI B. S. MURTHI:—“ Apart from the recommendations of the Partition Committee and the endorsing of the same by the Cabinet, do this Government feel that there are any impediments that may prevent the inauguration of the Andhra Province before the 26th January and if so whether they have taken sufficient caution to prevent all these things and see that the desire of the Andhras fructifies on that date or before that? ”

THE HON. SRI B. GOPALA REDDI:—“ We made our recommendations to the Government of India and it is up to them to pass whatever order they like and the Governor-General to issue a proclamation or whatever it is. The matter is in the hands of the Government of India at this stage.”

JANAB MUHAMMAD RAZA KHAN:—“ Is the Hon. Leader of the House aware of the impression created in the Province, particularly, in the Andhra area that the members representing the residuary Province simply ordered and the members representing the Andhra area simply accepted whatever they ordered? ”

THE HON. SRI B. GOPALA REDDI:—“ The hon. Member may draw his own inferences.”

Extension of Rural dispensaries.

* 279 Q.—SRI S. PARAMANANDA RAYAR: Will the Hon. the Minister for Public Health be pleased to state whether the Government have under consideration any proposal to extend the rural dispensaries on a wider scale?

THE HON. DR. T. S. S. RAJAN:—“ Subject to Government's approval local bodies are competent to open as many rural dispensaries as they like. Where local bodies expect a subsidy from Government to medical personnel to dispensaries proposed to be opened, they have to obtain the Government's specific sanction, which is given, with reference to the financial resources available to Government for Part II Schemes. To facilitate the expansion of rural medical relief

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the rates of subsidy payable to Medical Practitioners and Midwives were recently enhanced, and apart from this no special scheme for extending rural dispensaries is necessary."

SRI V. M. RAMASWAMI MUDALIAR:—"May I know whether it is not a fact that a number of rural dispensaries are closed down for want of doctors, even in spite of the new revision of subsidies payable to them, whether doctors are not forthcoming to fill these rural dispensaries and if so what steps the Government propose to take to see that rural dispensaries which were closed down for want of doctors are reopened."

THE HON. DR. T. S. S. RAJAN:—"The answer to this question is very simple, Sir. There are no sufficient medical men available in the Province to man the dispensaries that have already been opened and being short of them, the only next thing that the Government could do and which they have done is to offer better temptation for the practitioners to settle down in villages rather than in cities. The Government are now awaiting the result of this enhanced subsidies to take the next step in the matter."

SRI V. I. MUNISWAMI PILLAY:—"In view of the recent statement of the Hon. Rajakumari Amrit Kaur that rural dispensaries must be extended as far as possible, may I know whether this Government have applied to the Government of India for any substantial contribution?"

THE HON. DR. T. S. S. RAJAN:—"This is a matter which is entirely in the Province of the Provincial Government and the Provincial Government must meet all the expenditure in connection with the expansion of medical relief to rural areas. The local bodies concerned are primarily responsible for this matter."

SRI P. KANDASWAMI PILLAI:—"In view of the answer given by the Hon. the Minister, may I know whether the Government, in order to meet the shortage of doctors in the hospitals, will arrange to open more medical schools, as also have those which have been closed reopened in accordance with the new scheme introduced?"

THE HON. DR. T. S. S. RAJAN:—"No medical schools have been closed. Only more medical colleges have not been opened."

SRI B. S. MURTHI:—"Is the Hon. the Minister aware that in several of the dispensaries in the rural areas, there are no stocks of medicine?"

THE HON. DR. T. S. S. RAJAN:—"The Government are not in possession of this fact. From the information available and supplied to the Government it is seen that no complaint has reached the Government regarding shortage of drugs but from all accounts it looks as if the rural dispensaries get the minimum supply."

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SRI P. KANDASWAMI PILLAI:—"Arising from the answer of the Hon. the Minister, may I know whether the Government have not closed all the medical schools and started only medical colleges so that those who have passed the S.S.L.C. Examination are not in a position to enter the medical college and the poor people are thereby prevented from entering the medical profession and serving in the hospitals?"

THE HON. DR. T. S. S. RAJAN:—"The hon. Member is labouring under a delusion. (Laughter.) We have not closed any schools at all so far. Only we have not been able to open very many more colleges required for our Province."

SRI V. RAGHAVAYYA:—"Is it a fact that only about Rs. 600 is being given annually to every one of the rural dispensaries including the remuneration of the doctor and without fixing the amount to be spent for the purchase of medicine so much so that the doctor appropriates the entire amount to himself as salary and that nothing is left for the medicine?"

THE HON. DR. T. S. S. RAJAN:—"I do not think the hon. Member is right in making this allegation."

[*280 Q.—

MR. SPEAKER:—"This will be taken up on Monday, 9th January 1950."]

Re-allocation of the Provincial share of income-tax.

* 281 Q.—JANAB M. A. MUHAMMAD IBRAHIM: Will the Hon. the Minister for Finance be pleased to state—

(a) whether this Government were consulted by the Government of India before their instituting an expert enquiry through Sri C. D. Deshmukh into the re-allocation of the Provincial share of income-tax; and

(b) if so, what opinion this Government expressed to the Central Government?

THE HON. SRI B. GOPALA REDDI:—" (a) No.

" (b) The question does not arise."

JANAB M. A. MUHAMMAD IBRAHIM:—"May I know whether the Government have any definite views on this allocation of income-tax among the Provinces—whether it should be on the basis of revenue collected, or on the basis of population or according to the necessity and needs of the Provinces?"

THE HON. SRI B. GOPALA REDDI:—"This point has been engaging the attention of this Government right from the period when the award by Sir Otto Neimeyer was given. Now we have also got definite views and we have been communicating them to the Government of India. Also this has formed the subject-matter for discussion at a number of Finance Ministers' Conferences and we will be sending our Memorandum too to Mr. C. D. Deshmukh who is expected to give the award."

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SRI B. S. MURTHI:—"Are the Government satisfied that by the new scheme of re-allocation of income-tax, Madras will not suffer?"

THE HON. SRI B. GOPALA REDDI:—"I cannot anticipate what the award of Mr. Deshmukh is going to be and let me not pass any judgment over this matter now."

JANAB ABDUL HAMEED KHAN:—"Arising from the answer given by the Hon. the Minister, may I know whether the Government will take this House into their confidence and tell them what the policy of the Government on this matter is?"

THE HON. SRI B. GOPALA REDDI:—"I am prepared to answer any question that this House may put on this matter. We have been making clear to the Government of India our views in the matter and certainly the House can be taken into confidence while answering questions on this subject."

SRI K. BHASHYAM:—"In view of the competing claims of the various provinces for allocation of the revenue from income-tax what steps have the Government taken to see that Madras does not suffer in the re-allocation that is to be made—whether they have made any representation to the Centre or are taking steps to make a representation?"

THE HON. SRI B. GOPALA REDDI:—"We have been asked to send our views to the arbitrator and in view of the varying claims from the various Provinces, he will go into the question and give his award."

SRI B. S. MURTHI:—"May I know whether the allocation will be made on the basis of income earned in the Provinces or their needs?"

THE HON. SRI B. GOPALA REDDI:—"Certain Provinces have been pressing on the Government of India, especially Bombay and West Bengal that accrual must form the major factor to be considered in the matter while other Provinces like the United Provinces and Madras, have been pressing that population should form the basis and Provinces like Orissa, Assam and East Punjab want that the requirements should form the major factor to be taken into consideration."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I know whether the Hon. the Minister can give us a picture of the proportion of income-tax that is now allocated to Madras and the views that the Government of Madras are going to express on this subject?"

THE HON. SRI B. GOPALA REDDI:—"The hon. Member is aware that all the Provinces put together get 50 per cent of the divisible pool of which 18 per cent is given to Madras. Previously, during the pre-partition period, Madras used to get 15 per cent and after partition, it has risen to 18 per

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cent. We are pressing that the population ratio should be observed and not 'accrual basis' urged by Bombay and West Bengal."

JANAB M. MUHAMMAD ISMAIL:—"Are not this Government convinced of the fact that trades in such big cities as Bombay and Calcutta are not merely the trades of the respective Provinces but also are the trades which go to those cities from outside those Provinces and as such the factor of 'accrual' should not equitably be the basis of distribution of the income-tax to the various Provinces?"

THE HON. SRI B. GOPALA REDDI:—"That is exactly the point of view this Government have taken all along and we have been pressing that population should be the basis. But on the other hand Bombay used to contend that 'trade' should be the sole criterion to judge the matter. It is not purely a matter of income-tax. The income-tax accrued from Bombay City and Bombay Province must also be one of the factors to be considered for if it is purely on population basis, Bombay may not get even half of what Madras gets. I do not know which will form the basis."

JANAB M. S. ABDUL MAJID:—"Is it not better for a 'one-man' enquiry committee to visit all the Provinces and record evidences from those who are interested in the finances of the Provinces concerned than the Government submitting Memoranda without knowing any real facts about the Provinces?"

THE HON. SRI B. GOPALA REDDI:—"It is not as though Mr. Deshmukh is going to act in a vacuum. This matter has been engaging the attention of the Government of India and the Provinces quite a deal and Sir Otto Niemeyer had definite data before him when he gave his award. Again, recently the Sarkar Committee went into the question and made certain proposals in this connexion. All these facts will be placed before Mr. Deshmukh and the Provincial Governments' Memoranda also will be considered by him when he will make the award."

'Steps taken to make adults in the Tamilnad literate.

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

- (a) the steps taken to make adults in the Tamilnad literate;
- (b) the number of training schools opened for Adult Education teachers now working in the Province on linguistic basis;
- (c) the rate of grant paid to teachers in Adult Education Schools run by the following managements: (i) Private, (ii) Madras Corporation, (iii) Firka Development Department, and (iv) Local Boards; and
- (d) the steps taken to provide every literacy centre with a petromax lamp and minimum equipment?

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THE HON. SRI K. MADHAVA MENON:—“(a) Seventy-six adult schools have been opened and 167 teachers trained. It is expected that 176 more adult schools will be opened during the course of the year; out of the sanctioned total for the Province of 450. Tamilnad will also get its due share out of 500 more adult schools just sanctioned under the Government of India grant.

“(b) Training of teachers in adult education is to be arranged in 16 courses. Instructions for the conduct of 9 courses have so far been issued as indicated below:—

Tamilnad ..	Vedaranyam from 24th October 1949—3 courses of 6 weeks each.
Andhradesa ..	Patamatalanka from 28th October 1949 Do.
	Hindupur from 24th October 1949—1 course.
Kannada ..	Hindupur from 24th October 1949 Do.
Kerala ..	Kozhikode from 4th November 1949 Do.

“(c) Grants to adult schools conducted by private agencies are assessed monthly at Rs. 8 towards the salary of teachers and Rs. 4 for contingencies. The expenditure on adult schools maintained by local bodies should be met from their own funds. No grants are given for the purpose. The Pirkha Development Department does not maintain any adult schools.

“(d) Orders have recently been issued authorizing the supply of lamps, charts and reading books to adult schools.”

SRI A. VEDARATNAM PILLAI:—“May I know whether the Government have any proposal to purchase motor vans for adult education and if so, how many vans were so far purchased and at what cost?”

THE HON. SRI K. MADHAVA MENON:—“No vans have yet been purchased. Out of the Government of India grant that has been promised, they have been told that a portion of the amount will be utilised for purchasing one van for each district.”

SRI A. VEDARATNAM PILLAI:—“Is the Hon. the Minister aware that experts on adult education like Lubbock are not in favour of purchasing motor vans for adult education and in view of that will the Government please give up the idea of purchasing motor vans?”

THE HON. SRI K. MADHAVA MENON:—“Experts are often our despair. (Laughter.) We have been advised that motor vans will in some cases, be better when fitted with audio-visual apparatus than others.”

SRI A. VEDARATNAM PILLAI:—“May I know whether the Government have made any arrangements for women adult education, and if so, what they are and whether they have started any training schools for women?”

THE HON. SRI K. MADHAVA MENON:—“Separate training schools for teaching women adults have not been opened but women teachers have been trained in adult education. Women adult education units have been opened.”

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JANAB ABDUL HAMEED KHAN:—“Do the Government have an over-all picture of the demand that is made for adult education in the whole Province, and if so, within what period are the Government going to implement the scheme in full throughout the Province?”

MR. SPEAKER:—“The question relates to Tamilnad and not to the whole Province.”

SRI S. Nagappa rose to put a question.

MR. SPEAKER:—“The hon. Member has been a Member here for long and has also been a member of the Constituent Assembly and must have attended a good number of sessions here as well as in the Constituent Assembly. It is only when the Chair calls upon him to put the question, he must begin putting the question.”

SRI V. I. MUNISWAMI PILLAY:—“Are the Government aware of an arrangement that has been made by the Ramakrishna Vidyalaya by which the school is kept open between 8 and 10 in the night to facilitate the agriculturists to attend to their work during day time unhindered and will the Government consider the necessity of extending this arrangement to other places as well?”

THE HON. SRI K. MADHAVA MENON:—“I do not know what the hon. Member refers to. But in the Ramakrishna Vidyalaya, an adult education college was recently opened and I had the privilege of doing it.”

SRI S. NAGAPPA:—“May I know whether the Government will consider the desirability of taking up the special development firkas first for the experiment on adult education?”

THE HON. SRI K. MADHAVA MENON:—“In the matter of adult education, the whole Province has been taken into account and not individual firkas.”

SRI S. NAGAPPA:—“Will the Government take up the special development firkas for experiment on this subject?”

THE HON. SRI K. MADHAVA MENON:—“This is not a matter for experiment. This is a matter that has been found necessary.”

SRI B. S. MURTHI:—“May I know wherefrom the trainees in adult education are recruited?”

THE HON. SRI K. MADHAVA MENON:—“They are recruited mostly from among the teachers in the elementary schools.”

SRI P. KANDASWAMI PILLAI:—“Sir, in view of the answer given by the Hon. Minister that the Government want to purchase motor vans for adult education, may I know the object of the Government in purchasing motor vans?”

THE HON. SRI K. MADHAVA MENON:—“The idea is to take the audio-visual apparatus easily to the adult education centres in the interior villages as quickly as possible.”

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SRI G. RAJAMANNAR CHETTY:—" May I know, Sir, whether the Government have purchased films to an extent of nearly Rs. 50,000 for adult education purposes and may I also know how and to what extent they have been used so far? "

THE HON. SRI K. MADHAVA MENON:—" I am not aware of the exact amount as my hon. Friend apparently has. But, the Director of Public Instruction has got a film library which has got a considerable number of educative films. I cannot exactly answer the other portion of the question without notice."

SRI G. KUMARASWAMI:—" May I know from the Hon. Minister for Education whether the progress so far made is encouraging and satisfactory? "

THE HON. SRI K. MADHAVA MENON:—" As far as I am concerned I feel it is sufficiently encouraging."

JANAB ABDUL HAMEED KHAN:—" May I draw your kind attention to sub-clause (3) of the question and repeat my question? "

THE HON. SRI K. MADHAVA MENON:—" In reply to Mr. Nagappa's question, I have already replied that the scheme we have prepared is an all-Province one."

SRI V. I. MUNISWAMI PILLAY:—" May I know what special steps have been taken in order to extend adult education to Harijan hamlets? "

THE HON. SRI K. MADHAVA MENON:—" Adult Education centres that have been opened by the teachers are in villages where Harijans also could take advantage of them. I shall certainly try to introduce centres of adult education where accommodation is available near Harijan hamlets."

SRI V. RAGHAVAYYA:—" May I know how many schools have been opened in the Andhra areas and what is the expenditure involved so far? "

MR. SPEAKER:—" This question refers to Tamil Nad. Let the hon. Member put a separate question."

SRI P. NATESAN:—" What is the salary paid to the teachers of adult education, Sir? "

THE HON. SRI K. MADHAVA MENON:—" I would refer the hon. Gentleman to the answer to clause (c) which I have already given."

SRI N. M. R. SUBBARAMAN:—" May I know why no grants are paid to local boards for carrying out the duties of the Government and whether the Government will consider the desirability of paying grants to local boards? "

THE HON. SRI K. MADHAVA MENON:—" For the simple reason that we have not got sufficient money. If the local boards come forward and contribute for this purpose the resources at the disposal of the Government may be used for schools other than those run by local boards."

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SRI L. N. GOPALASWAMI:—" May I know, Sir, whether the films collected by the Director of Public Instruction are produced in India or in foreign countries? "

THE HON. SRI K. MADHAVA MENON:—" I am not quite sure to give an answer about that."

Basis on which Members of the Partition Council were selected.

* 283 Q.—JANAB MOHAMED ABDUL SALAM: Will the Hon. the Premier be pleased to state—

(a) the basis on which persons have been selected as members of the Partition Council;

(b) whether the number of persons appointed as members of the Partition Council, has been fixed by the Central Government;

(c) the reasons why the Government have not selected the President of the Andhra Provincial Congress Committee and President of the Andhra Mahasabha, as members of the Partition Committee; and

(d) the reasons, why only three Tamilians are appointed to the Partition Committee, whereas four Andhras are appointed as members for the same committee?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—" (a) to (d) The Central Government merely suggested the formation of a Partition Committee consisting of representatives from the Andhra area and from the rest of Madras and the details were naturally left to this Government. The Government have taken care to constitute a suitable Committee consisting of representatives of the Andhra as well as the non-Andhra area."

JANAB MOHAMED ABDUL SALAM:—" May I know why a Kannadiga has not been taken on the committee? "

THE HON. SRI B. GOPALA REDDI:—" The question of appointing a representative from Karnataka does not arise, because it is only a question of Andhra partition and the Partition Committee should consist of Andhra Members and an equal number of Non-Andhra Members."

JANAB MUHAMMAD RAZA KHAN:—" May I ask whether the members representing the Andhra area on the committee are the nominees of the Hon. Premier or representatives of the Andhra M.L.As. ? "

THE HON. SRI B. GOPALA REDDI:—" The hon. Gentleman knows that this House was not consulted while constituting the Committee. It was entirely a matter left to the discretion of the Cabinet as a whole."

JANAB M. MUHAMMAD ISMAIL:—" May I know whether this Partition Committee was the sole arbiter on matters connected with partition, and again may I know, when the assets

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and liabilities of the province were allocated between the two areas, whether the Government did not think that this House had a vital concern in the matter?"

THE HON. SRI B. GOPALA REDDI:—"The Partition Committee made some recommendations to the Government of Madras and it was open to them to make whatever suggestions they would like to make to the Government of India who have to take a final decision in the matter. Under the existing Act the House need not be consulted, but if the partition comes into being after 26th January, a different procedure is contemplated under the new Act when necessarily a resolution has to be passed in this House. But under the existing provision no such thing is necessary and the Government of Madras take the responsibility for whatever recommendations they make to the Government of India."

JANAB M. MUHAMMAD ISMAIL:—"When the Partition Committee dealt with the assets and liabilities of the province and when the Government of Madras came to a decision over the head of this House, I want to know whether the Government did not think that it was of such vital importance that the matter must have been referred to this House and that this House ought to have been taken into their confidence?"

THE HON. SRI B. GOPALA REDDI:—"Whatever information that is needed by the House will certainly be given in answering questions put by Members. But in this case since it is a recommendation to the Government of India it was thought unnecessary to consult the House at that stage."

JANAB MOHAMED ABDUL SALAM:—"May I know, Sir, what are the special qualifications and claims of Mr. T. T. Krishnamachari for being included in this Partition Committee?"

THE HON. SRI B. GOPALA REDDI:—"He is a distinguished member of the Constituent Assembly and also a member of the Drafting Committee of that Assembly."

DR. U. P. MALLAYYA:—"Sir, to a question that was asked by an hon. Member as to why a Kannadiga was not included in the Committee, the answer given by the Hon. Minister was that the partition was between Andhras and Non-Andhras. If that were so, does the Hon. Minister think that Karnataka is not a non-Andhra or that the rest of the province has no Kannada interest in it?"

THE HON. SRI B. GOPALA REDDI:—"Certainly Kannada is non-Andhra and it is obvious but when a Committee is constituted it is not a question of Tamil, Kannada or any other areas included in the non-Andhra areas but it is a question of Andhra or non-Andhra. I think all the four members who represented the other side are from the non-Andhra areas and I can certainly say that they have safeguarded the interests of all the territories included in the non-Andhra areas."

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SRI S. NAGARAJA MANIGAR:—"I want to know, Sir, how this partition has been agreed to. Is it because Andhras have been time and again insisting on it or is it because our Government thought that division of provinces on a linguistic basis was the best under the circumstances?"

THE HON. SRI B. GOPALA REDDI:—"This Assembly also passed a resolution some time ago requesting the Government of India to take steps to form an Andhra province and other provinces. Perhaps the hon. Member is also aware of the J.V.P. Report and the decision of the Tamil Nad and the Andhra Provincial Congress Committees and also the decision of the Government of Madras. I think, basing it on all these ideas the Government of India wanted us to appoint this Partition Committee."

SRI A. KALESWARA RAO:—"In view of the fact that Karnataka members are not included in the Partition Committee, may I know, whether the Partition Committee is prepared to place before the House, for the benefit of the Karnataka members as well as for the benefit of the citizens of Madras which belongs to the Karnataka, Malayalam and others, its recommendations with regard to division, assets and liabilities and its proposals for settling the capitals?"

THE HON. SRI B. GOPALA REDDI:—"We have made our recommendations to the Government of India and the Government of India are in possession of the whole matter and I do not think it is desirable at this stage to place on the table of the House particulars relating to the assets and liabilities of the two areas. We shall see that the information is made available to the Members of the House when the time actually comes."

SRI B. S. MURTHI:—"May I know why the number of the Partition Committee was limited to 8 and whether there was any sanctity about that number, when the general belief is that that number is not auspicious? May I also know why when two distinguished members of the Constituent Assembly have been taken on the Committee, no distinguished Members of this Assembly have been chosen?"

THE HON. SRI B. GOPALA REDDI:—"Sri Prakasam is a distinguished Member of this House and he has been put on the Committee; Sri Krishnamachari of course is a member of the Constituent Assembly and the Hon. Sri Madhava Menon is a distinguished Member of the other House. And others are distinguished Members of this House. This shows that it is not as if this House had been left out of consideration."

JANAB MUHAMMAD RAZA KHAN:—"Is it a fact that the Hon. Premier or the Madras Cabinet have been very careful in selecting representatives from the Andhra area for the reason they have been obliging, accommodating . . ."

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MR. SPEAKER:—"It is an insinuation. I cannot allow such a question."

SRI S. NAGAPPA:—"May I know, Sir, whether the recommendations of the Partition Committee were unanimous or whether there was any difference of opinion among the members? If there was difference of opinion, on what points and who are the members who differed?"

THE HON. SRI B. GOPALA REDDI:—"A separate question might be put."

SRI S. NAGAPPA:—"I want to know, Sir, from the Hon. Minister why he wants me to put a separate question particularly when my question was quite clear and relevant to the points?"

MR. SPEAKER:—"That means he wants notice. That is all."

JANAB MOHAMED ABDUL SALAM:—"In view of the fact that the matter taken up and decided by the Partition Committee is very vital to both the provinces concerned, will the Government take a referendum on the issues decided before they are implemented?"

THE HON. SRI B. GOPALA REDDI:—"The hon. Member is at liberty to make that recommendation to the Government of India."

JANAB H. S. HUSSAIN:—"Sir, even though Karnataka was not represented on the Partition Committee, is it not a fact that there are certain districts like Bellary which have to be subdivided because of the Kannada-speaking areas there? If so, what steps the Partition Committee or the Government of Madras propose to take for safeguarding the interests of the Kannada-speaking areas in those districts?"

THE HON. SRI B. GOPALA REDDI:—"The authority which is now taking care of those taluks or districts will continue to take full care of the districts. The Madras Government will certainly look after the Bellary or the South Kanara district and the hon. Member need have no misapprehension about it."

MR. SPEAKER:—"It is already 12 o'clock. We shall take five more minutes and finish the remaining questions."

Grant of loans for the purchase of bulls.

* 285 Q.—SRI N. GOVINDASWAMI NAIDU: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether it is a fact that the applications from some ryots of Tiruvallur taluk, Chingleput district, for surveying their lands for purposes of granting loans for purchase of bulls are pending with the Revenue authorities of the taluk for more than eight months; and

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(b) what action the Government propose to take to expedite the survey work and the sanction of the loan promptly?

THE HON. SRI H. SITARAMA REDDI:—" (a) Only three cases have been pending in Tiruvallur taluk for more than eight months. In those cases survey has been completed, but they are pending with the Special Revenue Inspector for enquiry and verification of encumbrances.

" (b) Action is being taken by the Tahsildar, Tiruvallur, to dispose of them speedily."

Co-operative House Building Societies in Rajahmundry.

* 286 Q.—SRI K. LINGA RAJU: Will the Hon. the Minister for Prohibition be pleased to state the number and names of Co-operative House Building Societies functioning in Rajahmundry?

THE HON. SRI N. SANJEEVA REDDI:—"There are five Co-operative Housing Societies functioning in Rajahmundry, viz.—

- (1) The Rajahmundry Co-operative House Construction Society.
- (2) The Rajahmundry Gandhipuram Co-operative Building Society.
- (3) The Rajahmundry Weavers' Co-operative House Building Society.
- (4) Rajahmundry Co-operative Building Society.
- (5) Rajahmundry Public Servants' Co-operative Building Society."

SRI K. LINGA RAJU:—"May I enquire, Sir, why, when there are already societies functioning, the Government are multiplying the number of societies." 12 noon

THE HON. SRI N. SANJEEVA REDDI:—"Probably the societies that are there are not functioning properly and evidently the Registrar of Co-operative Societies must have thought over it and registered some other societies."

SRI S. NAGAPPA:—"Might I ask, Sir, if these societies have been capable of constructing houses on competitive basis?"

THE HON. SRI N. SANJEEVA REDDI:—"Not yet, Sir."

SRI S. NAGAPPA:—"May I know, Sir, whether the Government have employed an officer to acquire land as was done for war purposes?"

THE HON. SRI N. SANJEEVA REDDI:—"Yes, sir; there is a Land Acquisition Officer for these societies."

SRI K. LINGA RAJU:—"Are not the Government aware that the societies that are functioning already are functioning satisfactorily?"

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THE HON. SRI N. SANJEEVA REDDI:—"I do not think, Sir, there is need for other societies if all the five are working satisfactorily. I am not sure if they are really turning out good work."

SRI B. S. MURTHI:—"Is the Hon. Minister aware that three years back two Harijan cherries, Lakshmivapet and Kambalpetas in Rajahmundry were completely burnt down and the people have formed themselves into a co-operative society and applied to the Government for loan and might I ask, Sir, whether the Government have sanctioned the loan and helped the Harijans to construct houses on a co-operative basis?"

THE HON. SRI N. SANJEEVA REDDI:—"I have no information at present with me but if the hon. Member puts a separate question I will be able to give him a satisfactory reply and do what best we can."

SRI S. NAGAPPA:—"Might I know whether the Government are able to give better facilities so far as Harijans are concerned when they form themselves into co-operative societies and if so, may I ask, Sir, what facilities have been given to them?"

MR. SPEAKER:—"In Rajahmundry?"

THE HON. SRI N. SANJEEVA REDDI:—"According to the rules, members will have to contribute a fairly good amount towards the purchase of the lands and I am not sure Harijans are in a position to form themselves into a co-operative society and also purchase the lands and therefore, we will have an alternative scheme for them wherever it is possible."

SRI K. LINGA RAJU:—"Apart from the societies working for housing of specific communities, will the Government consider the desirability of merging all the general societies into one so that they may work efficiently?"

THE HON. SRI N. SANJEEVA REDDI:—"If they make a representation and if they are prepared to merge themselves, the Government will not stand in their way."

Alleged removal of paddy from the house of Sri S. Ranganatha Ayyar of Kotlambakkam Inam village.

* 287 Q.—JANAB ABDUL HAMEED KHAN: Will the Hon. the Minister for Food be pleased to state—

(a) whether the Government have authorized Firka Supply Officers to enter into the houses of villagers during their absence to remove paddy without giving notice and without even declaring the stock; and

(b) if not, under what authority the Firka Supply Officer entered the house of Sri S. Ranganatha Ayyar of Kotlambakkam

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Inam village, near Panruti during the absence of the owner and removed fifteen kalams of paddy without giving notice and without even declaring the stock?

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

Under clause 8 of the Madras Foodgrains Intensive Procurement Order, 1948, the Firka Supply Officer can inspect at all reasonable times stocks of foodgrains, within his jurisdiction and for that purpose enter any premises or stop any vehicle or vehicles and search the same and seize stocks of foodgrains in respect of which he has reason to believe that any of the provisions of that Order has been contravened.

(b) The Government are investigating how far the action of the Firka Supply Officer in this particular case was in accordance with the rules on the subject referred to in answer to clause (a) above. They will issue suitable orders on receipt of the final report from the Board of Revenue (Civil Supplies)."

JANAB ABDUL HAMEED KHAN:—"Might I ask the Hon. Minister whether he is prepared to place the result of the investigation on the table of the House?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"I am sorry I cannot give an assurance now. It is only after the Government have seen the papers they will be in a position to say that."

SRI L. N. GOPALSWAMI:—"Will the Hon. Minister give the House an assurance that, if the investigation proves that the officer has acted in excess of his powers, the Government will take drastic action to prevent such action in view of the harassment it causes to the people?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Certainly, Sir."

SRI S. NAGARAJA MANIGAR:—"May I know, Sir, when the report is likely to be ready before him?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"I cannot give any time limit; we are trying to hurry up and it will be considered as early as possible."

JANAB ABDUL HAMEED KHAN:—"May I ask the Hon. Minister, Sir, whether he will let the House know what action he has taken?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Yes, Sir."

JANAB M. A. MUHAMMAD IBRAHIM:—"Might I ask definitely from the Government whether the position as stated by the Hon. Minister is correct, namely, that the officer can take the grain even without declaring the stocks; is it the correct position, Sir?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"I merely pointed out to the House the rules on the point and according to rules, he is entitled to make a search and find out the stocks."

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SRI S. NAGARAJA MANIGAR:—" May I ask, Sir, whether it is not necessary that on such occasions the village munsif should also be present and if so, may I know, Sir, whether in this case the village munsif was also present? "

THE HON. SRI J. L. P. ROCHE VICTORIA:—" It is not always necessary, Sir, because the Firka Supply Officer is entitled to do it himself."

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

II.—HALF HOUR DEBATE—*RE* PARTITION COMMITTEE'S DECISIONS.

JANAB MOHAMED ABDUL SALAM:—" Mr. Speaker, Sir, you are well aware that the decisions taken by the Partition Committee have gone to the Government of India. The answer given by the Hon. the Leader of the House has been unsatisfactory and we also had no time to ask more. In view of the importance of the matter, might I suggest that you allow a half hour debate, Sir? "

THE HON. SRI B. GOPALA REDDI:—" The granting of a half hour debate is entirely a matter for the Chair, Sir, but why should the hon. Member say that the answers to his questions were not satisfactory? That he had no time to put supplementary questions is not our fault."

MR. SPEAKER:—" I have no objection but the difficulty is the Leader of the House has certain engagements."

RAJAH MUTHIAH CHETTIYAR OF CHETTINAD:—" Might I make a suggestion, Sir. I think the hon. Member Mr. Salam and others would be satisfied if a few more minutes are allowed to them for putting some more supplementary questions. I may be allowed to submit, Sir, that much may not be gained by having a half hour debate and perhaps a few more questions may be more interesting to the House rather than a full discussion for half an hour."

MR. SPEAKER:—" But I cannot allow it as it will be out of the way and not in keeping with the rules; but I can allow a half-hour debate."

THE HON. SRI B. GOPALA REDDI:—" But the difficulty then will be . . ."

SRI K. BHASHYAM:—" On a point of order, Sir. This is a matter which does not rest with the Government of Madras; it is before the Central Government. We have no power or jurisdiction to discuss a matter which is pending consideration by the Government of India and also the Government of Madras have nothing further to do in the matter."

MR. SPEAKER:—" I do not understand the point of order. The hon. Member says he is not satisfied with the answer given by the Leader of the House and so he wants a half hour debate. Whatever action is to be taken by the Government of India is not

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the concern of this House. I am not able to understand how he could be prevented from asking for a half-hour debate. Under the rules if the hon. Member feels that the replies to questions are not satisfactory, he is at liberty to ask for a half-hour debate. Has the Hon. Leader of the House anything to say about it? "

THE HON. SRI B. GOPALA REDDI:—" But the difficulty will be that I will not be able to give any further information to the House in this respect than I have done previously."

MR. SPEAKER:—" It is not for the Chair to question if he gives the answer or not. I will wait and if he is not able to give an answer, I will adjourn."

SRI P. KANDASWAMI PILLAI:—" What is the object of the debate if the Hon. Minister is not prepared to answer? "

MR. SPEAKER:—" As far as the Chair is concerned, the question of the purpose of the debate is not for the Chair to be concerned about; it has nothing to do with the purpose. But the point is the Hon. Minister has got some other engagements and this is a matter which could be agreed to and adjusted mutually. I wish to know from the hon. Member if he is pressing his request; I presume he is not pressing it."

JANAB MOHAMED ABDUL SALAM:—" Yes, Sir."

MR. SPEAKER:—" He is not pressing it."

III.—MESSAGE FROM THE GOVERNOR.

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

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

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

IV.—GOVERNMENT RESOLUTION—CONSTITUTION OF A SEPARATE HIGH COURT FOR THE PROPOSED ANDHRA PROVINCE—*conts*.

* SRI L. N. GOPALASWAMI:—" On a point of order, Mr. Speaker. I submit, Sir, that this House is not competent to pass the Government resolution regarding the formation of another High Court without the previous sanction of His Excellency the Governor having been obtained for moving it, as it would involve some extra expenditure on the exchequer of the Province.

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As a matter of fact, Mr. Speaker, I wanted to avoid this yesterday and merely asked for it in order to elicit the required information from the Hon. Minister for Law. In reply to my point raised yesterday the Hon. Minister gave a short answer which did not meet my point and therefore, I am obliged to bring it up to-day once more by way of a point of order before you for redress. I maintain and submit that inasmuch as this involves additional expenditure on the exchequer of the Province, it is not competent for this House without the previous sanction of the Governor under section 82 of the Government of India Act, to pass it. The constitution of a separate High Court will naturally mean having a separate Chief Justice and would certainly involve additional expenditure. It may be argued that this is not a Bill. I am also protected in this connection by a previous ruling of the Hon. the Speaker given in connection with the amendments moved on the resolution for Cyclone Relief in Andhra. Sir, you gave a ruling then that it was *ultra vires* to move amendments committing the Government to expenditure and I have that precedent. I therefore submit, Sir, that this House is not competent to pass this motion."

12-15 p.m. MR. SPEAKER:—"I believe the House remembers that the same point was raised by the hon. Member yesterday on a point of information. I had a talk with the Law Minister and he told me that the Government had also consulted their legal advisers and they were also of the opinion that the previous sanction of the Governor was not necessary. Whatever may be the legal opinion it is not binding on the Chair.

"But I have also to consider this question. Section 82 says—

'A Bill or amendment making provision for imposing or increasing any tax . . . or declaring any expenditure to be expenditure charged on the revenues of the Province . . . shall not be introduced or moved, etc.'

This is neither a Bill nor an amendment. (Cries of Hear, hear.) This is a resolution. Apart from that, this is only a request to His Excellency the Governor; it should be read in conjunction with section 229. So I am of the opinion that His Excellency the Governor's permission is not necessary. The Hon. Minister will now continue his speech." (Hear, hear.)

THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir, I have been speaking yesterday about the statement of Sri Prakasam. He was saying that the amendments given notice of by members are not necessary at all as we are proposing in this resolution to the Governor-General the constitution of another High Court under the Government of India Act, 1935, and as such we need not at all bring in the provisions of the Constitution Act, and we may ignore for the purpose of this resolution the Constitution Act entirely. Sir, I cannot agree with Sri Prakasam, in what he says. For, suppose we pass this resolution on the lines

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suggested by Sri Prakasam and the High Court comes into existence on the 25th January. The Governor-General cannot issue an order on the next day which can be dovetailed into the provisions of the Constitution Act; and the result will be, when the Constitution Act comes into force on the 26th January next, the High Court will have to be placed somewhere outside the province. Practically the High Court will be without a principal seat, or it will be hanging in the balance. So it is not at all possible to ignore the provisions of the Constitution Act when we are proposing or asking for something which will practically come into effect simultaneously with the new constitution coming into force. I may here say the reason why we have put in the words 'and with its principal seat at a place situated within the said areas'. The very reason for that is that the Andhra province has not come into existence yet. References were made by Sri Linga Raju, Sri Prakasam and others to the Orissa High Court being situated in Patna. (Interruption.) Perhaps Sri Prakasam did not say, but others said that. When the Orissa province was formed there was no High Court in Orissa, and the Patna High Court was given jurisdiction over Orissa courts. Similarly, it is quite possible, if this resolution is not passed and if there is no separate High Court for Andhra province, that the Governor-General by an order may declare that the Madras High Court shall have jurisdiction over Andhra areas also. There is nothing wrong in that. But that is not what the Andhras want, and that is not what is contemplated by this resolution. What is wanted is a separate High Court for the Andhra areas; and it is with that object the present resolution is moved.

"Sir, I shall now read for the benefit of the House the resolution passed by the Orissa Legislative Assembly on this point—

'We, the Members of the Orissa Legislative Assembly request Your Excellency to submit this address to His Excellency the Governor-General praying that he be pleased to constitute by an order a High Court for the province of Orissa.'

A similar resolution could be employed if there was a separate Andhra province with a Legislative Assembly now. In that case there is no necessity to mention the words 'with its principal seat at a place situated within the said areas'."

SRI PYDAH VENKATANARAYANA:—"Sir, may I point out that that resolution was passed by the Orissa Legislative Assembly after that province was formed; whereas there is no separate Andhra province in existence to-day with its own Legislative Assembly."

THE HON. SRI K. MADHAVA MENON:—"That is exactly what I am saying now. If the Andhra province is in existence to-day a resolution similar to that passed in the Orissa Legislative Assembly would be sufficient. But, because that province is not in existence to-day and to satisfy the legal requirements we have put in deliberately the words 'with its principal seat at a place situated within the said areas'. Sir, I was saying only exactly what Sri Pydah Venkatanarayana was saying, that is, that that

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resolution was passed by the Orissa Legislative Assembly after that province came into existence. So I have nothing more to say except this, that the object of the resolution is, as was made out by Sri Vaidyanatha Ayyar, only to facilitate the formation of the Andhra High Court when the province comes into existence. The question of its principal seat is a matter which is not contained in the present Government of India Act. It is contained in the Indian Constitution Act. To facilitate the formation of the High Court and to satisfy certain technical requirements, we have put in the words 'with its principal seat at a place situated within the said areas'. Further, it is only as a matter of abundant caution that we have brought this resolution, for it is quite possible, that there is no necessity for a resolution like this. For, section 391 of the Indian Constitution Act says—

'391. (1) If at any time between the passing of this Constitution and its commencement any action is taken under the provisions of the Government of India Act, 1935, which in the opinion of the President requires any amendment in the First Schedule and the Fourth Schedule.

The First Schedule mentions the existing States and the Fourth Schedule states the allocation of seats in the Council of States—

'the President may, notwithstanding anything in this Constitution, by order, make such amendments in the said Schedules as may be necessary to give effect to the action so taken, and any such order may contain such supplemental, incidental and consequential provisions as the President may deem necessary.'

It is quite possible, the President, may under this rule constitute a High Court; for the words 'supplemental, incidental and consequential' are intended for that. So, by way of abundant caution we are providing for the High Court by this resolution.

"Sir, having stated that the only object of Government in this resolution is to satisfy the provisions of law, I shall now read to the House an extract from the letter which this Government addressed to the Government of India on the question of formation of High Court for the Andhra Province with its principal seat at a place situated within the said area—

'This Government recognize the practical difficulty of the Andhra High Court functioning fully at a place within its own area, until suitable accommodation for it is made available by the Andhra Government. But its principal seat has to be within its jurisdiction. The Government accordingly agree with the Partition Committee that it will be sufficient if the minimum requirements as to what constitutes in law the principal seat to a High Court are complied with, so that the inconvenience caused to the Andhra High Court may be reduced to the minimum. It has been suggested that in order to comply with minimum legal requirements, it is not necessary even for an admission judge to sit within the Andhra area and that it would be sufficient if some minor formalities are complied with. It is requested that the Government of India may consult their legal advisers and inform this Government as to the minimum formalities that need be complied with in order to satisfy the law on this point. This Government are anxious to reduce to the utmost the inconvenience to the Andhra High Court and would support a proposal that subject to the minimum legal requirements being complied with, the work of the High Court may be carried on in Madras City until the court can be shifted to a suitable place within the Andhra area provided for the purpose by the Andhra Government.'

So, Sir, it will be evident from the above passage what our object is and how to meet certain legal requirements we have brought forward the present resolution. We have also said that for all purposes the Andhra High Court shall continue to function in the Madras City until such time as they are able to secure suitable

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accommodation. So, Sir, there is no room to suspect our intention; there is no idea of causing inconvenience, or harassment or annoyance to anybody in this matter. Sir, that is all I have to say on the merits of the points raised in the course of the debate.

"Now, let me say a word on one or two other points and I am done. Mr. Salam, in his usual Salamic way (Laughter) has said many things. He said that the Hon. Minister for Law is a very large-hearted man, and he has yielded to the Tamilians on this question. And he said that I shall reap the consequences when I come to deal with the Tamilians in the formation of a province for them. Sir, I am much obliged to him for the warning he has given me. He also gave me a prick by referring to the statement issued by the ex-Premier, Sri O. P. Ramaswami Reddiyar. He reminded me by saying that he has already said that Malabar is a drag on this Province as it is a deficit district; so be careful. Sir, my erstwhile leader, Sri O. P. Ramaswami Reddiyar, is generally very thorough in statistics. But unfortunately in this matter, he has not been correct. Malabar is not a deficit district from the point of view of revenue. We may be deficit in the matter of food. The Godavaris and Tanjore districts may be supplying us with food; but they are all paid for it. Nobody is asked to give food free, for this Government is paying a portion of food subsidy. But from the point of view of revenue, I want to inform Mr. Salam and through him, Sri O. P. Ramaswami Reddiyar that Malabar is not a deficit district. Our total revenue comes to 376 lakhs or 378 lakhs. It is more than the figure given by the Hon. Finance Minister a few days back. He said it is 260 lakhs. It may be we have a larger population to feed and the district is not able to produce food to feed them all and so we have to import food from outside the district. But let Mr. Salam rest assured that we are not deficit in revenue."

SRI M. P. GOVINDA MENON:—"Sir, may I ask, when the Hon. Finance Minister gave a figure a few days back, did he take into account the income from the Forest Department? Is it not a fact that half the income for the Province from the Forests comes from Malabar?"

THE HON. SRI K. MADHAVA MENON:—"The Hon. Finance Minister took into account only the receipts in the headquarters of the districts. He did not take into account the income from the Forest Department, income-tax and a few others. Sir, that is by the way.

"I shall now speak about the amendments. The amendments of Sri Viswanatham and Sri Linga Raju are based on some apprehensions, for which there is no basis. From the letter we have written to the Government of India, extracts of which I read out a few minutes back, it is evident that we are anxious to comply with certain legal requirements and that we have said that there is no objection for the Andhra High Court functioning in Madras, and so I would request the movers of the amendments to withdraw

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their amendments. The amendment of Mr. Salam, though certainly not out of order, is irrelevant and improper for this House to consider because Mr. Salam wants that the headquarters of the Andhra High Court should be at Guntur. It is simply arrogating power to fix a capital or headquarters which ought to be vested with the Andhra legislature, when it is formed. That legislature can fix it wherever they like. We, the Madras Legislature, cannot pass a resolution declaring where the headquarters of the Andhra High Court should be. It is beyond the power of this legislature to do so. Sir, I have answered all the criticisms and I request the movers of the amendments to withdraw their amendments."

12-30 * SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I am not
m. quite satisfied that the legal requirements necessitate that clause in the resolution which says that the principal seat of the High Court shall be within the Andhra area. It is a point that is raised here and then a solution is sought for. However, I do not like to dilate upon it. In view of what Sri Prakasam said on the floor of this House yesterday asking me not to press my amendment and what the Hon. Law Minister stated to-day in the concluding portion of his reply, I beg leave of the House to withdraw my amendment."

MR. SPEAKER:—"I hope the House gives permission to Sri Viswanatham to withdraw his amendment."

The amendment of Sri T. Viswanatham was, by leave, withdrawn.

MR. SPEAKER:—"As Mr. Mohamed Abdul Salam is not in his place, his amendment is deemed to have been withdrawn."

SRI K. LINGA RAJU:—"Sir, I beg leave of the House to withdraw my amendment."

MR. SPEAKER:—"I hope the House gives permission to Sri Linga Raju to withdraw his amendment."

The amendment of Sri K. Linga Raju was, by leave, withdrawn.

MR. SPEAKER:—"I now put the original motion to the House. The question is—

'that in pursuance of section 229, sub-section (1) of the Government of India Act, 1935, an address be presented to His Excellency the Governor of Madras in the following terms:—

'May it please Your Excellency,

We, the members of the Madras Legislative Assembly, request Your Excellency to submit this address to His Excellency the Governor-General, praying that he be pleased by an Order—

(a) to constitute a separate High Court for that part of this Province which consists of the Andhra areas set out in the schedule below, and with its principal seat at a place situated within the said areas, and

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(b) to reconstitute the High Court in Madras with effect from the date of the constitution of the separate High Court aforesaid.

THE SCHEDULE.

(1) The districts of Visakhapatnam, East Godavari, West Godavari, Krishna, Guntur, Nellore, Chittoor, Cuddapah, Kur-nool, Anantapur, and

(2) Adoni, Alur and Rayachoti taluks of Bellary district."

The resolution was carried.

V.—GOVERNMENT BILL.

THE MADRAS VILLAGE PANCHAYATS BILL, 1949—cont.

Clause 8.

MR. SPEAKER:—"The motion is—
'that clause 8 do stand part of the Bill.'"

* SRI PYDAH VENKATANARAYANA:—"Mr. Speaker, Sir, I move—

'that in clause 8 (1), after the word "headman" the words "and Karnam" be inserted.

(2) for the words "a member" the word "members" and for the word "he" the word "they" be substituted.'

"Clause 8 as it stands provides that the headman of the village shall be an *ex-officio* member of the panchayat. If there is no place for any village officer on the panchayat, it is all right. But since the headman is made an *ex-officio* member, I feel that the karnam also should be included. As the karnam maintains the accounts of the village, he will be in a better position to assist the panchayat, and smooth administration can be ensured with his assistance and co-operation. If he is not made a member, he may evade the production of such records or the furnishing of such information as the panchayat may require. But if he is a member, he cannot escape responsibility because what transpires in the meeting of the panchayat will be within his knowledge as he will attend the meeting. For these and other reasons I hope the Hon. Minister will accept my first amendment.

"My second amendment is only a consequence of the first amendment."

* SRI N. VENKATASUBBAYYA:—"Sir, I second the amendment moved by Sri Pydah Venkatanarayana. By this Bill we are conferring a very important responsibility on the villagers. They will be lay people who may not be well-versed in administrative matters. A panchayat board can only lay down certain policies and programmes. For implementing them, the board must necessarily have the co-operation and assistance of village

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officers. The headman will be in charge of collection work. The karnam maintains the numerous accounts of the village—the Settlement Register, Adangal, Cultivation Accounts and so on, accounts numbering from 1 to 24. The headman is not concerned with these accounts. If the panchayat requires any information or wants to keep any accounts, it is obvious that it is the karnam who must assist. If the karnam is not on the panchayat board, I do not think that it can get from him the same attention, co-operation and assistance which are necessary for efficient administration. Since the village officers will not have the right to vote, I do not think that the president or the members need be at their mercy. In these circumstances, I suppose there can be no valid objection to making the karnam an *ex-officio* member in addition to the headman. In fact, the presence of the karnam is more important than that of headman. As the headman is already there, I suggest that the karnam also might be there. I request the Hon. Minister to accept the amendment."

MR. SPEAKER:—"Amendment moved—

"that in clause 8, (1) after the word "headman" the words "and karnam" be inserted.

(2) for the words "a member" the word "members" and for the word "he" the word "they" be substituted."

SRI R. V. SWAMINATHAN:—"Mr. Speaker, Sir, I oppose the amendment. This point was very carefully considered by the Select Committee. There was some objection even to making the headman an *ex-officio* member though he has not got the right to vote. Some Members felt that the inclusion of one of the village officers will facilitate the production of the required village records before the panchayat and help in the administration. If both officers are made members, the board will become unwieldy. Which of these two officers should be included was considered and at last it was agreed that the headman alone should be included. The purpose will be served if one of the village officers is on the panchayat board. In certain respects, the headman will be more helpful to the panchayat than the karnam. I hope Sri Pydah Venkatanarayana will withdraw his amendment."

SRI P. VENKATASUBBAYYA:—"I wholeheartedly support the amendment moved by Sri Pydah Venkatanarayana. If the village headman is made an *ex-officio* member without the right to vote, what is the harm in making the karnam also an *ex-officio* member without the right to vote? If the karnam and the headman are there, it will conduce to harmonious working and there will be no bickerings or factions as most of the village factions are led by these two officers. While the headman is already included, the inclusion of the karnam will make the picture complete. So I request the Hon. Minister to accept the amendment."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I support the amendment. The karnam is generally an educated person.

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There is no reason why he should be excluded from a knowledge of the affairs of the panchayat board. As has been said, the inclusion of one village officer will create heart-burning in the other village officer who has been kept out. Both for sentimental as well as practical reasons, I think it is desirable to make the karnam also an *ex-officio* member."

* SRI V. I. MUNISWAMI PILLAY:—"Mr. Speaker, Sir, I rise to oppose the amendment. There are many reasons why both the village officers, monegar and karnam, should not find a place on the panchayat board which is going to be the civic administrative body in every village. It is within the knowledge of all those people who come from villages that these two officers lead the faction in every village. The Hon. Minister has been very careful in not making the karnam a member of the panchayat board, and I welcome it.

"Even the very inclusion of the village headman in the village panchayat, I was not at all inclined to accept, because in the history of the Harijans it is the village headman who was playing the game all these years, but now in the new set-up with the power that has been given to the panchayats in regard to several matters, I may say that the village headman has found himself in a different position. Honestly speaking, Sir, I do not agree to the inclusion of the karnam in the village panchayat board."

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p.m.

* SRI K. LINGA RAJU:—"Mr. Speaker, Sir, in supporting the amendment moved by my hon. Friend Sri Pydah Venkatanarayana, I would ask the Hon. Minister to accept it for this reason that no distinction should be made between the two village officers functioning in the same village. One possible objection is that under the revenue rules the village headman is supposed to be an honorary officer while the karnam is not. This distinction may or may not be good for the revenue administration in the village under present conditions, but in the interests of the harmonious working of the village panchayats, it is necessary that these two village officers should work in co-ordination. Sir, under another section the panchayat board is given the power to call for information from the village officers. Whenever such an occasion arises, it will only be the karnam who will be in a position to furnish the necessary information generally. It is not desirable that the village headman should receive the requisition and transmit it to the karnam for compliance. It is better if the village karnam is also in the panchayat board to furnish the information immediately on the spot. Even the headman is functioning in the village panchayat as *ex-officio* member and not as an elected member. The same status may be extended to the karnam also. If for any reason the Government think of eliminating both the people from the panchayat board, I have no objection. But if they propose to include the headman only and not the karnam, I would appeal to the Government to include the village karnam also in it and save the village from factions."

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SRI S. NAGARAJA MANIGAR:—"Mr. Speaker, Sir, I also endorse the views expressed by my hon. Friends, Sri Pydah Venkatanarayana and Sri Linga Raju. We would have done better if we had not given a place even for the village munsif in the panchayat board. After having given a seat for one village official in the panchayat, if we do not provide another seat to the other village official, namely, the village karnam, certainly there will be disharmony in the village and there will not be any wholehearted co-operation between members in the proper working of the village panchayat. As my hon. Friend Sri Linga Raju just now said, it is the karnam who possesses all the information about the village. And if he is not given a seat in the panchayat board, any information that is required by the panchayat will not be easily produced. Under these circumstances, if the Hon. Minister is not pleased to eliminate the village headman altogether from the panchayat, let him at least be kind enough to include the other officer, namely, the karnam in it."

* SRI M. S. PATTABIRAMIAH:—"Mr. Speaker, Sir, I think that this clause 8 could have been entirely left out and even without this clause the Bill will stand by itself and will not suffer. Clause 102 of this Bill says—

"The Executive authority may, by an order in writing, require the headman or karnam or both of any revenue village comprised within the jurisdiction of the panchayat to furnish him with information on any matter falling within such categories as may be prescribed in respect of such village or any part thereof or any person or property therein."

MR. SPEAKER:—"If the hon. Member wants to speak on the amendment, let him speak on it now. But if he wants to speak on clause 8 itself, he will be given another opportunity to speak on it. Now let him confine himself to the amendment if he wants to speak on it."

* SRI M. S. PATTABIRAMIAH:—"Sir, I propose to speak on the amendment first.

"Sir, during the general discussion of this Bill, it was pointed out by many of the hon. Members of the House and especially by those who come from the mufassal areas, what untold havoc is being done by the several village officers in the villages and how they boss over the whole village and do things as they like. In fact the entire administration of the village is in their hands. It was very well put by my hon. Friend Sri Velusami Goundar at the last meeting of the Assembly when he said that to put the village headman in the panchayat board would be a curse and if the karnam is also put there, it will make it worse. I want that both these people should be eliminated from the council altogether. I believe that ultimately in our future village set-up, there will not be any necessity for these hereditary village officers to function and they will simply become the paid servants of the panchayat every year. I think it should come up to that and therefore I oppose this amendment."

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* SRI A. VAIDYANATHA AYYAR:—"Mr. Speaker, Sir, I strongly oppose this amendment of my hon. Friend Sri Pydah Venkatanarayana. Enough trouble is likely to be caused by the inclusion of the village headman in the panchayat. The very object of this Act is to have a clean democracy functioning in the village and to see that the very people of the village administer their civic affairs without any kind of coercion from elsewhere. Now it is well known that the little finger of the village officers is much bigger than even the authority of the Ministry itself and if you now put the village karnam also besides the village munsif in the panchayat board, it will make it impossible for the panchayat to function properly and smoothly and the little evidence that we now get from villages in village suits will not be furnished hereafter. I have seen instances where there are serious charges against village officers given in writing to the police, but in the presence of those village officers, people are afraid of saying anything. It is a well-known fact that the presence of even the village headman in the panchayat board is likely to vitiate to a considerable extent the proper and smooth working of the panchayat, because it has been seen that he will gradually compel it to work according to his own ideas and to suit his own liking. If you now add the karnam also in it, the little mischief already done will be complete. The main argument that has been adduced in support of the amendment is that these two are equal dignitaries in the village and once the mischief is done of having the village headman therein, we must put also the village karnam in it, in order to counteract the influence of the other. Hitherto they were only fighting with each other outside. What is now suggested is that instead of allowing them to fight outside, they should be brought in to have a chance of fighting inside the panchayat board. Almost in every case where there is a village dispute, we find both the village munsif and the karnam siding with one or other of the contesting parties, each opposing the other. If you bring both of them together in the panchayat board, it will be the best method of making the panchayat board a fighting ground for them. For God's sake, keep both of them out if you can, but having got one of them in, I think it is better we stop with it.

"Another thing that is suggested was that the village karnam is conversant with the village accounts and that his presence in the village panchayat will be useful. But I submit that the services of the karnam can be secured by a mandate from the panchayat board and whatever information is required by the board can be had from him by an order in writing. But, on the other hand, the capacity for exerting pressure upon people is much greater in the case of the karnam than in that of the village munsif, because, if there is any encroachment or things like that by the ryot, it is the village karnam who has to take action against the ryot, and therefore he wields greater influence over the villagers than the village munsif. I therefore strongly oppose the amendment of my hon. Friend Sri Pydah Venkatanarayana."

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* JANAB M. MUHAMMAD ISMAIL:—" Mr. Speaker, Sir, I rise to support the amendment that is now before the House. The mover and the seconder of the amendment have given sufficient reasons why the amendment should be accepted by the House. I am not convinced of the conclusion drawn by the hon. Gentleman Sri Vaidyanatha Ayyar from the fact stated by him. The headman and the karnam might have been fighting among themselves in the village and that fighting might have been the cause of so many troubles in the village. But, my own opinion is that the inclusion of the village headman in the panchayat board to the exclusion of the karnam will only accelerate and accentuate the faction that is already there. If the Government are prepared to eliminate the headman from the purview of the panchayat board, and also if we delete that provision altogether from this Bill, then I think that that would be a better course than even accepting this amendment. But if the Government insist that the headman must be there, then I think the karnam also must be there, so that the fight might at least be lessened. When the Government have put in the headman and not the karnam, the latter will make it a point to see that the headman does not serve the purpose for which he has been put in the panchayat. Villages being what they are and people being amenable to the influence of these officials, it is very very reasonable that these two village officials must be put on a par with each other. As I said either they must be kept out altogether or both of them must be included. Otherwise the Government will only be playing into the hands of the elements which make for trouble in the villages. Therefore I request the Government to consider this matter seriously. I do not want to insist upon the amendment being accepted, if the Government agree to delete the inclusion of the headman in the panchayat board. But if they think that the village headman must be there for some reason or other, then the karnam must also be there in the interests of the smooth working of the panchayat board and also in the interests of the smooth working of the village life."

* SRI M. P. GOVINDA MENON:—" Mr. Speaker, Sir, I oppose the amendment. Already sufficient harm has been done by the inclusion of the village headman in the village panchayat and if you now seek to add one more poison to the one already there, the cup will become full, and it will not in any way help in the smooth administration of the panchayat."

" Sir, I have emboldened myself to oppose this amendment because recently when I had been to a village in my district, there was an incident reported to me, which made me come to this conclusion. There, both the village headman and the karnam actually exchanged blows, using their shoes in broad daylight. We would only be importing these things into the panchayat meetings, if we bring in both of them into the panchayat. We would only be creating trouble for the infant democracy, which we are going to usher in by means of these panchayats. The best thing will be to remove the village headman from the panchayat

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board. But somehow or other, the Hon. Minister for Local Administration, who is a very good man and who is piloting a very good Bill, has thought fit to put in the village headman there. Perhaps he has his own arguments. It is, in my opinion, a rather unfortunate thing. Let us not add more troubles into the administration of the village panchayats by including the karnam also therein."

MR. SPEAKER:—" The House will now rise and meet again at 3 p.m."

(After lunch—3 p.m.)

JANAB MOHAMED RAFEEUDIN AHMAD ANSARI:—" Mr. Speaker, Sir, I rise to support the amendment moved by Sri Pydah Venkatanarayana. On the face of it, when we are including the headman in the panchayat, it is indeed very curious to see that the karnam is not included. I suppose that the idea with which the headman of the village is included in the panchayat is to see that the necessary information about the village is furnished to the panchayat. If that is the principle under which the headman of the village is included, then, it is absolutely necessary that the karnam should also be included because the karnam also is a hereditary officer of the village. He is also in possession of information, and sometimes he is in possession of more information than the headman. All the revenue collections with regard to the lands, the extent of waste lands in the village, the porambores in the village, and all other information will lie with the karnam. Sometimes it also happens that the headman of the village is an illiterate person. But there is hardly a case where the karnam is an illiterate, because in the very nature of his office, he has to be a literate person. We all know that in village affairs, the karnam takes a large and influential part with regard to the drafting of documents, and with regard to any assistance which requires some amount of literacy and knowledge it is always the karnam's services that are requisitioned. I think it would be better, and it would indeed be to the advantage of the panchayat, if the karnam's services are also made available to it."

" There is one danger which could be avoided if the karnam is included. In more villages than not, the headman of the village and the karnam belong to opposite parties. If, on the one hand, the headman is included in the panchayat and the karnam is excluded, it might lead to some amount of bitterness among the villagers as a whole. On the other hand, if both the karnam and the headman are included, it will satisfy both the parties. I do not mean to say that it is the rule in every village, but there are a large number of cases in which the headman and the karnam are in opposite camps. I think it would be better to avoid the bitterness consequent on the inclusion of one and the exclusion of the other. Therefore, in the interests of justice and fairplay, I feel that both these people should be included in the panchayat."

* BEGUM SULTAN MIR AMIRUDDIN:—" Mr. Speaker, Sir, I am sorry to find that our suggestion to exclude the headman of

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the village from the panchayat was not accepted by the Select Committee. It is because of this that the amendment has now been moved for the inclusion of the karnam also in the panchayat. Having regard to the fact that there is considerable faction, in villages, it was necessary that the headman who is usually at the bottom of such faction should have been kept out of the panchayat. If that had been done, most of the difficulties would have been obviated. But since the headman has been given a seat in the panchayat I think it is rightly urged by some Members that the other important village officer, namely, karnam should also be included therein. It is a matter of common knowledge that in most places the karnam and the headman are at loggerheads with each other and to include the one and exclude the other, will add to the acrimony and ill-feeling prevalent between the two. In order to prevent all this, I think it would be best not to include any of them in the panchayat. The presence of both of them is undesirable in an elected body, as both are servants of the Government, but if it is decided to include the one, the other should also be included. It has been stated that their fights would vitiate the work of the panchayat. But it would be better to have their misunderstandings thrashed out and cleared at the meetings of the panchayat instead of their being continued outside. That is my view, and hence, I support the amendment."

* THE HON. SRI K. CHANDRAMOULI:—"Sir, when the Bill was introduced in the Assembly, I made the position clear why the headman was included. The amendment now seeks to include the karnam also. The Revenue Department is running under one single head. We generally ask the head of the department for advice. Because we are including the headman, it is not correct to say that we should include the karnam also. If we go on asking at that rate, it will come to the extent of suggesting why not the talayari or the vetti be included. After all we are taking in the village headman as an adviser only. The argument is that because one man is included the other also should be included does not hold water here. I can understand if hon. Members say that even the inclusion of headman in the panchayat will lead to some troubles. That sentiment, I can understand. But the amendment which has been moved seeks to bring in the karnam also. The only idea which impelled the Government to include the headman is that whenever information or other records are required, and if the village headman is in the panchayat, he will be more amenable to supply that information. There is another point for consideration, and that is that all the collection of taxes is done by the village munsif and not by the karnam. Karnam is only an accountant. He is a revenue officer and is under the village munsif for all practical purposes. That is the present set-up. If there is anything wrong in the present set-up, we must seek redress elsewhere. We want to take only one person as an adviser. That is all the idea of the Government. If it is said that his advice is not wanted, that is a different matter altogether. If both these people are in most cases at loggerheads with each other, let them not come into the panchayat and quarrel there also making the

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panchayat administration a farce. Because they are quarrelling outside, should they quarrel inside the panchayat also? Is it for the sake of quarrel that both should be included in the panchayat or is it for the sake of good administration? It is a peculiar argument to say that because both are quarrelling outside, they should be included in the panchayat so that they may quarrel inside the panchayat also. I am sorry I cannot accept this amendment. Therefore, I would request the hon. Mover to withdraw his amendment. When the clause comes up for voting, it is open to hon. Members to oppose the very clause and say that the village headman should not be included. If there are any reasonable arguments, I am prepared to consider them. But the point that because the one is included, the other also should be included, I cannot accept."

* SRI A. VAIDYANATHA AYYAR:—"Sir, after hearing the whole discussion, I think the Hon. Minister is convinced that both are undesirable. I ask, therefore, why not yield to the unanimous wish of the House and remove both from the panchayat? Nobody has a good word to say even with regard to the existing clause. I wish therefore the Hon. Minister deletes this clause."

* THE HON. SRI K. CHANDRAMOULI:—"I can understand Sri Vaidyanatha Ayyar's sentiments. If the House is in favour of removing this clause, I do not want to stand against it. I have several times yielded to this Hon. House. Even in this matter, I have no objection. But to say that because we have put one man in the panchayat merely for the sake of advice, we should put the other man also, is not correct. Of course, if the advice of the headman is not required, it is a different matter. But you cannot bring in another argument which is not relevant and which is not in consonance with our own ideas of making the panchayat administration a healthy one. That is why, I would request the hon. Member to withdraw his amendment. When the clause comes up for voting, and if the House is in favour of eliminating this clause I do not want to stand against it."

* SRI P. VENKATANARAYANA:—"Mr. Speaker, Sir, I am glad that the Hon. Minister seems to be inclined to consider our arguments when the clause, as amended, or as it is, is put to the vote of the House. What I want is this. When the Government have gone so far as to include the village munsif in the panchayat, I really wonder why they have not gone a little further and provided a seat for the karnam also because the karnam is the chief person of the place who can do and undo things. He is more or less the king-maker of the place. When the village munsif is given a seat, though he is not entitled to vote but is entitled only to deliberate and advice the members, and the karnam is not given a seat, the karnam will naturally become envious of the position of the village munsif, and he may try to create trouble. For the harmonious working, inside and outside the panchayat, I have moved my amendment."

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MR. SPEAKER:—"The hon. Member is withdrawing his amendment?"

SRI P. VENKATANARAYANA:—"That is the wish of the Hon. Minister, I have to withdraw it. In withdrawing the amendment, I may be allowed to make a few observations. I now feel, after hearing the Hon. Minister that he is inclined to consider favourably the elimination of this clause itself from the Bill. Subject to that, I may be allowed to withdraw the amendment."

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

3-15 P.M. * SRI S. CHIDAMBARA AYYAR:—"Sir, I move the amendment standing in my name, viz.:—

'that in clause 8, line 3, for the words "but shall not be entitled" the words "and shall be entitled" be substituted'.

"Sir, the object of my amendment is that the village headman, in addition to his being an *ex-officio* member, should have the right to vote. It should not be taken that I want to make a special plea for the village headman. In fact, when I spoke in the first reading of the Bill, I suggested that it was better not to have the headman at all in the panchayat, and if you have the headman, you must give him his inherent right to vote. That is my point even now. Under clause 15 of the Bill, the village headman, karnam, servant, Government officials, Local Fund officials are all prevented from standing for election or functioning as elected members. Even after it has gone through the Select Committee, we still find in clause 8 that the village headman shall be an *ex-officio* member. There is no necessity at all for such a clause. That has been my submission from the beginning. If you have this clause, it is good you give him the right to vote. It is the inherent right of any member to vote. Under clause 70, the executive authority of the panchayat can require the village headman to collect any tax or fee due to the panchayat on payment of some remuneration not exceeding 6½ per cent of the gross sum collected by the headman. So far as collections are concerned, you have clause 70. Regarding the calling for information, you have clause 102 (1) which says—

'The Executive authority may, by an order in writing, require the headman or karnam or both of any revenue village comprised within the jurisdiction of the panchayat, to furnish him with information on any matter falling within such categories as may be prescribed in respect of such village or any part thereof or any person or property therein.'

So far as records are concerned, I may submit the village headman has a few records. As already submitted by my previous speakers, he is in charge of collection accounts and births and deaths accounts, and the other accounts are with the karnam. Even about the production of records before the panchayat, it is not an easy matter. Under the Board's Standing Orders, unless the Tahsildar or the Deputy Tahsildar gives him permission to produce the records, he cannot produce them. So, my submission is that the village headman need not be there as an *ex-officio* member. Is he an ornament? Not at all. On the other hand, if the

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Hon. Minister thinks that if he is there, he will give some advice, why not give him also the right to vote? That is my direct question to the Hon. Minister.

"Secondly, there are some members elected by the villagers and some *ex-officio* members. Suppose a panchayat consists of ten members, two members will be *ex-officio* members. The headman will be an *ex-officio* member under clause 8 and the president will be an *ex-officio* member under sub-clause (7) of clause 22. But it is stated that the president of the panchayat, in addition to his being an *ex-officio* member, will have the right to vote. The village headman is also an *ex-officio* member. Why should he not be given the right to vote? The position is anomalous and I submit that if you have the village headman in the panchayat, it is good he is given the right to exercise his franchise. The Hon. Minister says that he wants him only for the purpose of giving advice. Why not you take his advice giving him the right to vote? Some members characterised the village headman as 'bad'. Of course, there may be bad men. But there will be also good men. In every walk of life, there are good men and bad men. At the same time, the village munsif and karnam are the sub-strata of the entire revenue administration. Therefore, he should not be deprived of the right to vote. He is always there to give advice. I do not stand in the way of completely eliminating clause 8. That will be considered when the clause comes to be discussed. With these few words, I propose the amendment."

SRI T. VISWANATHAM:—"I second the amendment, Sir."

MR. SPEAKER:—"Amendment moved—

'that in clause 8, line 3, for the words "but shall not be entitled", the words "and shall be entitled" be substituted'."

THE HON. SRI K. CHANDRAMOULI:—"Sir, as I have already said, the village headman is there only in an advisory capacity. An adviser need not necessarily have the voting power. I do not want to give the voting capacity to the village headman who is under the control of the Revenue department or any other external department. That is why we want only to take advice from him. I strongly oppose the giving of voting power to him and his taking part in all the discussions. I cannot accept the amendment of the hon. Member, and I request him to withdraw it."

SRI S. CHIDAMBARA AYYAR:—"Sir, I beg the leave of the House to withdraw the amendment."

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

MR. SPEAKER:—"Now, we are in clause 8. I want to put the clause to the vote of the House."

* SRI M. S. PATTABIRAMIAH:—"Sir, I am very hopeful that my humble submission that this clause should be deleted from the Bill will be favourably considered by the Hon. Minister who

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is piloting this revolutionary Bill. I was not so hopeful when I first stood up and mentioned this matter. Now he has realized the point and though he has realized it in the past too, the volume of opinion now expressed in the House while discussing the amendment, must have convinced him that both here and outside this House, people do not wish that the headman should be in the panchayat. Moreover, if this clause is deleted, this Bill will be compact. It will not affect the Bill at all. Sir, clause 70 reads—

* Subject to such rules, as may be prescribed, the executive authority shall have power to require the village headman having jurisdiction over the village or any part thereof to collect any tax or fee due to the panchayat . . . on payment of such remuneration not exceeding $\frac{1}{4}$ per cent of the gross sum collected by the headman as the Collector may, by general or special order, determine.

Therefore, the services of the village headman can be requisitioned by the executive authority of the panchayat. Therefore, there is no necessity at all for his being made an *ex-officio* member. That will, moreover, complicate matters. If he can be requisitioned to do a certain work for the panchayat, how will it be fair for him to sit in the panchayat and deliberate over the matters? Clause 102 is very clear. It gives the executive authority the power to require the headman or karnam or both, of the village to furnish any information necessary. So, when these clauses are there, there is absolutely no necessity for the presence of the headman in the panchayat. Unless we want to have an ornament, some appendix or idol, or something which is not necessary for the functioning of this organism, there is no need for his presence in the panchayat. If this clause is omitted, this Bill will be a fine and perfect piece of legislation. I do not understand why the Hon. Minister wants to have this head of the Revenue department, as he himself calls him, in the panchayat. In the future set-up, I believe these village hereditary officers would be abolished. The panchayats will select and appoint the village officers for the period during which the panchayat will serve. That will be the finest and best form of village democracy. That was so formerly. This hereditary system was introduced by the British East India Company in our Province. We have forgotten that. It is better that we abolish that pernicious system which has been injurious to the interests of the village community in our Province. Therefore, I wish the Hon. Minister will consider my request to delete this clause. I am sure he will not stand on his prestige. He is a noble-minded gentleman and his moral greatness will convince him that by the deletion of this clause, this will be a perfect piece of legislation."

* BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, I wholeheartedly support the previous speaker in his request to the Hon. Minister to delete this clause. That would save the Government from future troubles that may arise by the inclusion of the headman in the panchayat. It has been pointed out that it is undesirable that a village officer, who is a servant of the Government, should sit along with the elected members of the panchayat. Besides speaker after speaker has stated how the headman is usually responsible for many of the troubles arising in the villages. The only reason adduced by the Hon. Minister for the inclusion

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of the headman has been that it would facilitate the panchayat to obtain all the information and records required by it. But provision has already been made in this Bill for getting such information, as is evident from clause 102. In the face of this, I do not feel that there is any necessity for the presence of the headman in an elected body. The majority of the Members of this House consider his addition to the Committee to be undesirable in view of his capacity for mischief. Having regard to the trend of discussions prevalent in this House which has been mostly in favour of the deletion of this clause, I hope, the Hon. Minister will forthwith drop this clause from the Bill so that one of the factors that would tend to create disruption in the panchayat may be removed."

* SRI A. VAIDYANATHA AYYAR:—"Sir, I join in the chorus of requests to the Hon. Minister for dropping out this clause. After Independence had come in, there was a time when democracy had to filter down. We had the greatest difficulty on account of the peaceful taking over of the Government instead of a revolutionary washing out of all the machinery, as it then stood. The entire executive took some time for the purpose of being converted over to the view that Government existed only for the popular benefit. We are now having top-most ranks of the executive gradually coming to think that they are there for the benefit of the people. The portion where we find difficulty particularly pronounced so that all the well-intentioned acts, schemes and policies of the Government are being obstructed in the bottom-most portion, viz., where the village officers function.

"When there is popular election in a democratic country, the persons who partake in them are given the greatest obstruction by these village officers. Instances would not be wanting in the case of district board elections and other elections where they have proved to be obstructive. There have been a number of similar complaints. Take for instance my own taluk which I have the honour to represent. There have been wholesale complaints about such kinds of things. Apart from that, the way in which they are abusing the powers in spite of the several rules and regulations of the Government is not unknown to hon. Members of this House. I know that poramboke trees have been cut away and there has been a general dictatorship prevailing in the villages all of which the popular democracy is unable to check. I want to tell the Hon. Minister in charge of the Bill that these people should not be entrusted with voting powers. Again, the advice of a person whose *bona fides* we are inclined to doubt and who we at present feel, may be more evil rather than proper advisers would be most ill-intentioned. It may be all right if we get good advice for the proper working of any democratic institution. Quite recently, I requested the District Collector of Mathurai to call a general conference of village officers and have told him that whatever schemes may be propounded by the Government—be it entry of Harijans into a coffee hotel or entry of Harijans into temples and removal of untouchability—the place from which we generally get obstruction is only from these village officers (hear, hear).

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It is high-time that as a matter of fact we remove these village officers until such time as they become converted to think in terms of the good of the people and become national-minded. I would therefore earnestly request the Hon. Minister to drop that particular clause."

SRI PYDAH VENKATANARAYANA:—"Mr. Speaker, Sir, many hon. Members have expressed themselves in favour of deleting this clause altogether from the Bill. It is most undesirable, Sir, to allow a village officer or headman to sit along with the elected members of the panchayat board. We do not know whether that officer commands the confidence of the villagers as a whole or at least that of a certain ward. In these days of high democracy, such nominated and ex-officio elements should altogether be eliminated. So, I request that the Hon. Minister may agree to delete this clause from the Bill."

* JANAB H. S. HUSSAIN:—"Mr. Speaker, Sir, the Hon. Minister for Local Administration has no doubt the right, privilege and the liberty of having his own way in trying to shape this Bill. As we all know, this Bill is of a very far-reaching nature. It is, if I may say so, of a revolutionary character. It is going to introduce, what we may call, principles and systems of a republican form of Government in our village units. Therefore we have to move very cautiously. While the Hon. Minister has got his own privilege and liberty to shape the Bill in a way that he thinks best, we, the Members of this House, also have the right and privilege to offer our criticisms from our past experience. So I have been observing that a good many of the hon. Members have urged for the deletion of this clause in the Bill. As we all know the village officers have been debarred from standing for election to local bodies. They have been debarred by the Government under definite rules. So there must be some very good and valid reason for that. I do not wish to cast any aspersion on our village officers. The Hon. Revenue Minister the other day said that our village officers and the village system in our Province are perhaps the best. It may be so. But, from practical experience, we know that these village headmen and also the village karnams have been in some instances responsible for more bad than good. That we know. Therefore, when we want to introduce a republican form of Government on republican principles in the villages, it does not stand to reason that we should have membership by nomination by virtue of holding some office. In that case there is no elective principle at all. We must have elective principle throughout. When the president is to be elected by the entire electorate and a provision for that is included in the Bill by the Hon. Minister, I cannot understand the Hon. Minister saying in the same breath that there should be an *ex-officio* member, who happens to be an official. He is a village officer and will make things worse. That is again against the very spirit of democracy. But you can get all the information from the headman by an order from the Government. He will be at the beck and call of the village panchayat board. He must be a servant of the people. He is also the servant of the members of the panchayat board who are the accredited representatives of the people. Therefore I say that this clause should

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be deleted and there should be no *ex-officio* membership at all, no co-option and no nomination. All these three things should go. Then only it will be a Bill in the true sense of democracy. Therefore I urge the Hon. Minister to accede to the almost unanimous request of the hon. Members of this House and see that this clause is deleted."

MR. SPEAKER:—"In view of the opinion expressed by the hon. Members of this House, the Hon. Minister tells me that he is not pressing for the inclusion of this clause. So I will now ask him to reply."

SRI R. V. SWAMINATHAN:—"The Hon. Minister may like to withdraw this clause. But there are other views also which must be put to him through you, Sir, before he could reply."

MR. SPEAKER:—"Is the hon. Member going to talk for the retention of this clause?"

SRI R. V. SWAMINATHAN:—"Yes, Sir."

MR. SPEAKER:—"Then he may give his views."

SRI R. V. SWAMINATHAN:—"Mr. Speaker, Sir, I want to appeal to the Hon. Minister and also the hon. Members of this House to retain clause 8, which makes the village headman an ex-officio member of the panchayat board. Several members have spoken on this clause. They have given a picture that the village headman is a very dangerous person in the village and that he is like a dictator in the village, and that if he is there, there will not be any freedom for the members of the board. Sir, I am afraid that the position of the village headman is like 'Trisanku Swargam'. The Government do not consider them as the real employees of the Government. The Government give them some honorarium for the work they do and they are considered only as honorary employees of the Government. Because they get some remuneration as a sort of honorarium from the Government, they are prevented from standing for any elections to the panchayat. Clause 15 disqualifies the village headman from standing for election. Sri Munagala Pattabhiramayya said that according to clause 102, the village headman and other village officers can be asked to submit returns and other documents that are required, even though they are not members of the panchayat board. That means that without an elected position, if the headman is asked to bring the various documents and other things and carry them and stand before the executive officer, his position will be reduced to that of a peon. I am strongly of the view that the village headman should not be reduced to the level of a peon and made to stand before the panchayat board every now and then, with the records. The headman is a respectable person. No doubt among the village headmen there are some bad people. But in all spheres of life, there are both good people and there are best people and bad people. Similarly, among the village officers also, there are good and best people. The village headman will be very helpful in various aspects in the administration of the panchayat boards.

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Take for instance, that a road is to be formed in a particular village and we have to acquire lands and attend to a number of preliminaries. The village headman concerned can get the consent of the people of the lands involved in the acquisition and can even get the land free of cost. So the village headman is there to help the administration of the panchayat. Sri Vaidyanatha Ayyar said that we have achieved Independence and so the people must be free from the harassment of these village officers. Freedom and independence are for all the people. Previously, the village officers had no freedom to stand for election. When we have achieved freedom why not freedom be given to these village officers to stand for election. When you are taking that freedom you should at least permit him to be on the panchayat board as an ex-officio member. Even the executive officer is permitted to be an ex-officio member, and take part in the deliberations of the panchayat board. Are these village officers worse than the executive officers? I cannot understand that. Then, Mr. Vaidyanatha Ayyar said that in connexion with the temple entry and such other affairs, the village headmen have been harassing the Harijans. It is wrong to say like that. In the villages the village officers help the Harijans. Whenever there is trouble from the high-caste people, these poor Harijans used to go to the village headman for help. (Interruption.) I am sorry that Dr. Subramaniam might have been a victim to the harassment of some village headman. It may be so in one particular case. But that is not the case with everyone of them. Some people have said that the village headmen are like dictators. It is wrong. In certain villages and even in my village, the headmen are very meek and submissive. There may be some bad people here and there. But the whole of them should not be considered like that.

3-45 P.M. "My hon. Friend, Sri P. Venkatanarayana said that if the Hon. the Minister agreed to delete the clause itself, he would not press his amendment. If the Hon. the Minister really agrees with him, let the Government change the wording of clause 15 so as to enable the headman to stand for election. If he commands the confidence of the people he gets elected; otherwise he is defeated. Give him, therefore, a chance to test the confidence of the people. Let not hon. Members think that village headmen are people who are looters and will hold absolute sway over the panchayat board. That idea is wrong. Therefore, it is advisable that these headmen should be there as ex-officio members at least."

* SRI S. NAGAPPA:—"Mr. Speaker, Sir, I am very much thankful to the Hon. the Minister for having come forward with his assurance and I appreciate his democratic spirit in having acceded to the popular opinion in the House. Now, in doing so, I would just like to make a few observations as to how the village headmen have been behaving in the villages. I may tell you, Sir, that if there is any illicit distillation, it is the village headman who is at the bottom and not the poor labourer or the agriculturist who is harassed by the Police. The headman is the

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cause, if there is any trouble in the village. He is responsible for any looting that takes place, and so he is the person who is capable of such atrocities and equally capable of hushing them up also. This is not merely my information but what is available departmentally. As regards the karnam, there is a saying in Telugu which reads:

‘కర్ణామర పీడ కాటికి పోయిన తప్పు.’

That is, even if one dies and is taken to the burial ground, the karnam's string is behind. They were the pillars of the British Empire. Now, you say these people will be useful for providing the panchayat with the data necessary for carrying on the administration. I would request the Hon. the Minister to persuade his colleague, the Hon. the Minister for Land Revenue to remove these people once for all. If you want to create any village panchayat—a village republic—have a permanent executive officer for maintaining all the records needed for the administration. Why do you want these people now? After all these village headmen are headless people (laughter) and instead of having one or two headman, you could as well have one level-headed permanent servant (laughter) to look after the records. Sir, it is for this reason that His Excellency Sri Rajagopalachariar, when he was Prime Minister in 1937, took away the privilege of such people to stand for district board and other elections. Now we must follow the same thing here. So, I am glad that the Hon. the Minister has, at least at this final stage, agreed to the deletion of the clause itself. I am glad that wisdom has dawned at the right time. I do not want to take any more time but join with those hon. Friends who agree with the hon. the Minister."

* JANAB N. MUHAMMAD ANWAR:—"Mr. Speaker, Sir, the village headman is the villain of the piece and that is exactly the experience which many of us are having and I am wondering how the hon. Member, Sri Swaminathan, should have come to a different conclusion. Probably, his is a solitary experience, and if the villain of the piece should go to his doors things must be quite miserable for him. I feel, Sir, that this clause, when read with clause 70, will give one the impression that the village headman has got to play the role of Dr. Jekyll and Mr. Hyde. I cannot understand how in these days of democracy, when we are advancing from one stage to another, we can have the principle of providing for ex-officio memberships and membership by virtue of one's birth. After all, ordinarily the village officer has no qualification except the sin or the virtue of his birth and there are certain districts I believe—I am speaking for Rayalaseema—where a particular caste is given to dominate village life. There are village Reddis and it is quite possible that if they are elected to the panchayats, they will easily find their way into the district board and eventually into the Legislature also and form the Treasury Bench. (Laughter.) They may even become Premiers of the Province. Now, I do not want a member to get into an elective body by virtue of his office. We cannot allow him to play the role of an adviser in the panchayat board and also

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as an executive officer in another place. This is a contradiction in terms. I am, therefore, very glad to hear that the Hon. the Minister has agreed to delete the clause from the Bill."

* SRI P. KAKKAN: "சபாநாயகர் அவர்கள், கனம் மந்திரி அவர்கள் கிராம அதிகாரிகள் பஞ்சாயத்து போர்டில் இருக்கக்கூடாது என்ற பிரேரணையை ஒப்புக்கொண்டு, அந்த கிளாஸையே நீக்கிவிட முன் வந்ததைக் குறித்து நான் மிகவும் மகிழ்ச்சியுடன் பாராட்டுகிறேன். இந்த கிளாஸை எடுத்த பிறகுதான் உண்மையான பஞ்சாயத்து இனிமேல் கிராமங்களில் நடக்கப்போகிறது என்பதைத் துதிக்கொள்ளுகிறேன்."

"ஏனென்றால் உங்கள் யாவருக்கும் தெரியும். இந்த நாட்டின் சுதந்திரத்திற்கு பாதுகாமிழைத்த வெள்ளையர்களின் ஆக்கிக்கு தூண்களாக இருந்தவர்கள் கிராம அதிகாரிகள் என்பதை யாரும் இந்த சபையில் மறுக்க முடியாது. அப்படியிருந்தவர்கள் இன்று நம்பக்கம் இருக்கிறார்களாவென்றால் அதுவும் கிடையாது. அப்படியிருக்க எப்பொழுது கிராம அதிகாரிகளுடைய பரம்பரை பாத்தியதை ஒழிகிறதோ அப்பொழுது தான் நாம் சுதந்திரம் அடைந்ததாக கருத முடியும். இன்றைக்கு அந்த கிராம அதிகாரிகளால் ஹரிஜனங்களுக்கும், பார்டாஸி விவசாயி மக்களுக்கும் ஏற்படுகின்ற கஷ்டத்தை உணர்ந்து அவர்களை பஞ்சாயத்து சபையில்லிருந்து நீக்கிவிட மந்திரி அவர்கள் முன் வந்ததை நான் பாராட்டுகிறேன்."

"உதாரணமாக ஒன்று சொல்லுகிறேன். இந்த village headman-ஐக் கண்டால் ஹரிஜனங்கள் பயப்படுவார்கள். அவர்கள் முன்னே உட்காரவும் அஞ்சுவார்கள். அப்படி உட்கார்ந்தால் எங்கே தலையை வேறு ஏதாவது கேசில் சிக்க வைத்துவிடுவார்களோ எனப் பயப்படுவார்கள். அப்படியிருக்க இந்த பஞ்சாயத்து சபையில் இவர்கள் இருந்தால் ஹரிஜனப் பிரதிநிதிகள் அங்கே ரெமட்டார்கள் ஆகையால் அவர்களை பஞ்சாயத்து சபையில் இருக்க விடக்கூடாது."

"உண்மையில் பஞ்சாயத்து நடக்கவேண்டுமானால் மத்திய அரசாங்கம் ஹரிஜனங்களுக்கு பத்து வருஷம் ரிசர்வேஷன் செய்திருக்கும் காலத்திலேயே ஹரிஜனங்கள் சரி சமத்துவமாகவும் சர்வசாதாரணமாகவும் வேலை செய்ய இந்த பஞ்சாயத்து சபையில் கிராம அதிகாரிகள் இருக்கக்கூடாது என்பதை வேண்டிக்கொள்ளுகிறேன்."

"அதுமட்டுமல்ல உங்களுக்குத் தெரியும். அவர்கள் இருந்தால் எப்படியும் சபைக்குள்ளே ஆகிப் பதவியை உண்டாக்கிவிடுவார்கள். அவர்கள் பக்கம் யார் இருக்கிறார்களோ அவர்களையே பிரிசிடெண்ட் ஆக்கி விடுவார்கள். அவர்களை கைக்குள்ளோட்டுக் கொண்டு இவர்களை ஆகி நடத்துவார்கள். ஆகவே அவர்களை இங்கு இருக்கக்கூடாது."

"கனம் சாமிநாதன் அவர்கள் அந்த கிராம அதிகாரிகளுக்கு பரிந்து கொண்டு வந்தார்கள். உண்மையில் அவர்கள் அப்படிச் சொல்லவில்லை: அவர்கள் மீதுள்ள பரிதாபத்தினால் அப்படிச் சொன்னார்கள் என்று நினைக்கிறேன்."

"கனம் வைத்தியநாதய்யர் அவர்கள் இந்த கிராம அதிகாரிகளால் ஹரிஜனங்களுக்கு ஏற்படும் கஷ்டங்களை யெல்லாம் சொன்னார்கள். ஹரிஜனங்களின் தலையை மொட்டை அடித்திருக்கிறார்கள், கிராம அதிகாரிகள்."

"அதுமட்டுமல்ல சில கிராம அதிகாரிகள் சர்க்கார் தரிக நிலங்களிலேயே சர்க்காரிடம் கடன் வாங்கி கொடுக்கிறார்கள் வெட்டியுள்ளார்கள். இனியும் அம்மாதிரி நடக்காமல் இந்த பஞ்சாயத்து நியாயமான முறையில் நடக்க வேண்டுமென்றால் இதில் அந்த கிராம அதிகாரிகள் இருக்கக்கூடாது. இதை கனம் மந்திரி அவர்கள் ஒப்புக்கொண்டதை நான் பாராட்டுகிறேன்."

JANAB SINNA KAZIAR HAJI MOULVI S. A. F. IBRAHIM:—
"Mr. Speaker, Sir, I am really sorry to see that the Hon. the Minister has changed his view. I am equally sorry that my hon. Friend, Mr. Swaminathan has not had a single Member to support him so far. Irrespective of the merits of the case, I cannot

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understand why all the hon. Members should take cudgels against the village headman. I have no relation, I may clear myself, who is a village headman. After all, what are we going to lose by offering a seat to the village headman in the panchayat? Is there not a provision in the District Municipalities Act for taking in members from outside for forming a committee to elicit expert opinion? Are we not getting foreign experts to serve on certain committees? Likewise, why not we have these village headmen also? They are not giants who will swallow the other members. Again, they do not have the power to vote and they are only expected to assist you with facts and figures. Such being the case, why not you avail yourselves of his services? You say, the village headman cannot stand for election. This method of debarring him from standing for an election is not fair. Equity and justice require that they should also contest the elections. It is said that these headmen will create troubles if they come into the panchayats. Sir, suppose you send him out of the village or keep him outside the panchayat. Then, do you think he will keep quiet? On the contrary the troubles will disappear if you allow him to come into the panchayat. So, either you should abolish the hereditary village headmanship or you should give him a seat in the panchayat so long as this system continues. It is therefore very essential, and I agree with the hon. Mr. Swaminathan, that this clause should not be deleted."

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, whatever the merits of this subject, I cannot allow statements calculated to reduce the effectiveness and value of village servants. I do not mind if they are members of the panchayat board or not. But certainly it is very unhappy augury that we should all, as responsible members of the Legislature, suggest to Government that these village headmen are still the pillars of the ancient system. They had to be in the earlier days pillars of the ancient system. But there were occasions on which they joined with patriotic fervour the people of India, as, for instance, in the mass satyagraha in Bardoli. There have been several instances even in this very Province, of village headmen having resigned and joined the nationalist movement."

"But, even otherwise I suggest that it is very unworthy of the high traditions we have of traducing those who are serving us in various capacities. There are good and bad people among them as everywhere. It is the level of the character of our people throughout the country that we have to raise. The real character of the village to-day I would like to put before you in brief. There is a wholesale drain, a moral drain. All the intelligentsia got out of the village and somehow gather in the towns and cities and what is left in the village is either the cantankerous litigant or the leaders of factions or their followers. In the midst of these, the village headman, the karnam and the munsif are doing their onerous duties and are finding a great deal of trouble to function. But still they function. It is not merely for the panchayat purposes they are existing. They are

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existing for other small purposes also. For instance, they are the collectors of revenue; they are the reporters who tell us whether a particular land is under cultivation or not. And they are the people who are even used as messengers to carry reports of crimes and they perform very many useful other functions too. If you want to build up the character of these people, this is hardly the place where we should lower the usefulness or the value of these persons. I suggest, therefore, to hon. Members that if they want to refer to certain classes of people who are very poorly paid and whose pay is next to nothing and who yet perform a very onerous task which they are called upon to do in the face of risks and with something less than subsistence allowance, it is very ungracious on their part to use this forum for traducing them. I am glad the Hon. Minister has agreed to withdraw the clause. I would even suggest to him that in case they are not paid, they should be allowed like other citizens to contest the elections to the panchayat board. But, even if they are not allowed to do so, let us not underrate our own people and reduce their value in respect of the service of country."

* SRI M. P. GOVINDA MENON:—"Mr. Speaker, Sir, I want to make the position very clear. If a large number of members of this House have objected to this class of people, it is not because the village headmen as a class are all bad men, but because we are against this clause on principle."

SRI K. BRAHMANANDAM REDDI:—"But the arguments advanced have created a wrong impression."

* SRI M. P. GOVINDA MENON:—"If a wrong impression has been created and the village headmen have been condemned, it was not against the class of headmen as such but against the principle on which this Bill has been drafted. It is a democratic body and we want to teach the villagers as to how to administer a democratic institution. Therefore, we do not want the village headmen to be trusted. It is in regard to that point that we are opposed to the clause. Mr. Speaker, we thank you for having communicated to us that the Hon. Minister is going to be responsive. We have noticed this morning the stubbornness of the Ministers in not yielding to some of the suggestions coming from hon. Members, but I am glad that even on this Treasury Bench there is one Hon. Minister, the Hon. Sri Chandramouli, who is prepared to yield to the demands of hon. Members in this respect. Let us hope that after the 26th of January when he goes away from here, he will adorn another Treasury Bench and let us hope he will continue to be a minister there and will continue to be responsive to the members whose minister he is going to be, though we will be losing one of the distinguished members of this House."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I also rise to appreciate the responsiveness of the Hon. Minister. At the same time, I would like to say one or two words with regard to the village officers. Several hon. Members have talked as if all the

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village officers are bad people. As the two previous speakers have stated already, we cannot damnify a whole class of officers in this manner. As Sri Varadachari has reminded us, if we are to go back to the year 1921 when the struggle for independence started in this country, it was the village officers, and not the superior officers, who stood by the patriotic Indians. The Hon. Minister also knows about it, coming as he does from the district which made history throughout the country. It was the village officers of the Guntur district who first showed to the world what it was to fight for independence and what it would be like if the people took up the struggle for independence. (Hear, hear.) Sir, therefore, I do not like that the village officers as a class should be traduced. Factions among the villagers are often referred to, I would only submit this. In villages they are called factions and in towns and cities they are called politics. That is all the difference. In most of the villages several of the quarrels are not really the making of the villagers themselves. In fact they percolate to the villages from the towns and cities. Therefore, I submit, let us not traduce the whole class of village officers. I once more appreciate the Hon. Minister's responsiveness to the demands of hon. Members."

MR. SPEAKER:—"We have heard enough on this small clause. Now after the speech of the hon. Leader of the Opposition I will call upon the Hon. Minister to reply."

* JANAB M. MUHAMMAD ISMAIL:—"Mr. Speaker, Sir, I would like to say only one or two sentences because I happened to speak on the amendment. I do not want to be misunderstood in what I said. Therefore it is that I thought it necessary to say one or two words at this juncture. I do not want to go so far as to condemn all the village headmen as bad. That is very very far away from my intention because I know it as a fact that there are very many good men among them and there are also some bad men as there are among the other classes of Government servants as well as others and that is no reason why we should condemn the whole class of village officers as such. My only contention was that this class of people need not be given a place in the Bill and it was based on two considerations. One is, since this Bill is based on a democratic principle it should not bring in ex-officio members even in an advisory capacity. They can, of course, give their advice whenever necessary to the panchayat board even without making a stipulation in the Bill that they will have a place on the panchayat board. The second consideration is that when you want to include one village officer you must not exclude an equally important officer of the village, because it will create rivalry among them and among the followers of those village officers. Therefore, Sir, human nature being what it is particularly in villages and particularly when the Bill aims at doing good to the people in the villages, we must not do anything which will accentuate factions which are already there. These are my considerations, Sir. Of course, I am glad the Hon. Minister has appreciated the point and is going to withdraw or delete the clause under consideration."

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MR. SPEAKER:—"It is going to be voted down; he cannot withdraw it."

* JANAB M. MUHAMMAD ISMAIL:—"I am glad that the Hon. Minister has given an assurance that he is going to have this clause deleted from the Bill."

* THE HON. SRI K. CHANDRAMOULI:—"Sir, I am very sorry that certain hon. Members have gone to the extent of expressing sentiments to the extreme and condemned the whole class of village officers. That is a very bad sentiment, I feel. There are good and bad people everywhere. After all they are not such a sort of people as are depicted by some of the hon. Members. Perhaps there may be some bad exceptions and there may be some good people. But, whatever it is, they were under some Government and they had to discharge their duties under that Government and so long as they were under that Government they had to discharge their duties under the orders of that Government. Of course, as I have already told you, there may be some bad people as everywhere. I once more request the hon. Members not to go away with the impression that either the village karnams or the munsifs are all devils and that they are not doing any useful work. Even at present the village munsif is there and he is doing all the work connected with the village and that is why the Government were very anxious to put him in as an adviser and not for any other thing. The headman and the karnam have to deal with several of the activities of the villages. The panchayat board also has to deal with all the activities of the village and that is why at the time of drafting the Bill the Government, with the best of motives, thought that some sort of adviser must be on the panchayat board and so put in the village headman so that they may hasten the matter without any delay. But, one thing I must say in this connexion. I cannot accept what the hon. Mr. Swaminathan said, namely, that the village headman is a free man. Even at present the village headman is not a free citizen. He is virtually the servant of the Revenue Board and so long as he is there he cannot be a free citizen and hence he cannot stand for election. You may say he is an honorary officer drawing an honorarium, but the Revenue Board has given its clear verdict that the panchayat board cannot have him because he is virtually a servant of the Government.

"That is the position as matters stand at present. You may amend it if you like afterwards and the moment they become free people they may stand for election just like every other hon. Member. The Government wanted to solve the difficulty by bringing in a sort of co-ordination and hastening things. That is all the intention of the Government. I would only appeal to hon. Members therefore, not to misunderstand the position of the Government, when they put in the village headman as an adviser.

"In regard to the merits of the clause I do not want to make any speech. Several hon. Members including Mr. Vaidyanatha Ayyar remarked that these people have not developed a national

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outlook although some of them took part in the national movement. Still, after some time if the hon. Members feel and the House also feels they will be useful they may be taken in as advisers. In the circumstances I request the House to permit me to withdraw the clause."

MR. SPEAKER:—"The Hon. Minister cannot withdraw it. Let the House vote it down."

THE HON. SRI K. CHANDRAMOULI:—"Voting it down is not good, Sir. I would like to withdraw it and the House may give me permission to do so."

MR. SPEAKER:—"Then let the Hon. Minister move that the clause be deleted from the Bill."

THE HON. SRI K. CHANDRAMOULI:—"Sir, I move—
'that clause 8 be omitted from the Bill'."

The motion was put and carried.

Clause 9.

MR. SPEAKER:—"The motion is—
'that clause 9 do stand part of the Bill'."

4-15
p.m.

* JANAB K. M. SEETHI:—"Mr. Speaker, Sir, I move my amendment and in doing so, I have to state that the amendment became necessary because the original provision of the Bill empowering the panchayat to co-opt members from the Muslim and Indian Christian communities and women was later on omitted by the Select Committee and I am moving this amendment with a view to enable the panchayat to co-opt representatives from the Muslim and Indian Christian communities and women if they do not get elected in regular elections on account of their being in a minority. This is a very equitable and just demand. In the original Bill the Government had recognized the necessity for such co-option by an appropriate section and there was no justification for deleting it. I sent a minute of dissent for incorporation in the Report of the Select Committee as unfortunately at the last stages of the meetings of the Select Committee, I was not able to be present but the Hon. the Minister wrote back to state that there was no provision under the rule for the submission of a minute of dissent, and so, that has not come to form part of the Report of the Select Committee."

MR. SPEAKER:—"The hon. Member wants to insert a new clause and is not moving an amendment and I would therefore, suggest that he need not move it now but he can move it as clause 9 (A) later on when clause 9 has been adopted."

* SRI B. S. MURTHI:—"Mr. Speaker, Sir, I am thankful for the Hon. Minister in charge of the Bill for having included this clause in the Bill which provides for reservation of seats for Harijans. I must say, Sir, that I am opposed to any provision in any Act for separate electorates, (Janab Muhammad Raza

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Khan: 'Is not reservation asking for separate electorates in a way?') for a nation cannot be built up by separate electorates. India no doubt is divided into communities, castes, religions and linguistic territories. It is very unfortunate, Sir, for many many years our rulers, whosoever they might have been, have taken good care to divide us into groups and sections and the time has now come when the group mentality and sectional aspirations should be given up and all efforts and supreme efforts must be made to hasten the full growth of a united nation so that India, in the comity of nations shall have her dignified place and honour. Therefore, Sir, separate electorates have been rightly eschewed from the Constitution Act. My Friend Mr. Raza Khan said that separate electorates are synonymous with reservation of seats. Let me tell him, Sir, that reservation of seats is a thing different from separate electorates; reservation of seats is a concession to a community if I understand it aright, a concession to a community which, in the open election could not secure seats in proportion to its numbers. It is an open secret that Harijans for centuries have been neglected and have been subjected to enormities and whether the treatment meted out to them was good or bad, it is a fact that to-day thanks to Mahatma Gandhi and to several other reformers in the Hindu community a change has come over the Hindu community and hence to-day the community is being given a fillip to build itself up. This concession of reservation of seats is one of the many things which the nation is trying to give to the Harijan community to enable it to build itself up. Further the reservation is only for ten years. Reservation for Harijans on a population basis is nothing against the principles of democracy. We are not asking for weightage as the Muslim community represented by Mr. Raza Khan has been clamouring for years. The Harijans all these years have been looking up to a leader who could deliver them, to a Moses who could lead them from tribulation and a Moses had come in the person of Gandhiji and he has come to lead us to the land of Canaan, the land flowing with milk and honey. We do not find milk and honey now but I am sure, Sir, with faith and confidence, they can find this milk and honey. In the matter of reservation of seats for Harijans the Government have done bare justice, nothing but bare justice and they have not shown them a concession any more than they deserve. The concession shown to the community by way of reservation of seats indicates that the Harijan community to-day is still in a backward state and therefore, they are not able to get seats in proportion to their number if they are to compete with the rich and the landed aristocracy in the villages. After all when we are trying to do a good thing, it always requires the goodwill of the public and this goodwill the Harijans have earned through years of patience and suffering. Therefore, the clause must be there and I am sure even my Muslim Friends who have been denied separate electorates for which they have been long fighting would concede this to the Harijans who had been suffering all these years. It is for that I appeal to the House that this section should be supported.

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"Sir, as I observed in my previous speech, the wording is rather ambiguous because it is stated 'such number of seats with due regard to the population in the village'. Last time, I was assured that this defect will be rectified in the rules and seats for Harijans on a population basis will be provided for."

* THE HON. SRI K. CHANDRAMOULI:—"Let me point out, Sir, that reservation of seats is already there in the clause itself; but there is no reservation on a population basis, but with due regard to it."

SRI B. S. MURTHI:—"The rule-makers, Sir, might take the letter of the law into consideration and leave the spirit of the law to the winds. Therefore, I appeal to the Hon. Minister that the words in the clause should not be so construed by the rule-making authority that a proportionate number of seats will satisfy the Harijans. Any fraction of the number must also secure a seat. In this connexion, I wish to bring to your notice, Sir, how injustice has been done in this very House; when the Government of India wanted one seat for every ten lakhs of people and when the Harijans in this Province number more than 82 lakhs, they did not give them the due number and that is why I say that we have not been provided with the requisite number of seats on a population basis and every time some excuse or other is being given. Only two days back, when I requested the Leader of the House that he might move the Government of India that eight seats must be given to Harijans, I was told it was too late. Therefore, once the law is made, it will be too late to move for any alteration. Therefore, I want a definite assurance a categorical assurance from the Hon. the Minister that any fraction of the population in the village will not be simply ignored but that fraction will also get at least a seat for the Harijans. I appeal that the rules should provide for it and full justice, the justice that has been guaranteed to us by Mahatmaji must be given to us. Thank you, Sir."

* SRI S. NAGAPPA:—"Mr. Speaker, Sir, I thank the Hon. the Minister and the Members of the Select Committee for having gone so far as to give reservation of seats for Harijans. In the original Bill, he wanted to delete it completely; as there was a demand to exclude headmen, the other day there was a demand to include Harijans. I agree with the principle of the clause but I am very sorry to say that the drafting of it is very bad. It may be that the Hon. Minister wants to help the Harijans, but what is the wording of the clause by which he wishes to translate this desire into action? The wording is very mischievous. It says—

In every panchayat, the Inspector may,

—why this 'may'; and why should it not be 'shall', why should he have the choice of having the right to notify or not having it as he likes? There are many lawyers, legal quibblers who will say that it is dangerous to the very community. Therefore, I would request the Hon. Minister to make a simple provision as—

'Seats for Harijans shall be reserved proportionate to their population in the village.'

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Not only that, it is said further 'subject to such rules'; which rules? Then the clause goes on to say 'as may be prescribed by notification reserve such number of seats, if any, as he thinks fit'. I ask the Hon. Minister why he should give such powers to him. What the Hon. Minister has in his mind, should be put there in the statute very clearly and instead of that he is making this *ghul mal* business and he is giving with one hand and taking it off with the other; there is so much mischief involved here."

SRI K. BRAHMANANDAM REDDI:—"Is it parliamentary to say that the clause is mischievous?"

MR. SPEAKER:—"He has only said that there is mischief in the clause."

SRI S. NAGAPPA:—"I am glad, Sir, you have said that it is not unparliamentary. Once the Hon. Minister has conceded the principle, let him be fair-minded in drafting the clause. I request him to re-draft it like this—

'In every panchayat, seats shall be reserved'

not 'may' as is stated in the clause, 'to the members of the scheduled classes proportionate to their population'. It is very simple and any common man will understand it. I know the Hon. Minister is the champion of the Harijans' cause and is the most democratic Minister among the Ministers and such an Hon. Minister to go to this extent and to fall into the hands of the legal drafting experts, is indeed unfortunate. It is not too late; in what he wants to concede, let him be clear, and not give scope for confusion. I hope the Hon. Minister will concede this very simple request which he has already conceded in principle."

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* JANAB MUHAMMAD RAZA KHAN:—"Mr. Speaker, Sir, last time, when I spoke at the stage of the second reading of this Bill, the Hon. Minister for Local Administration charged me with inconsistency. So, I was just thinking that I should have now an opportunity of making myself clear, or rather making myself understood by the Hon. Minister. Sir, at the outset, let me tell my Harijan friends that I am really happy over this clause, as there is reservation for Harijans. But, all the same, I oppose it on principle. My hon. Friend, Mr. Murthi, waxed eloquently. But, I ask them, on what principle of democracy do they adopt reservation for Harijans, when they have denied reservation of seats to Muslims, Christians and other minorities? It looks as though they would interpret the principles of democracy as it suits them to the occasion. Sir, when they enunciate a principle it should be applicable to all the minorities. They have abolished separate electorate in the entire Province. Well and good, and I am glad of it, and I agree with them in that. Similarly they said that there shall not be reservation of seats to any community. I agree to it. But some time later they said that there should be reservation of seats for Harijans. The principle on which they have abolished separate electorate and reservation of seats for all minority communities, why should they not apply to the Harijans also? Why should they say that

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in the case of Harijans alone reservation of seats should be retained? They want the Muslims, Christians and other minority communities to trust the majority community. Yes, we trust them. But, let them prove it by action, that we can trust them. It is not by mere talking or by paper scheme but by their action they should prove it. When once the Hon. Minister has asked the Muslims and Christians and others that they should not ask for small things, petty things like reservation and separate electorate, he should have the courage to say the same thing to the Harijans and tell them 'don't ask for them.' He can as well promise to give them more seats."

SRI S. NAGAPPA:—"We do not want weightage."

JANAB MUHAMMAD RAZA KHAN:—"I request the hon. Member to follow my argument before he interrupts me. Sir, to me the principle as enunciated by the Hon. Minister seems to be this: The Government or the party in power want to confirm the fact, that while on the one hand they have told the Muslims, Christians and other minority communities that there cannot be reservation of seats and that there cannot be separate electorate for them, and yet they should trust the majority community in the case of Harijans there should be reservation of seats. Sir, I do not find any reason for this difference in treatment. After all the Harijans belong to the same Hindu fold as the caste-Hindus, both of them have the same culture, tradition and language and so on except the fact that the Harijans are economically backward. When I say all this, let not my scheduled caste friends misunderstand me and think that I am against them. I only say the Hon. Minister for Local Administration should have the courage to say to the Harijans the same thing he told other minority communities. And why did he not tell them that? The answer is plain enough. The Hon. Minister knows, in spite of the profession of high principles, and the fact remains that the condition in our country to-day is such that people here continue to think only in terms of communities at the time of election, and the individual community which is in a majority in a particular village would dominate and sweep the polls, because only petty communal feelings reign there. High politics or political sentiments or patriotism do not play a part. Only petty communal feelings play a part. If it is a Reddi village, Reddi feelings will prevail; if it is a Kamma village, Kamma feelings will prevail; if it is a Brahman village, Brahman feelings will prevail. So, the Hon. Minister thought that in such a case the lot of Harijans would be difficult; and so he wants to give reservation of seats to Harijans. Sir, if reservation of seats should be done away with, it should be done away with in the case of all minority communities. I am not at all perturbed with the vocabulary of communities. I am not at all perturbed with the vocabulary of it; we, Muslims or Christians do not bother about it. If Government want to stick to a principle, let them stick to it all through. When the Congress party are in power, let them not do a wrong thing and say, at the same time, that they are doing a right thing. They said, this is a revolutionary Bill, as it does away with reservation and separate electorate. As they are in power

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they can do anything. The way in which they put up some Muslims for the Constituent Assembly saying that they were representatives of the Muslim community is itself proof positive of what the attitude of the Party in power is going to be in other things. It is a warning to Muslims and Christians.

"Sir, I know the Hon. Minister is a good man, as has been said by several members before. In fact he is one of the few Ministers who has been uniformly praised by all; and it is probably due to the fact that his portfolio is not a dangerous one. As I said, Sir, the Hon. Minister knows the feelings of the people in villages. I heard he belongs to Tenali, and he comes from the Kamma community. At the time of elections he in his village will feel that his community should receive the votes first and then only all the other communities. Similarly, Mr. Brahmanandam Reddi will also feel that his Reddi community should receive all the votes first, and then only the other communities. In conclusion, Sir, I have to oppose this clause as I want the Hon. Minister to understand my point of view in the matter."

* SRI P. KAKKAN :—"கனம் சபாநாயகர் அவர்களே, கனம் மந்திரி அவர்கள், ஹரிஜனங்களுடைய நன்மையைக்கருதி அவர்களுக்கு பத்து வருஷங்களுக்கு reservation கொடுப்பதாகக் கொண்டுவந்திருப்பதை நான் மிகவும் பாராட்டி சந்தோஷப்படுகிறேன். அரசியல் நிர்ணய சபையில் கூட இத் நாட்டின் தலைவர் கனம் பட்டேல்ஜி அவர்களும் ஹரிஜனங்கள் அரசியல், பொருளாதார, சலவீத்துரைகளில் மிகவும் பிற்போக்காக இருப்பதால் அவர்களுக்கு இன்னும் பத்து வருஷகாலத்திற்கு reservation கொடுக்க வேண்டுமென்று சொன்னதன் பேரில் அரசியல் நிர்ணய சபையிலும் ஹரிஜனங்களுக்கு reservation கொடுத்திருக்கிறார்கள். அதை யொட்டி நமது கனம் மந்திரி அவர்களும் ஹரிஜனங்களுக்காக இந்த பஞ்சாயத்தில் பத்து வருஷகாலத்திற்கு reservation கொடுத்திருப்பது மிகவும் சந்தோஷப்படத்தக்கது. இதை இம்மாதானத்தின் ஹரிஜனங்கள் யாவரும் வரவேற்பார்கள் என்று நினைக்கிறேன். ஏனென்றால் அவர்களுக்குத் தெரியும் இந்த கிராம ஹரிஜனங்கள் கிராமங்களில் பஞ்சாயத்தில் போட்டியிட்டால் ஜெயிக்க முடியாது என்று ஏனென்றால் ஹரிஜனங்களுடைய கையில் பணம் கிடையாது. மனிதர்களுடைய ஒத்தாயும் ஜாஸ்தி கிடையாது. அது மட்டுமல்ல. அவர்களையெல்லாம் யாரிடத்தில் பண்ண வேலை செய்கிறார்களோ அவர்கள் சொன்னபடி நடக்கவேண்டிய வரும். அவர்களிடத்தில் எந்த கருப்பன், சப்பன் வேலை செய்கிறானோ அவர் தான் நாமிடம் பண்ண முயற்சிப்பார்கள். ஆகையால் ஹரிஜனங்களுக்கு பத்து வருஷங்களுக்கு reservation கொடுப்பது என்பது நன்மையானது. அப்பொழுதுதான் அவர்கள் நிச்சயமாக அரசியல்துரையில் இரங்கி அவர்களும் எலெக்ஷன் என்றால் என்ன, அவர்களுடைய உரிமைகள் என்ன என்பதெல்லாம் தெரிந்துகொண்டு அதன் பிறகு அவர்களும் அரசியலில் பங்கெடுத்துக்கொண்டு சரிதிகர் சமத்துவமாக வருவதற்கு சந்தர்ப்பம் ஏற்படும் என்று சொல்லிக்கொண்டு கனம் மந்திரி அவர்களையும் பாராட்டி இந்த clause-ஐ முழுமனதுடன் ஆதரிக்கிறேன்."

SRI V. RAGHAVAYYA :—"Mr. Speaker, Sir, I quite appreciate the anxiety of my Harijan friends in insisting upon this reservation. It is right they do so. It may be said that their numbers are strong to-day, the times are progressing and there may not be any need for such reservation, as has been done in the case of Muslims, Christians and so on. But, Sir, ideology requires that in self-governing nations, reservations are not the rule but only the exception. One thing, Sir, I have to say in this connexion. To-day, in spite of their numbers, in the villages, the

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Harijans' voice is not the guiding factor, based on their proportionate numbers. It is the property that counts always. The voice of one propertied Kamma or Reddi is enough to commandeer and subjugate the entire Harijan population in a village. That is exactly what is happening there to-day. It is no use denying that. Even to-day, I have to say this, to my shame, that there are some Congressmen in my district, very respectable Congressmen they are, who have gone to prison in nation's cause, who have put on Gandhi cap always, and are putting on thick khadi dress, but still till last year, they had commandeered the services of village Harijan labourers by way of forced labour for a few days in the year. I argued with them about their right to do so, and they replied that they cannot give it up, but that they would try to compensate them in some other way. Sir, that is the view held in villages by aristocratic families. So it is quite justifiable that the Harijan should ask for reservation so that his right may be safeguarded.

"Sir, I hope the Hon. Minister would take into account not only Harijans under the category of scheduled classes but also people who have been equally downtrodden like them. Take for instance the aboriginal tribes. I know the condition of Yenadis in my district. The Harijans have a home to live, but the Yenadis have no homes; the Harijans have a voice to be heard, but the Yenadis have none. I think if reservation is to be thought of for all Harijans and backward Hindus, it ought to be thought of for all those who are in that condition. I thought, Sir, the Hon. Minister for Local Self-Government in his bountiful grace and unlimited resources will be so good as to cover in his beneficial measure people who are voiceless though they have mouths, people who are unrepresented though they have got numbers. I hope he would make similar safeguards for them as he has done for Harijans. I daresay my Harijan friends would not object to such a course. If the cautious language employed in the section would mean to say that the local Self-government authority has got the discretion to include any other communities under 'scheduled castes', well, it will be beneficial. In the new Government of India Act, I think, under 'scheduled castes' it has taken in aboriginal tribes also. The question of untouchability no longer obtains now. I think even Harijan members would be too anxious to take into their fold members of such communities as Yenadis, Yerukulas, Villians, Irulas and other communities living in jungles, whose existence is unknown to the rest of the world, who eat the wasting stuff of the forest and clothe themselves with barks of trees and live in a semi-barbaric condition. I think, if not now, at least some time later, the Hon. Minister for Local Administration will see his way to extend the benefit of reservation to such people also."

SRI K. BRAHMANANDAM REDDI :—"Mr. Speaker, Sir, being a legislator, Sri Nagappa is at liberty to pass any remark on the Legal Department. If we accept what Sri Nagappa wants us to accept, the clause will be reduced to an absurdity. According to Sri Nagappa, the clause should read that in every panchayat the Inspector shall reserve . . ."

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SRI S. NAGAPPA:—"There shall be reserved" and not that the Inspector shall reserve."

SRI K. BRAHMANANDAM REDDI:—"We have come to this unfortunate position, that I, a lawyer, is being taught by Sri Nagappa, as to what words should be used. He being a legislator, I cannot help it.

"In a village with a population of about two thousand and ten or twenty Harijans among the population, we will have Harijan representatives each one of whom will be one-tenth of a voter or one-twentieth as the case may be, if the clause is recast as Sri Nagappa wants. The point has to be conceded that the Inspector should reserve such number of seats as he thinks fit for the members of the Scheduled Castes having regard to their population in the village. The clause does not mean that in a village where there are Harijans, it is open to the Inspector not to reserve. The idea of this clause is not that. The observations of Sri Nagappa on the clause do not hold good.

"Mr. Raza Khan suggested that the Government should have had the courage to say 'No' to every community with regard to separate electorate and reservation of seats. The House will remember that there was no clause providing for reservation of seats for any community in the Bill as originally introduced. When the Bill was in the Select Committee stage, the Constituent Assembly of which Sri Nagappa is a Member incorporated in the new Constitution of India an article providing for reservation of seats in the Legislature for members of Scheduled Castes for the first ten years. Though the Select Committee finished the consideration of other clauses, it specially waited for the Harijan Members of the Committee who were in Delhi to return and represent their view in regard to this matter. After those Members returned from Delhi, the matter was considered in the light of the article in the New Constitution of India. It was thought desirable that this Bill should fall in line with the new Constitution and, therefore this clause was introduced. Of course, I entirely agree with Mr. Raza Khan that it would have been very good if there had been no separate electorate or reservation of seat for any community, be it the Harijan, Muslim or Christian.

"Sri Raghavayya said something which was not directly connected with this clause. If a certain gentleman commandeers the services of certain villagers, it is neither a matter over which we should worry nor relevant to the clause under discussion.

"I suggest that the clause as it is, without any amendments, may be accepted."

* JANAB N. MUHAMMAD ANWAR:—"Mr. Speaker, Sir, I believe it is not necessary for me to say how well I wish of the Harijans. I have said that before and all that I wish to say now is that it will be a happy augury for the new Constitution if a Harijan is made the first President of the Republic of India. The maker of the Constitution, Dr. Ambedkar, is himself a very able Constitutionalist. When the community can produce such intellectual giants, there is nothing surprising in my suggestion.

[6th January 1950] [Janab N. Muhammad Anwar]

Nobody here questions the nationalism of the hon. Gentlemen, Messrs. S. Nagappa and B. S. Murthi. They have argued in favour of reservation of seats for their community. I am one with them and, in fact, I support this clause.

"My hon. Friend, Mr. Raza Khan, has been misunderstood. His opposition to this clause is in effect a support and only a clever gentleman can understand the intriguing way in which he spoke. In for a penny, in for a pound. When the Government have accepted the principle and provided for reservation of seats for Scheduled Castes for certain reasons, it requires nothing more than a mere stretch of imagination to realize the need for extending the principle to other minorities as well. I would go further and say that not only reservation of seats but also separate electorates should be provided for for the minorities. A true appreciation of the facts of the situation warrants the concession. There is no use in forgetting certain broad fundamentals of our national life. Not only the Harijan community, but different other communities in our village life are still living in water-tight compartments. Mr. Raza Khan was perfectly right when he said that Harijans were a part and parcel of Hindu society. They have a thousand things in common with Hindus. If there is necessity to advocate reservation of seats for such a community right from the top—the Government of India—I for one cannot understand how can one cry halt there without logically following up the principle and providing reservation of seats and other safeguards to other minorities particularly Muslims. Let this Government try to be fair and just to all communities and let them not be under the impression that they are pleasing the other minorities by denying them reservation. If there is justification for providing safeguards to Harijans, there is all the more justification for providing them to Muslims. We know what is at the back of the mind of every one in this House on this question of relationship with Muslims. It is sheer hypocrisy to say that Muslims are being given every protection without giving this safeguard."

* JANAB M. MUHAMMAD ISMAIL:—"Sir, I support the clause as it is. But I have to express my opposition on the ground that it does not go sufficiently far. Originally reservation was provided for for other minority communities as well. Later on that reservation was deleted. In moving for the consideration of the Bill, the Hon. Minister said that the reservation for other minorities had been removed because of what had been done in the new Constitution of India. It is true that in the new Constitution reservation of seats and separate electorates for Muslims in certain cases have been abolished. But it does not mean that it prevents the giving of separate electorates in any case in any territory of India. It does not say that there shall be no separate electorate at all in the country. Under the conditions obtaining in this Province, if this Government want to provide separate electorate in the case of the panchayats, there is nothing in the Constitution to prevent them from doing so. Therefore, they cannot plead that the Constitution stands in the way of their giving to the Mussalmans their due.

[Janab M. Muhammad Ismail] [6th January 1950]

" If there is anything in the Constitution which may have the slightest bearing on the subject; it is the article which says that there shall be no discrimination against any citizen on grounds only of religion, race, caste, sex or any of them. But it speaks of discrimination *against* a citizen. If the Government provide separate electorate and reserve seats for a particular community it is not against any other community. The other communities get their due share of the seats. Therefore, it will not be against the letter or spirit of the Constitution if provision is made for reservation of seats and separate electorates for Muslims as well as other minority communities in this case.

" Mr. B. S. Murthi waxed eloquent on the abolition of separate electorate. There are certain friends who are eloquent in season and out of season over subjects which they had better leave alone. Since he has made a reference, I have to reply and tell hon. Members who heard him that his statement on the subject is not correct. He said that separate electorate was against nationalism. How it is against nationalism has not been proved by anybody. I have put this question not only here but also elsewhere. Nationalism is built upon harmony among the various elements of people not only in this country but in every other country of the world."

MR. SPEAKER:—" If the hon. Member wants, he can continue his speech on Monday."

JANAB M. MUHAMMAD ISMAIL:—" Yes, Sir, I want to continue my speech."

The House then adjourned to meet again at 11 am. on Monday, the 9th January 1950.

THE MADRAS LEGISLATIVE ASSEMBLY.

Monday, the 9th January 1950.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Construction of a dam across the Payaswani river.

* 280 a Q.—JANAB MAHIN SCHAMNAD: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have received any representations from the people of the Kasaragod taluk, South Kanara district, for the construction of a dam at Karadka across the Payaswani river which joins Chandragiri river in Kasaragod taluk, South Kanara district; and

(b) what steps the Government have taken in the matter?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) No.

" (b) Does not arise."

JANAB MAHIN SCHAMNAD:—" Will the Government be pleased to order an investigation into the scheme, Sir? "

THE HON. SRI M. BHAKTAVATSALAM:—" I have answered 'no' to the question (a), but we have received a report suggesting that the mud dam at Kadaka and not Karadka as put in the question, not across the Payaswani river but across a tributary of the Payaswani river, may be converted into a masonry dam. That is under investigation."

Alleged raid by black shirt demonstrators in the Bazaar street of Kandiyur.

* 288 Q.—SRI A. VENKATARAMA AYYAR (on behalf of Sri L. N. Gopalaswami): Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that certain black shirt demonstrators raided the Bazaar street in Kandiyur near Tiruvadi on the 13th November 1949;

(b) what the extent of damage done to these shops that were raided, is;

(c) whether it is a fact that these demonstrators were mostly from the Harijan community; and

(d) what action has been taken by the Government in the matter?

[9th January 1950]

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—“(a) to (d) There has been a long-standing faction in Kandiyur village between two sections of the Harijans. Both sections are of a violent disposition, the one professing faith in the Congress and the other claiming affiliation with the Dravida Kazhagam. There have been several incidents between the two parties.

“On 13th November 1949, certain anonymous letters were received by the Harijans owing allegiance to the Kazhagam stating that they should give up the leadership of one Dharmaraj. On this they indulged in violent abuse against the supporters of the other group. As a result of an exchange of words, one of the supporters of Dharmaraj was assaulted by the other group, viz., the supporters of one Periasami. On this, it is reported that Dharmaraj rallied about 40 or 50 of his supporters and armed with stones, sticks, aruvals and other missiles, reached the bazaar in the evening and pelted stones on the tea shop of one Srinivasa Pillai causing simple injuries to him and two others, and incidentally damaging the petromax light and other property worth about Rs. 50. Both the parties preferred complaints and the complaints were duly investigated. The matter is now *sub judice* before the Additional First-class Magistrate, Tanjore.”

Recommendations of the Madras Provincial Town-Planning Committee.

* 289 Q.—JANAB MOHAMED ABDUL SALAM: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government have considered the recommendations of the “Madras Provincial Town-Planning Committee”; and

(b) if so, which of their recommendations were accepted by the Government?

THE HON. DR. T. S. S. RAJAN:—“(a) & (b) The recommendations of the Committee are under consideration.”

JANAB MOHAMED ABDUL SALAM:—“May I know how long the recommendations have been under consideration?”

THE HON. DR. T. S. S. RAJAN:—“The recommendations have been under consideration for some time. It will take some more days before we arrive at a decision.”

SRI S. NAGAPPA:—“May I ask the Government when the Committee was constituted, who are the Members of the Committee and whether they were instructed to submit a report within a particular time?”

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

[9th January 1950]

Appointment of arbitrators to solve the disputes between peasants and mirasdars in the Tanjore district.

[* 290 Q.—

MR. SPEAKER:—“The hon. Member Sri M. Kanniappan is not in his place. The answer will be printed in the proceedings.”]

SRI M. KANNIAPPAN: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether arbitrators were appointed by the Government to solve certain disputes between the peasants and mirasdars in the Tanjore district;

(b) if so, how many cases were disposed of by them; and

(c) how much paddy was given to peasants by the mirasdars as a result of this arbitration decision?

THE HON. SRI H. SITARAMA REDDI:—“(a) No arbitrators have been appointed but two Rural Labour Conciliation Officers (Tahsildars) have been appointed, one for the Tanjore, Kumbakonam and Mayavaram divisions and the other for Mannargudi, Nagapattinam and Pattukkottai divisions for conciliation of agricultural disputes.

“(b) During the period January to November 1949, 684 petitions were received and disposed of by these officers.

“(c) The question does not arise as there was no arbitration. There is also no record maintained to show the actual quantity of paddy given as a result of the settlements effected by the Rural Conciliation Officers.”

Formation of the Andhra Province.

* 291 Q.—JANAB MOHAMED ABDUL SALAM: Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that the Madras Government have received a communication from the Government of India asking them to constitute a Committee to work out details with regard to the formation of the Andhra Province;

(b) whether the Government will place a copy of the above communication on the table of the House; and

(c) the steps taken by the Government so far in pursuance of the above communication?

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

“(b) As the communication in question is a confidential document, the Government are unable to place it on the table of the House.

“(c) The Partition Committee has concluded its work and this Government have forwarded the Partition Committee's report to the Government of India with their recommendations.”

JANAB MOHAMED ABDUL SALAM:—“Sir, since it is not likely that we would be getting an Andhra Province either on the

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26th January or the 1st of April, are we to take it that the recommendations of the Partition Committee are not binding on the Andhras and that the matter will be taken up *de novo* again ? ”

THE HON. SRI B. GOPALA REDDI:—“ As far as this Government are concerned, we have submitted all the data to the Government of India in whose hands the final decision rests.”

JANAB MUHAMMAD RAZA KHAN:—“ May I ask the Hon. the Leader of the House whether he is in a position to make a categorical statement whether the Andhra Province will be formed on the 26th of this month or not, particularly in the light of the remarks made by the Hon. Pandit Jawaharlal Nehru and also the remarks made by some of the Ministers who seem to have shown an anxiety that it is better that this Province is not partitioned at all ? ”

THE HON. SRI B. GOPALA REDDI:—“ As soon as a definite reply is received from the Government of India, I will take the House into the fullest confidence in the matter.”

JANAB MOHAMED ABDUL SALAM:—“ May I ask the Hon. the Leader of the House whether his attention has been drawn to a statement made by the Hon. Sri Sanjeeva Reddi to the effect that it is better that the Central Government fix a time, so that we may know where we stand and whether we are likely to get the Province and avoid this war of nerves ? ”

THE HON. SRI B. GOPALA REDDI:—“ I have casually seen the statement in the morning papers to-day.”

JANAB ABDUL HAMEED KHAN:—“ May I know why the Government have not taken the Legislature into confidence in regard to this very important matter ? ”

THE HON. SRI B. GOPALA REDDI:—“ One procedure is followed if the Province is to come before the 26th of this month. Another procedure is contemplated under the new Constitution. Under the existing 1935 Act, the matter need not be discussed in this House and this House need not make a recommendation to the Government of India.”

SRI S. NAGAPPA:—“ In case the Province is to come into existence on the 26th, are the Madras Government ready with all the partition arrangements such as the division of assets and liabilities, the location of the capital and so on, and if so what are they ? ”

THE HON. SRI B. GOPALA REDDI:—“ We are ready as far as it goes. With regard to the capital, the Andhra members of the Partition Committee promised to name the capital early, but that has not been done so far. That information is not available with the Government of Madras.”

JANAB ABDUL HAMEED KHAN:—“ In view of the fact that a statement has been vouchsafed to the Press regarding the

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proceedings of the Partition Committee and the Cabinet, is it not due to this House that such a statement should be made to the Legislature also for the purpose of a debate or discussion of the question ? ”

THE HON. SRI B. GOPALA REDDI:—“ The fact that a statement was issued to the Press does not mean that the matter should be discussed on the floor of the House. I do not know whether it is due to this House that a discussion of the matter should take place here.”

JANAB ABDUL HAMEED KHAN:—“ Is not the Hon. Minister aware that the Madras Legislature some time ago passed a resolution recommending the creation of the Andhra Province, and such being the case, is it not necessary that the report of the Partition Committee should be placed before the House ? ”

THE HON. SRI B. GOPALA REDDI:—“ Our stand is this. The principle of linguistic provinces or the division of this Province on a linguistic basis has been accepted by the House and we are only trying to implement it. It is only an executive action and I think no debate is necessary on it.”

SRI T. VISWANATHAM:—“ The Hon. Minister said that the particular provision of the Government of India Act did not compel the Government to come before the Legislature and take the Legislature into confidence. May I know whether that particular section to which he is making a reference asks the Government to appoint a Partition Council and to give place on it to persons who are not members of the Legislature ? ”

THE HON. SRI B. GOPALA REDDI:—“ I do not think that that particular section debars any outsider from being appointed to the Partition Committee. After all, the Partition Committee was only making recommendations to the Government of Madras and the Government of Madras take a final decision in the matter.”

SRI A. KALESWARA RAO:—“ May I know whether the Partition Committee has accepted any amount from the residuary Madras Province for constructing buildings for the Andhra capital in Andhra area ? ”

THE HON. SRI B. GOPALA REDDI:—“ I think questions may be put hereafter about the Government of Madras and not about what happened in the Partition Committee. The Partition Committee submitted its report to the Government of Madras and they have either accepted or rejected it. No useful purpose will be served by introducing a discussion about what happened in the Partition Committee.”

SRI T. VISWANATHAM:—“ My question was whether under the terms of section 290 of the Government of India Act, the Government of Madras are called upon or authorized to appoint a Partition Committee at all ? ”

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THE HON. SRI B. GOPALA REDDI:—"As the hon. Member is aware the final decision is to be taken by the Government of India. We were acting under the directions of the Government of India and they specifically asked us to appoint a partition committee of either the members of this House or the members of the Central Assembly or otherwise."

JANAB ABDUL HAMEED KHAN:—"May I ask whether the Government have given directions precluding the appointment of non-official members of this legislature to the partition committee?"

THE HON. SRI B. GOPALA REDDI:—"Had they precluded the appointment of non-officials of this Legislature, we could not have appointed Sri Prakasam and Sri Kala Venkata Rao."

SRI S. NAGAPPA:—"May I know whether it is a fact that the Andhras have unanimously passed a resolution and expressed a desire to make Madras City their temporary capital until they get Hyderabad and if so what is the reaction of the Government?"

MR. SPEAKER:—"By 'Andhras' the hon. Member means members of the partition committee?"

SRI S. NAGAPPA:—"The Andhra public in general."

MR. SPEAKER:—"How is it possible for the Minister to know it? How does it arise here? If the Hon. Minister is prepared to answer, let him answer."

THE HON. SRI B. GOPALA REDDI:—"Nothing is in my record here, Sir."

SRI P. NATESAN:—"Did the Government of India instruct the Madras Government to put only Congressmen on the committee and not non-Congressmen?"

THE HON. SRI B. GOPALA REDDI:—"There was no such direction from any quarter."

11-15 a.m. JANAB M. S. ABDUL MAJID:—"Apart from the recommendations of the partition committee, may I know whether this Government were really serious about the partition of the province?"

THE HON. SRI B. GOPALA REDDI:—"It is very difficult to answer a question like this, Sir, when it is not seriously put."

JANAB MOHAMED ABDUL SALAM:—"Does the Hon. Leader of the House realize that time is the essence of the agreement on which the recommendations of the Partition Committee were based, and hence do the Government realize that it is the duty of the Provincial Government to recommend to the Central Government to fix a date, in order to avoid confusion in the future?"

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THE HON. SRI B. GOPALA REDDI:—"We need not advise the Government of India on this matter, because there are enough constitutionalists and constitutional pandits to advise the Government of India."

SRI A. KAMESWARA RAO:—"On a point of order, Mr. Speaker."

MR. SPEAKER:—"What is it that the hon. Member wants to say?"

SRI A. KAMESWARA RAO:—"How is this question relevant I want to know?"

MR. SPEAKER:—"It is relevant."

SRI R. V. SWAMINATHAN:—"With regard to compensation, may I ask the Hon. Minister whether the Government are aware of the fact that when Orissa and Sind provinces were separated, no compensation was paid to them for buildings, and if so, how this Government decided to recommend to the Central Government the payment of a compensation of one crore to the Andhra Province?"

THE HON. SRI B. GOPALA REDDI:—"I would like to have notice of this question."

JANAB MUHAMMAD RAZA KHAN:—"By the way in which the three Members of the Madras Cabinet rushed to the Press with their own comment on the Press Conference of Hon. Pandit Jawaharlal Nehru, is not the fact established that the Madras Cabinet in particular and the Andhra Ministers and Members of the Partition Committee were not at all anxious for the partition of this Province?"

THE HON. SRI B. GOPALA REDDI:—"It is a very serious aspersion on the members of the Partition Committee, Sir."

SRI P. NATESAN:—"Now that according to newspaper reports, the Andhra Province is not coming into existence at least up to 1st April 1950, will the Government of Madras be pleased to place the Partition Committee's report on the table of the House?"

THE HON. SRI B. GOPALA REDDI:—"When it is not coming, what is the useful purpose that is going to be served by discussing this matter?"

SRI V. M. RAMASWAMI MUDALIYAR:—"May I ask, Sir, in view of the views reported to have been expressed by Pandit Nehruji, the Prime Minister of India, on the question of the non-feasibility of the partition coming off before the 26th January, on what basis the Madras Government are going to base their Budget that is proposed to be introduced next month, whether on a united Madras Province basis, or on the basis of divided Andhra-desa and the residuary Madras Province?"

THE HON. SRI B. GOPALA REDDI:—"Certainly, on the united basis."

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SRI N. VENKATASUBBAYYA:—" May I ask the Government if they are aware that the Andhra public are unanimous that the capital should be located in Rayalaseema and whether they have made any recommendation to that effect to the Central Government along with the partition proposals? "

THE HON. SRI B. GOPALA REDDI:—" I do not know whether Andhras are unanimous that the headquarters should be in Rayalaseema, because we have received a number of telegrams from Vijayavada and Visakhapatnam asking this Government to locate the Andhra headquarters in their places; so I do not know about the unanimity. But we have not taken any steps in that direction so far."

JANAB MOHAMED RAFFEEUDIN AHMAD ANSARI:—" In view of the improbability of the coming into existence of the Andhra Province before January 26th, may I know whether the Government will use this interval to go into the question of the location of the capital in a more detailed manner and if necessary appoint an expert committee, so that a suitable capital may be selected from the point of view of public health, economics and other points of view, and not merely sentiment? "

THE HON. SRI B. GOPALA REDDI:—" The matter will be given serious consideration, Sir."

SRI A. KALESWARA RAO:—" May I know whether the Government of Madras have recommended that any amount like a crore of rupees should be paid to the Andhra Government for constructing buildings in their capital? "

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

JANAB MOHAMED ABDUL SALAM:—" Has the attention of the Leader of the House been drawn to the fact that there is a general stalemate in the general administration of this province, and this fact has been drawn attention to in some papers also. Are the Government prepared to issue a direction to all the departments that they should proceed with their work as if nothing has happened in regard to this matter? "

THE HON. SRI B. GOPALA REDDI:—" I do not agree that there is any stalemate; the files are moving up and down between Ministers and Ministers and between departments and departments."

SRI N. VENKATASUBBAYYA:—" Arising out of the answer given by the Hon. Minister about the location of the capital in Rayalaseema, are the Government aware that the Andhra Provincial Congress Committee has unanimously passed a resolution that the future capital of Andhra should be located in Rayalaseema? "

THE HON. SRI B. GOPALA REDDI:—" It may be so; I was not present at the Provincial Congress Committee meeting."

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JANAB MUHAMMAD RAZA KHAN:—" While assuring the Hon. Leader of the House that I never meant any aspersion, may I ask him whether it is right on the part of the three Ministers, when there is something like collective responsibility in the Madras Government, that they should be so anxious to express their comments and issue a statement without knowing the views of the Madras Cabinet as a whole and particularly the Hon. Premier of this Province? "

THE HON. SRI B. GOPALA REDDI:—" The Hon. Ministers are responsible people and they know their job."

JANAB MOHAMED ABDUL SALAM:—" May I know whether the Partition Committee were living under the impression that there was no Sri Bagh Pact or a Kelkar Award? "

THE HON. SRI B. GOPALA REDDI:—" They are two distinct matters, the Sri Bagh Pact and the Kelkar Award. We did not consider the Sri Bagh Pact at all because it was only a convention come to among the leaders; but with regard to the Kelkar Award, it was generally taken into consideration because the respective Provincial Congress Committees are operating only in those respective regions."

SRI R. V. SWAMINATHAN:—" May I know whether it is a fact that the Cabinet is seriously considering the question of dividing the portfolios of the Ministers, to leave the Andhra areas with the Andhra Ministers and the other areas with the other Ministers, as the Andhra Province is not coming before the 26th January? "

THE HON. SRI B. GOPALA REDDI:—" Neither the division of portfolios on that basis nor the division of the Cabinet on the non-Andhra or Andhra basis is before the Government just now."

SRI V. M. RAMASWAMI MUDALIYAR:—" Now that we have got some more time before the formation of the Andhra province, may I ask whether the Government will take this House which has agreed to the principle of the partition of this Province into confidence and also with regard to the mechanics of the partition, and if so, when the Government are proposing to take this House into confidence? "

THE HON. SRI B. GOPALA REDDI:—" We will first of all have to see whether the province is coming before the 26th January; if it is coming before the 26th, we will have to adopt one procedure; but if it is not coming, we will have to take a different procedure altogether. If it does not come before the 26th January, then this House has got to pass a new resolution and make a recommendation in the matter, and the House will have ample opportunities of discussing the whole question then."

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SRI S. NAGAPPA:—" May I know from the Hon. Leader of the House what was the attitude of the members of the Partition Committee, especially of the Andhra members as regards the temporary location of the Andhra capital in the Madras City? "

THE HON. SRI B. GOPALA REDDI:—" As I said, I am not prepared to divulge what happened or transpired in the Partition Committee. The Madras Government have considered these proposals and hon. Members can only ask questions with regard to the attitude taken by the Madras Government in the matter."

JANAB MUHAMMAD RAZA KHAN:—" Is it a fact that Hon. the Premier, the Leader of the House and the other Ministers of the Madras Government felt a sigh of relief on hearing the statement of Pandit Jawaharlal Nehru at the aerodrome? "

THE HON. SRI B. GOPALA REDDI:—" It is very difficult to say whether it was a sigh of relief or of something else." (Laughter.)

Award of the Industrial Tribunal regarding the Diamond Beedi Factory, Erode.

* 292 Q.—SRI M. A. EASWARAN: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the award of the Industrial Tribunal regarding bonus to beedi workers of Diamond Beedi Factory, Erode, has been implemented;

(b) if not, the reason for its not being implemented; and

(c) when this will be implemented?

THE HON. SRI H. SITARAMA REDDI:—" (a) It is reported that the award has not yet been implemented.

" (b) & (c) The action to be taken is under the consideration of Government."

SRI M. A. EASWARAN:—" Will the Government take steps to see that the award is implemented as soon as possible? "

THE HON. SRI H. SITARAMA REDDI:—" I have said that the Government are examining what action should be taken to see that the award is implemented."

SRI B. S. MURTHI:—" Is the Hon. Minister aware that several of the employers are trying to by-pass the awards? May I know what action the Government have to take in cases where the employers are trying deliberately to avoid implementing the awards? "

THE HON. SRI H. SITARAMA REDDI:—" There is a clearly laid down procedure under the Act with regard to the action to be taken against parties who do not obey the award; in this particular case, the bonus to be paid, I see, is about Rs. 1,196 and the proprietor says he is willing to pay about Rs. 800. We are trying to settle the matter by conciliation, and if there is no good result obtained, we do try to prosecute, whether it is the management or the workers."

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SRI S. NAGAPPA:—" In view of the fact that so many employers have been flouting the decisions of the Tribunal, will the Government consider the desirability of bringing in legislation to make it binding on the part of the two parties, whatever award is given by the Tribunal? "

THE HON. SRI H. SITARAMA REDDI:—" I may draw the attention of the hon. Member to the fact that it is binding even now."

SRI D. V. RAMASWAMI:—" May I ask whether it is a fact that there are several awards which are awaiting implementation in the hands of the Government? "

THE HON. SRI H. SITARAMA REDDI:—" I do not understand what the hon. Member refers to. If it is a question of passing orders on the awards that have come from the Tribunal, we have not been making any delay in passing orders and in seeing that awards are implemented."

SRI P. NATESAN:—" If there is an award, where is the question of conciliation by the Government? "

THE HON. SRI H. SITARAMA REDDI:—" As I said, there are some recalcitrant employers as in this case. A certain amount of money has to be paid, and they say they will not pay that amount; we use our good offices to see that the matter is settled, because we do not want to unnecessarily trouble people; and if even then they do not yield, we necessarily have to prosecute them."

Prices of important articles of food prevailing in important centres of the Province.

[* 293 Q.—

MR. SPEAKER:—" The hon. Member is not in his seat; the answer will be printed in the proceedings."]

SRI K. R. KARANTH: Will the Hon. the Minister for Food be pleased to place on the table of the House, a list of the average prices of important articles of food prevailing in important centres of the Province with reference to—

(a) January-June 1948;

(b) July-December 1948;

(c) January-June 1949; and

(d) since devaluation of the rupee showing the rise or fall in the prices?

THE HON. SRI J. L. P. ROCHE VICTORIA:—" A statement* furnishing the information is placed on the table of the House."

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Expenditure incurred in the "Police Action" on Hyderabad.

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

(a) whether the Government of Madras have incurred any expenditure in the "Police Action" on Hyderabad by the Central Government and if so, the total amount;

(b) how and when the expenditure was incurred; and

(c) whether Central Government have agreed to pay back the expenditure incurred by the Madras Government?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—“(a) Yes. Information regarding the total expenditure incurred is not available as the figures are still being collected and compiled.

“(b) The expenditure was incurred both during the Police Action and the preparations leading to it, on such items as appointment of additional staff, arrangements for reception and feeding of refugees, purchase of arms and ammunition for the Police, formation and improvement of certain roads on the Madras-Hyderabad border, etc.

“(c) The question is under correspondence with the Government of India.”

SRI B. S. MURTHI:—“Is it not a fact that the Government have to sanction moneys before they are spent by the several departments that were asked to assist the Government of India? May I know what amount has been sanctioned?”

THE HON. SRI B. GOPALA REDDI:—“That is what I said: ‘Information regarding the total expenditure incurred is not available as the figures are still being collected and compiled.’ Because they are under various departments, whether certain items will come under this head or not has also got to be considered.”

SRI B. S. MURTHI:—“My question is how much money has been sanctioned by the Government of Madras in this connexion, how much has been actually spent or will be spent now or later on. I want to know how much has been actually sanctioned by this Government for being spent?”

THE HON. SRI B. GOPALA REDDI:—“It is not one single item of account that has been sanctioned; as and when schemes were coming up, whether it is road construction or establishment and staff; the Government sanctioned the amounts and all those items are being collected; because we want to be specific about the information given. Otherwise, we will be overstepping the mark.”

SRI B. S. MURTHI:—“Am I to understand that the Government of Madras are not able to give a rough idea as regards the amount they have sanctioned?”

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THE HON. SRI B. GOPALA REDDI:—“When it is collected and compiled, certainly that information will be given to the House.”

JANAB M. S. ABDUL MAJID:—“May I know whether any portion of the expenditure will be debited to the Andhra Province?” 11-30 a.m.

THE HON. SRI B. GOPALA REDDI:—“Sir, whatever expenditure was expended before that date, namely, the actual date of partition, perhaps will be borne by the united Madras.”

SRI S. NAGAPPA:—“May I know whether the Government will prefer a claim on the Hyderabad Government for causing us this expenditure?”

THE HON. SRI B. GOPALA REDDI:—“This is a matter which is engaging the attention of this Government and the Government of India.”

Distribution of loans to poor ryots who are affected in the recent cyclone.

* 295 Q.—SRI G. SANYASI RAO: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government have issued instructions to the concerned officials of the districts to distribute loans to the poor ryots who are affected in the recent cyclone; and

(b) if so, on what basis?

THE HON. SRI H. SITARAMA REDDI:—“(a) & (b) The Government issued orders directing the Collectors of the districts affected by the recent cyclone to make free use of the provisions of the Land Improvement Loans' and Agriculturists' Loans Acts for granting loans to agriculturists for the following purposes:—

- (1) Purchase of fodder.
- (2) Purchase of seed grain and agricultural implements.
- (3) Construction of cattle-sheds.
- (4) Purchase of cattle.
- (5) Repairs to damaged lands, field channels.
- (6) Rebuilding of houses destroyed by the cyclone.

The grant of these loans will be free of interest but will otherwise be governed by the rules in the Madras Loans (Takkavi) Manual as regards security, etc.”

SRI B. S. MURTHI:—“May I know whom the Government of Madras consider as poor ryots?”

THE HON. SRI H. SITARAMA REDDI:—“Those who are poor.”

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SRI B. S. MURTHI:—"May I know, Sir, how many acres a ryot should possess to enable him to come under the category of a poor ryot?"

THE HON. SRI H. SITARAMA REDDI:—"Local officers know who are deserving and who are really poor ryots."

MR. B. W. BATCHELOR:—"Has the Hon. Minister any information about the amount distributed in the shape of relief?"

THE HON. SRI H. SITARAMA REDDI:—"I can only give a rough estimate, because I do not have the figures with me here. I believe, roughly about 23 lakhs of rupees have been distributed by way of relief. It is not a question of the amount that is distributed but as I said it is an interest-free loan."

SRI B. S. MURTHI:—"This is a grant given as relief which the Government have undertaken. I want to know whether really the deserving ryots have been given and whether any complaints have been received that deserving ryots have not been given these loans which come under relief?"

THE HON. SRI H. SITARAMA REDDI:—"I have not received any complaints regarding these loans."

JANAB ABDUL HAMEED KHAN:—"Can the Hon. Minister tell us how much has been given in the shape of loans to ryots in Kurnool and Cuddapah districts?"

THE HON. SRI H. SITARAMA REDDI:—"I do not have figures with me here. I would like to have notice."

SRI A. KALESWARA RAO:—"May I know whether the Government have sanctioned any amount for loans to Harijans and other labourers whose houses have been damaged at the time?"

THE HON. SRI H. SITARAMA REDDI:—"The answer I have already given, I believe, covers some of these matters, but if people have lost houses, sheds and other things we have given them a certain amount of money as free grants and orders have also been issued to Collectors to give loans in suitable cases."

SRI D. V. RAMASWAMI:—"May I know whether the order of the Collector is final or a poor tenant can appeal to the Government in proper cases?"

THE HON. SRI H. SITARAMA REDDI:—"There is no question of appeals and original courts here. It is a simple matter. If a man is in distress the local authorities are the best judges to say whether a man deserves help or not. It is not such a great procedure of going from one place to another for appeal."

SRI S. NAGAPPA:—"Before granting the loans, may I know whether the Government satisfy themselves as to the repaying

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capacity of the ryots to whom loans have been given and whether they have also fixed any maximum time-limit to repay these interest-free loans?"

THE HON. SRI H. SITARAMA REDDI:—"As I have already said, this is a loan granted under the Madras Loans (Takkavi) Manual as regards security."

SRI N. VENKATASUBBAYYA:—"Is the Hon. Minister aware that there has been long delays in the disposal of loan applications? As a matter of fact, in regard to the Kurnool district not a single application for these loans has been disposed of so far and will the Government kindly take steps to expedite the matter?"

THE HON. SRI H. SITARAMA REDDI:—"My attention has not so far been drawn to the matter. Now that the hon. Member has drawn my attention to it, I shall take steps to see that the matter is expedited."

SRI D. V. RAMASWAMI:—"Will the Hon. Minister consider the desirability of instructing the Collectors to consult local M.L.As. in disposing these applications?"

THE HON. SRI H. SITARAMA REDDI:—"I believe it will only add to the delay."

JANAB M. S. ABDUL MAJID:—"May I know whether the poor ryots who are receiving loans to-day will be exempted from the system of levy which the Government are proposing to impose upon the ryots?"

THE HON. SRI H. SITARAMA REDDI:—"I do not know which levy the hon. Member refers to. There is no question of any levy now."

MR. SPEAKER:—"Let the hon. Member put a separate question on it."

SRI A. KALESWARA RAO:—"I want to know, Sir, how much amount the Government have sanctioned as loans for reconstructing houses in the Krishna district?"

THE HON. SRI H. SITARAMA REDDI:—"I cannot possibly give the exact amount. As I have already said we have left it to local authorities to recommend and we usually accept their recommendations."

The Handloom Weavers' relief scheme.

* 296 Q.—JANAB MOHAMED ABDUL SALAM: Will the Hon. the Minister for Industries be pleased to state—

(a) whether it is a fact that the Government have decided to apply the handloom weavers' relief scheme only in Salem district; and

(b) the amount that will be necessary to work the above scheme?

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THE HON. SRI H. SITARAMA REDDI (on behalf of the Hon. Minister for Industries):—“(a) The relief scheme has been ordered to be introduced in Salem and Cuddapah districts and the Registrar of Co-operative Societies has been asked to submit proposals for extension of the scheme to other districts as quickly as possible.

“(b) It is not possible at this stage to estimate the liability of the Government in working the scheme. When this answer was being prepared, proposals for the extension of the scheme to the Chittoor and Kurnool districts have been received and the cases on the subject, have been submitted for orders to the Minister concerned.”

SRI T. S. PATTABHIRAMAN:—“Are the Government aware of the fact that though the scheme has been introduced in Salem it has not been satisfactory to the weavers because the wages offered under this scheme are much less than what they are able to get even now?”

THE HON. SRI H. SITARAMA REDDI:—“It was a scheme that was worked out by the Registrar of Co-operative Societies after visiting Salem and I believe, it was one that was evolved after discussion. It may be that a few people have been dissatisfied with it, but it was what the Government thought they could do to relieve the distress of the weavers.”

SRI T. S. PATTABHIRAMAN:—“I appeal to you, Mr. Speaker, as the handloom weavers' position has become . . .”

MR. SPEAKER:—“Let the hon. Member appeal to the Minister and not to me.”

SRI T. S. PATTABHIRAMAN:—“Sir, as the handloom weavers' position has deteriorated during the last four months and nothing has been done to remedy it, may I request you to give an half-an-hour debate to-day or fix a special day for it?”

MR. SPEAKER:—“In regard to this matter, I suggest it is better the hon. Member has a talk with the Hon. Minister in his room. It is not possible to have half-an-hour debate to-day.”

JANAB M. S. ABDUL MAJID:—“May I know whether the scheme which the Registrar of Co-operative Societies is going to prepare will include only weavers who are within the co-operative organization or also those who are outside its fold, in view of the fact that there are a considerable number of weavers who are not members of these co-operative societies?”

THE HON. SRI H. SITARAMA REDDI:—“The scheme, as I said, that was propounded and issued as an order on the 18th of November 1949 particularly seems to refer to the co-operative organization.”

SRI B. S. MURTHI:—“Sir, may I know, whether the Government will take immediate steps and see that the scheme extended in these four districts will also include all sections of weavers, whether they are members of co-operative societies or not?”

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THE HON. SRI H. SITARAMA REDDI:—“This is not such an easy matter as all that. The scheme also involves the question of guaranteeing the loans that may be taken by the society from the bank and also the Government agreeing to bear the loss that may be incurred. So, it can only be worked out through an organized body like the Co-operative Society and it is not possible to extend it to every individual unorganized weaver.”

SRI S. NAGAPPA:—“Sir, will the Government consider the desirability of including in this scheme the purchase of hand-loom cloth by the Government or providing market facilities?”

THE HON. SRI H. SITARAMA REDDI:—“In the scheme that has been accepted by the Government and introduced in the four districts that I have mentioned, the Government have taken the responsibility of making good the loss in the marketing of the product by the society.”

JANAB M. S. ABDUL MAJID:—“Sir, am I to take it from the reply of the Hon. Minister that the Government have decided to take responsibility only in regard to the members of the co-operative societies and want to take a callous attitude in the matter of lakhs of weavers in the Province who are outside the societies?”

THE HON. SRI H. SITARAMA REDDI:—“It is not a question of the Government being callous. If that is so, the Government would not have come forward with a scheme like this. As I have already said, we have undertaken a liability in regard to this matter. Though I have not got the figures in regard to the amount, the liability is there. As hon. Members are aware nearly one-third of the hand-loom weavers of this Province are in the co-operative fold and the Government expect that when the relief is given to a large number of people, the others also, if I may say so, incidentally get relief in that employment will be provided for them here.”

JANAB ABDUL HAMEED KHAN:—“In the matter of helping a class of weavers who are outside the co-operative societies, do the Government make any invidious distinction on account of the fact that these co-operative societies are working under the Government and the others under a non-official organization?”

THE HON. SRI H. SITARAMA REDDI:—“There is no idea of any discrimination among any particular class of weavers. The hon. Member must look at it from the point of view that it is public money that is going to be invested in this relief and the Government have naturally to take adequate precautions as to whether the money is properly utilized or not. Unless there is an organization like the co-operative society or some such thing, we cannot put our money on each individual weaver and take risks because public money is involved in this matter.”

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SRI N. M. R. SUBBARAMAN:—"Are the Government aware that the suffering of the weavers is becoming greater and greater on account of the scarcity of 20 counts?"

THE HON. SRI H. SITARAMA REDDI:—"I take this information from the hon. Member and whatever Government can do will be done."

SRI T. S. PATTABHIRAMAN:—"May I know whether hand-loom worked on a factory basis are eligible for this relief?"

THE HON. SRI H. SITARAMA REDDI:—"I do not think they come under this scheme, but what I would suggest to hon. Members is that if they put forward a scheme which would be workable we are prepared to consider such a scheme also."

SRI G. KUMARASWAMI:—"May I know from the Hon. Minister for Revenue when the scheme is likely to be extended to the Visakhapatnam district where the hand-loom weavers are very large in number?"

THE HON. SRI H. SITARAMA REDDI:—"Sir, whenever proposals from districts come they are being examined by the Registrar of Co-operative Societies. As I have stated in the answer, they have taken up two other districts. Most probably reports will come from other districts also and if relief has to be given it will be given."

SRI V. I. MUNISWAMI PILLAY:—"May I know, Sir, whether the Government have received any representation from the Provincial Co-operative Conference that met last week and decided on these matters threadbare especially in regard to the hand-loom weavers' scheme?"

THE HON. SRI H. SITARAMA REDDI:—"I do not remember having received such a representation; probably it is being examined in the Secretariat."

SRI B. S. MURTHI:—"In view of the fact that most of the weavers are in dire need of help from the scheme, may I know whether the Registrar of Co-operative Societies will be asked to extend the co-operative scheme to as many weavers as possible so that the scheme will be yielding good results?"

THE HON. SRI H. SITARAMA REDDI:—"The suggestion of the hon. Member will be considered in consultation with the Registrar of Co-operative Societies."

SRI N. M. R. SUBBARAMAN:—"May I know, Sir, whether the Government are aware that huge quantities of 20s are being exported to foreign countries and if so, what action the Government propose to take or have taken to stop such exports, so that the necessary quantity required for our weavers may be available?"

THE HON. SRI H. SITARAMA REDDI:—"I confess I do not know fully the whole details of the matter. As I have said,

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If that is a matter which has to be taken with the Government of India, we shall address the Government of India to see that adequate quantities of 20s are reserved for our weavers."

JANAB MUHAMMAD RAZA KHAN:—"May I know, Sir, what the great logic is in the statement of the Hon. Minister when he said that if relief is given to one-third, the remaining two-thirds will be benefited?"

THE HON. SRI H. SITARAMA REDDI:—"The logic of it is that there is less unemployment among the weavers."

JANAB M. S. ABDUL MAJID:—"The Hon. Minister said that if the Members of the House submit proposals, the Government will consider them. Does he mean to say that all the 215 Members of the House (Mr. Speaker: 214.) . . . Does he mean to say that all the 214 hon. Members of this House should submit independent schemes for his consideration and would it not be better to constitute a small committee to enquire into the matter and submit a report to the Government?"

THE HON. SRI H. SITARAMA REDDI:—"I know that the hon. Member himself is an expert in the hand-loom weaving business, and I should very much appreciate if he puts up a scheme and the Government will examine it."

SRI N. M. R. SUBBARAMAN:—"May I know, Sir, whether some of the mills in Mathurai district have given notice that they will be forced to close down partially on account of scarcity of cotton; if so, may I know, Sir, what steps the Government have taken to supply them with cotton?"

MR. SPEAKER:—"This is about cotton; let the hon. Member put a separate question."

SRI N. M. R. SUBBARAMAN:—"The question arises this way, Sir; if the yarn is not available, the sufferings of the weavers will grow more and more."

MR. SPEAKER:—"So, let the hon. Member put a separate question."

Ban on the export of chillies outside the Province.

* 297 Q.—JANAB S. MUHAMMAD ISMAIL: Will the Hon. the Minister for Food be pleased to state whether there is any ban on the export of chillies outside the Province and if so, whether the Government are considering to lift the ban?

THE HON. SRI J. L. P. ROCHE VICTORIA:—"There is no ban on the movement of chillies from this Province to any place outside it within the Indian Dominion. Exports outside the Dominion are regulated by the Government of India."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I know, Sir, whether in view of the steep rise in the price of chillies to

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nearly a hundred per cent within the last twelve months, the Government have any proposal either to have the price reduced or to have control over chillies ? ”

THE HON. SRI J. L. P. ROCHE VICTORIA:—“ It is not possible to have any control over chillies, because whatever surplus was expected has been decided by the Government of India to be sent out to other countries; we are not surplus at present and we are not encouraging any further supply outside.”

SRI V. I. MUNISWAMI PILLAY:—“ Are the Government aware that the Government of India have removed the ban on the export of chillies to foreign countries from the middle of November ? ”

THE HON. SRI J. L. P. ROCHE VICTORIA:—“ No, Sir; they have allowed a limited quantity to be exported. When this Government were consulted, we said that no further quantity should be made available for export.”

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

II.—ANNOUNCEMENT *RE* ELECTION OF MEMBERS TO THE CONSTITUENT ASSEMBLY OF INDIA.

MR. SPEAKER:—“ I have to announce to the House that with reference to sub-rules (12) and (13) of Rule 5 of the Constituent Assembly Rules, as modified, the following candidates have been declared duly elected by the Members of the Madras Legislative Assembly, as representatives of the Province of Madras in the Constituent Assembly of India to fill the twenty seats which shall become vacant under clause (3) of Article 379 of the Constitution of India:—

SCHEDULED CASTES.

- (1) Sri M. V. Gangadhara Siva.
- (2) „ A. M. Rathnaswamy.
- (3) „ D. Sanjivayya.
- (4) „ V. S. Sivaprakasam.
- (5) „ R. Subramanian.

MUSLIMS.

- (6) Janab S. K. Ahmad Meeran, M.A., B.L.
- (7) „ E. Moidu Moulavi.
- (8) „ V. M. Obaidullah.
- (9) „ Shaik Galib.

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- (10) Sri P. M. Audikesavalu Naicker.
- (11) „ P. Basi Reddi.

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- (12) Sri V. J. Gupta.
- (13) „ Appikatla Joseph.
- (14) „ T. M. Kaliyannan.
- (15) „ R. Kanakasabai.
- (16) „ Vangalla Kodandarama Reddi.
- (17) „ P. Kodanda Ramiah.
- (18) „ S. Ramaswamy Nayudu, B.A. (Hons.), B.L.
- (19) „ Pidathala Ranga Reddi.
- (20) „ R. Venkataraman.

“ I may tell the House that the credentials for all these Members are ready now. Those who want their credentials can take them from me or in my absence from the Secretary to the Legislature.”

JANAB MOHAMED ABDUL SALAM:—“ On a point of clarification; may I know whether the names read out by you, Sir, are the nominees of the Provincial Government or the Congress Party or . . . ? ”

MR. SPEAKER:—“ They are the nominees of this Assembly.”

III.—GOVERNMENT BILLS.

- (1) THE MADRAS ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI) AMENDMENT BILL, 1949.

* THE HON. SRI H. SITARAMA REDDI:—“ Mr. Speaker, I beg to introduce the Madras Estates (Abolition and Conversion into Ryotwari) Amendment Bill^a, 1949, and move—

‘ that the Bill be taken into consideration at once ’.

“ Sir, under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, as soon as an estate is notified, the estate has to be surveyed and then settled in accordance with the ryotwari principles and until these operations are completed, compensation cannot be paid to the claimants. The survey and settlement operations are expected to take some years and it is, therefore, considered desirable that provision should be made for the payment of some portion of the compensation in advance at once, without waiting for the completion of those operations. The Bill makes provision accordingly. A rough estimate will be made of the compensation payable in respect of each estate as soon as it is notified and one-half of the amount will be deposited as advance compensation in the office of the tribunal within six months of the notified date. The advance compensation will be adjusted towards the compensation as finally determined under the Act. Annual interim payments will continue to be made as provided in section 50 of the Act but the amount will be reduced by one-half, suitable adjustments being made when making the final reckoning.

^a Published in the Fort St. George Gazette, dated 13th December 1949.

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

"Opportunity has also been taken to amend section 40 (2) so as to make the rules made under that section subject to the approval not only of the Legislative Assembly but also of the Legislative Council."

MR. SPEAKER:—"Motion moved—

'that the Madras Estates (Abolition and Conversion into Ryotwari) Amendment Bill, 1949, be taken into consideration at once'."

THE RAJA OF VENKATAGIRI:—"Mr. Speaker, Sir, I beg to move the amendment standing in my name."

MR. SPEAKER:—"Now this is the stage of the discussion of the general principles of the Bill. Any amendment that he has may be moved at the time when the House takes up consideration of the Bill clause by clause. If the hon. Member wants to say anything about the general principles of the Bill, he may do so."

* THE RAJA OF VENKATAGIRI:—"Mr. Speaker, Sir, it is a matter of some comfort to us, zamindars, to notice that the Government have at least realized the need to afford some relief as the estates have been taken away now exactly four months and two days back. We submitted then to the Ministry and higher authorities that it would not be possible for the Government to make payment of compensation to zamindars under the rules but the then Revenue Minister, Sri Kala Venkata Rao Garu, was of the opinion, of the definite opinion, in spite of several representations to the contrary, that under the rules, provision could be made for the payment of compensation. Now, Sir, because of that mistaken impression which was persisted in by him, this avoidable hardship and inconvenience have been caused to the zamindars. Anyhow, it is a matter of comfort to us to notice that the Government have come forward with this measure which seeks to accord us half the amount of compensation, namely, 12½ crores. I have proposed an amendment regarding the quantum and I would deal with it at some length at that stage. I would only say that in spite of best intentions and the sincerity of purpose of my Hon. Friend, the Revenue Minister, Sitarama Reddi Garu, I have my own misgivings whether the intended object of securing fifty per cent of the compensation payable to the zamindars can be achieved. In my opinion, it would indeed be unfortunate if my fear comes true. I hope and trust that my fears are ill-founded

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and are more imaginary, caused by the mental worry to which zamindars are subject to, of late. Sir, in the light of cool reason and arithmetical calculation, and a little bit of responsible reasoning, which we claim to have, it will be seen that another amending Bill may become necessary if the intention of Government is to be carried out; that is payment of compensation to us. Sir, on several occasions we are assured by most authoritative quarters and by very highly placed persons that eighty per cent would be paid to us as compensation. It is not my intention to go into that now. From clause 54 (b) it will be seen that it is proposed to give us 12½ crores as compensation now. I am gratified to see that this amount at least is to be given, though it represents a very considerably small proportion of compensation due to us. But even as to that my apprehensions are that the clause may not be interpreted in the intended way. The main clause deals with the payment of 50 per cent of the compensation. This should be interpreted to mean 50 per cent of the 12½ crores. If the proposed mode is to be the basis of calculation to be adopted then the amount to be paid now as compensation would not come to even three crores; whereas actually it is proposed to give 12½ crores as final compensation. Then, Sir, the multiples provided for compensation vary with each class of income. This, I submit, is unjust. This fifty per cent compensation should not be calculated as per the provisions of sections 26 and 27 of the Act. (At this stage the Deputy Speaker occupied the Chair.) Calculated on that basis we would now get only one-fourth of the 12½ crores. So I submit we must have trust in the sense of justice of the Hon. Revenue Minister and look to him to give us at least fifty per cent of the full compensation amount. I am glad he has thought fit to give us at least this meagre amount of compensation now though we were promised 80 per cent of 12½ crores previously by higher authorities. I request the Hon. Minister to accept my amendment, and if that is not acceptable, modify it so as to be acceptable to him, so that Government may afford us the necessary relief."

* SRI B. S. MURTHI:—"Madam, Deputy Speaker, I rise to make a few observations on this Bill. There seems to be something wrong in the procedure of the Government. I am tempted to quote the Shakespearean dictum that there is something wrong in the State of Denmark. Madam, in my view the whole thing has proceeded on a wrong basis. For long we have been agitating that the zamindars must be sent out bag and baggage. After some time we thought the baggage must be left behind by the zamindars, because it belonged to the people, and so they must be sent out without the baggage. But to-day we have brought a legislation which gives a sort of right over all the estates to the zamindars, who according to patriotic parlance are the usurpers of the rights of the toiling millions. It is to them we have agreed to pay compensation; and it is for that the Hon. Minister for Revenue has brought a Bill before this House, this august body, asking it to agree that half the compensation amount be paid to zamindars before their estates are actually surveyed and the

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assets and liabilities are estimated. Now, Madam, I would like to ask what right have the Government to spend six to seven crores of rupees, according to this Bill, as advance payment of compensation to zamindars, and thus make not only the people of the zamindaris but those of the other areas, in fact, the whole five crores of people living in the Province share this amount and contribute towards it. After all, the abolition of the zamindaris has not resulted in giving relief to those people who have been working for it. If a statement were to be made of those people who had been benefited by it, I fear, it would not be more than ten or fifteen per cent of the people. By abolishing big zamindars we have created small zamindars who are opposed to the emancipation of the landless agricultural labourers.

12-15
p.m.

"I ask whether it is just on the part of a popular Government to make an advance payment of as much as six and a quarter crores of rupees only to enrich a handful of people and ask the five crores of people of this Province to contribute towards it. I am not against payment. Whether the zamindars deserve or not, we have made a solemn promise on the floor of this House to pay them compensation. The compensation is estimated to be between 11 and 12 crores of rupees and we are bound to pay it. But what benefit do the people of this Province get by such payment? In making payment of large amounts, the Government must consider the maximum good of the maximum number of people residing in ryotwari as well as zamindari areas. From that point of view, I would like the Government to consider whether they could not postpone this payment to a future date and bring forward a Bill to levy a tax to make good the amount of compensation by collecting moneys from only those people who derive benefit from this legislation. The grievances of landless agricultural labourers are being brought to the notice of the Government and I do not want to refer to them now at great length. No Government can proceed forgetting the vast multitude of landless agricultural labourers. Is it not possible for this Government to settle in the lands acquired from zamindars co-operative colonies wherein these landless agricultural labourers could work and earn a living? Unemployment is acute everywhere and the number of unemployed is increasing day by day on account of the retrenchment policy adopted by employers. I think it is not just on the part of this popular Government to spend about six crores of rupees just now as the benefit of it goes only to 10 or 15 per cent of the ryots or kisans. After getting this benefit, these kisans themselves may oppose the emancipation of the landless agricultural labourers."

JANAB MOHAMED ABDUL SALAM:—"Madam, Deputy Speaker, this Bill is another illustration of how the Government rush through important Bills without bestowing sufficient thought and caring for what the Opposition says. If the Hon. Minister in charge of the Bill reads the proceedings of the Assembly on the Zamindari Abolition Act, he will find that there would have been no need for this Bill if the suggestions made by the Members

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of the Opposition had been accepted. As we have already said, there is a craze among some of the Hon. Ministers to associate their names with as many laws as possible, do something, get a good name and get out. It will not be surprising if the Hon. Minister for Local Administration very soon comes forward with a Bill to amend the Village Panchayats Act; or else, he will have to feel sorry for what he has done. The original Act clearly shows that the Minister in charge of the Revenue portfolio at the time it was passed wanted to give some compensation. He was not aware of the actual amount, the source from which the amount could be got, the shape in which the payment was to be made whether in cash or bonds and so on. We were a party to the passing of that Act without knowing all these details and therefore it is that this Bill has become necessary. Even the present Hon. Revenue Minister has not calculated the actual amount to be paid. He said that he got a direction from the Government of India that twelve and a half crores of rupees had to be distributed and that half of that amount should be paid as advance payment. The entire Secretariat or the Hon. Revenue Minister will not be able to tell us on what basis this figure was arrived at. That is the state of affairs here. Let the Government pass Bills which will have permanent effect without often amending the Acts and creating confusion. Let them not arrogate to themselves all wisdom thinking that they are all powerful with a packed House. If they do not pay heed to what the Members of the Opposition say, the fate of every Bill will be like this. It will not be surprising if the Hon. Revenue Minister comes forward with another amending Bill before this Bill becomes law. The House is aware that there is likely to be a partition of the Province. Will the Hon. Minister give us figures about the zamindaris in the proposed Andhra Province and the residuary Province and the amount of compensation that will have to be paid in each of these Provinces? We have seen statements to the effect that the proposed Andhra Province will be a deficit one. We have also a statement from no less a person than Sri O. P. Ramaswami Reddiyar, the ex-Premier of this Province, with his two years' experience of administration that the Tamil Province will be a deficit one. Ministers are not tired of asking this House to grant money and approve schemes without informing from which source the amount has to be got. The House is aware how this Government sent up three proposals to the Government of India for raising money, and how the Central Government have viewed those proposals. They did not approve any of the proposals but simply said that they had no objection to the third proposal and that was about raising a compulsory loan from agriculturists. There is the confession of the Hon. Finance Minister that the Government are not prepared to pursue that proposal. There is the impending division of the Province. We are in a fluid state. The Hon. Revenue Minister will not be able to tell us whether there will be two budgets or only one. That question was put this morning and it was not satisfactorily answered. The Hon. Minister simply

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says that half of this twelve and a half crores of rupees has to be distributed as advance payment and asks this House to approve it. Where is the money to come from? Is he going to draw from the Revenue Reserve Fund, raise a loan in the open market, enhance the taxes on all people or levy a tax only on those people who benefit by this legislation as has been done in the United Provinces and Central Provinces? Some such specific proposal must be there if we are to consider this Bill seriously. There is no information before the House except that the advance payment has got to be made. The Hon. Minister simply says: 'We have arrived at this figure of twelve and a half crores, and half of it has to be given to zamindars as advance payment. Please accept it.'

"The statement of objects and reasons says: 'A rough estimate will be made of the compensation payable in respect of each estate as soon as it is notified.' This matter has been before the Government for the last two years and still we are in the stage of rough estimates. Without knowing from which source the amount for payment of advance compensation is to be got and how the figure of twelve and a half crores has been arrived at, it is not proper for this House to accept the Bill."

SRIMATHI V. SEETHAMAHALAKSHMAMMA :—“ ఉపాధ్యక్షురాలగు అమ్మా, జమీందారీ అవాలిక్షన్ చట్టము pass అయిన తరువాత, జమీందారులకు compensation ఇచ్చే విధానంలో కొన్ని మార్పులను సూచిస్తూ ప్రతిపాదించ వలసివంటి ఈ సవరణ బిల్లును ఇలవరచడానికి నాకు విమి ఆభ్యంతరము లేదు. మా జిల్లాలో కొన్ని జమీనులను గవర్నమెంటువారు స్వాధీన పరచుకొన్నారు. అయినప్పటికీ కొంతమంది జమీందారులు, అమాయకులైన రైతులను వివిధంగా మోసము చేస్తున్నారో ప్రభుత్వంవారికి మనవి చేయదలచినాను. ఇదివరలో ప్రభుత్వంవారు అడవులు కొట్టకుండా జమీందారులు ఉండుటకుగాను, waste lands ను అన్యాయం చేయకుండా ఉండుటకుగాను కొన్ని చట్టాలు pass చేసి ఉన్నారు. ఆ చట్టముల ప్రకారము, అడవులను కొట్టకూడదు. జమీందారీలలో ఉన్నటువంటి లంక భూములైన జమీందారులకు జమీందారీ అవాలిక్షన్ చట్టప్రకారము ఏ విధంగా కూడ హక్కు లేదు. అయినప్పటికీ కూడ జమీందారులు లంక భూముల విషయముగ ఎటువంటి అక్రమాలు చేస్తున్నారో మనవి చేస్తున్నాను. మా జిల్లాలోని దేవరకోట అనే ఎస్టేట్ లో జరిగినటువంటి విషయాలను కొన్నిటిని ముఖ్యముగా మన రివిన్యూ మంత్రిగారికి తెలియజేయదలచినాను. ఈ ఎస్టేట్ ను 1949 వ సం॥ సెప్టెంబరు 7 వ తారీఖున గవర్నమెంటు స్వాధీనము చేసుకొన్నారు. ఈ ఎస్టేట్ ప్రారంభంలో ఉన్న కొన్ని లంకలలో అడవులు ఉన్నాయి. అక్కడ ఉండే జమీందారుగారు lease అనే పేరుతో ఈ లంక భూములను కొందరు రైతులకు కొలు వ్రాస్తున్నారు. ఈ భూములను lease కు తీసుకొన్నట్లైతే, అవి జమీందారీ రద్దు చట్టప్రకారం లిజుకు తీసుకున్న వారికే ఉంటాయని వెప్పి ఆ విధంగా రైతులను మోసపుచ్చి, ఒక్కొక్కరి వద్దనుంచి లోపాయికారీగా నాలుగు వందలు, చూడు వందలు రూపాయలు తీసుకొని lease లు ఇస్తున్నారు. కాని public record లో మాత్రము ఆరు రూపాయలకే lease కు ఇచ్చినట్లుగా చూపిస్తున్నారు. ఈ విధంగా ఆ ఎస్టేటులో ఉండేటువంటి అడవులంతా కొంత మంది రైతులకు జమీందారుగారు lease కు ఇచ్చినారు. తరువాత, ఈ విధంగా ఇచ్చిన

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అడవులంతా lease కు తీసుకొన్న వారు కొట్టిపాడు చేస్తున్నారంటే, అక్కడి స్థానిక రైతులు వేరవారిజనులు కొంతమంది ప్రభుత్వంవారికి complaint చేసినారు. వారి ఆర్జీల మీద అక్కడ ఉన్న Assistant Manager గారు enquiry చేస్తే పుడు, గవర్నమెంటుకు జమీందారు hand over చేసిన public records లో ఆ భూములను ఆరు రూపాయలకే లు ప్రకారమే lease కు ఇచ్చినట్లు చూపబడినది కాని, enquiry లో రైతులను 'మీరు lease కు ఎంత మొత్తమును ఇచ్చినారు?' అని విచారించగా, 'మేము ఒక ఎకరమునకు నాలుగు వందలు, చూడు వందలు మొత్తములకు అడవి భూములను lease కు తీసుకొనినాము? అని వారు స్టేటుమెంట్లు ఇచ్చినారు.

“ఈ విల్లు ప్రకారము, జమీందారులకు సగము మొత్తము compensation ముందుగా ఇవ్వవలెనని ప్రభుత్వంపాడు అనిన మాకేమి ఆభ్యంతరము లేదు. కాని ఈ విధంగా జమీందారులకు డబ్బు ఇస్తున్నపుడు, వారి మాటలను నమ్మి మోసపోయినటువంటి వేద రైతులకు ఎటువంటి నష్టము రాకుండా చూడవలసిన బాధ్యత గవర్నమెంటు వారివైన ఉన్నదని గుర్తించ గోర్తాను. ఈ విధంగా రైతులను మధ్యపెట్టి డబ్బు తీసుకొనినారని ప్రభుత్వమువారికి ఏమైన complaints వచ్చినట్లైతే, ఆ ఫిర్యాదుల నన్నింటిని విచారణచేయించి, ఎంతమంది రైతులు ఈ విధంగా జమీందారులకు ఎంత డబ్బు ఇచ్చినారో లెక్క పెట్టింది ఆ డబ్బును తిరిగివారికి ఇప్పించే విధానము చేయవలసినదని మనవి చేస్తున్నాను.

“ఈ విధంగా lease కు తీసుకొనిన అడవులను అయారైతులు కొట్టి పాడు చేస్తున్నారు. అనేక వెట్లు కొట్టివేశారు. ఎవరికిదొరికిన కలవ వారు ఎత్తుకపోయినా గూడా ఎట్టేటు మే వేజరుగారికి సుమారు లక్షరూపాయల విలువగల సరుకు దొరికింది. ఈ విధంగా జమీందారులు వారి హక్కులను మీరి అడవులను పాడుచేయించి, రైతులను మోసపుచ్చి డబ్బు సంపాదించుకొంటున్నారు. ఇటువంటి అన్యాయాలు జరుగుతున్న వని complaints వచ్చినయెడల అటువంటివాటిని విచారణచేయించి జమీందారులకు compensation ఇచ్చేటప్పుడు ఏ ఏ రైతులు ఎంతేంత డబ్బు ఇచ్చారో ఆ డబ్బును తిరిగి వారికి ఇప్పించి మిగతాది జమీందారులకు యియ్యవలసినదని మంత్రిగారికి మనవిచేస్తూ తలపుతీసుకొంటున్నాను.”

* JANAB M. A. MUHAMMAD IBRAHIM :—“ Madam Deputy Speaker, I really congratulate the Government on their decision to make an advance payment of a portion of the compensation to the various estate-holders, whose rights they have proposed to acquire under the Zamindari Abolition Act, within six months from the notified date. I only wish to point out that it is but fair and proper that the Government, when taking over the estates, should pay some compensation for the same to the zamindars. To leave them in the lurch for an indefinite period is not proper and fair, on the part of the Government. In fairness to them, the Government have now come forward with this amending Bill providing for an advance payment to the extent of 50 per cent of the estimated compensation to be deposited immediately after they resume the ownership of the estate-holders.

“Madam, the other portion of the Bill, I do not understand. Now by the amending Bill the compensation payable by the Government to all the estate-holders, whose estates are to be taken over, is to the extent of Rs. 12½ crores. My hon. Friend

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P.M.

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Mr. Abdul Salam asked the basis on which this amount was arrived at. After all, it may be we are erring on the side of generosity. Perhaps it may even fall short of the actual total compensation to be worked out. There is possibility for both. Apart from that, I cannot understand the reason for the Government fixing the total amount of compensation to be paid to all the estates to be taken over at Rs. 12½ crores. The Government have laid down certain principles on the basis of which, compensation has got to be determined. Perhaps the actual amount of compensation to be ultimately determined, after completing all the survey and settlement operations, might come to something more or something less than Rs. 12½ crores. As I understand, the Government should pay compensation accordingly irrespective of the fact that it exceeds Rs. 12½ crores or not. If it is less, then it is enough for the Government to increase the amount of compensation by any amending Bill. But to say that they would enhance the compensation in case the total amount as determined after the survey and settlement falls short of Rs. 12½ crores, is a thing which I cannot understand. Now by this Bill we are fixing a limit to the total amount of compensation to be paid at Rs. 12½ crores. It would be inconsistent with the position we have originally taken, if we now seek to enhance the compensation payable to the estate-holders by means of this amending Bill. It is therefore inadvisable at this juncture to depart from the original principle to seek to amend the Act which has provisions to work out our liabilities in respect of the compensation payable to the zamindars on taking over their estates.

“Sir, if the Government want that this amending legislation should be passed by this House, they should place all the relevant details before the House as to how they arrived at the limit. We have not been furnished with any data to know how they have arrived at this limit. We are now simply groping in the dark. The Government want us to pass this measure, by simply asking us to believe in what they say and to rely on their figure of Rs. 12½ crores as the total amount of compensation payable. I submit, Sir, that this sort of provision in this Bill does not appeal to the House and I would therefore appeal to the House to delete that portion of this Bill relating to the limit of Rs. 12½ crores mentioned therein.

“With these words, Sir, I support the first portion of the Bill and oppose the other.”

SRI R. V. SWAMINATHAN:—“Madam, Deputy Speaker, I am unable to understand the principles applied with regard to the payment of compensation to the zamindars whose estates are taken over as contemplated in this amending Bill. This Bill seeks to amend the Madras Estates (Abolition and Conversion into Ryotwari) Act of 1948. Now, the manner in which the Government propose to give effect to that Act and the method they are

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going to adopt for the payment of compensation, make me suggest that it might as well be called by the name of the Estates Purchasing Act instead of the Estates Abolition Act. Let me tell them what my reasons are. Originally the Government fixed the total compensation to be paid at Rs. 12½ crores. They fixed this as the minimum limit. That is to say the maximum can go up to a greater amount. But, on the other hand, if they actually find, after carrying out the survey and settlement operations, that the total amount of compensation they have to pay to the zamindars was only Rs. 8 crores, there will be a balance of Rs. 4½ crores. Their proposal according to this Bill is to divide this sum of Rs. 4½ crores proportionately among all those zamindars, who had already received compensation on the basis laid down in the original Zamindari Abolition Act of 1948. We are not able to understand why they are going to adopt a policy like this. Suppose after survey and settlement, the amount of compensation as determined at that time goes to Rs. 15 crores, the Government will have to pay another Rs. 2½ crores in addition to the Rs. 12½ crores. Is that their object? The Bill is not clear about it. Instead of getting passed such a big measure, they could have brought forward a legislation to purchase all these estates by means of private negotiations with the individual zamindars, in which case, they could have completed the purchase of all the estates more easily and perhaps at even a less cost than this Rs. 12½ crores. They said that what they were going to pay to the zamindars was not the market value of the estates but only some compensation for taking over their rights. When the original Bill was under discussion in this House, several hon. Members expressed the view that the Government had been very liberal in their treatment of these zamindars, that they had been lavish in their payment of compensation and that the Government could not afford to pay such a huge sum. The then Hon. Minister for Revenue who piloted the Bill pacified them saying, ‘No. We are not going to pay all these Rs. 12½ crores as compensation to the zamindars. This is only an upper limit. The correct estimate will come to only about Rs. 6 crores at the minimum but in any case it will never go above Rs. 8 crores. The total amount of compensation will be only between these limits.’ That was the idea which was given to us at that time about the total amount of compensation payable. Now the Government say that that is the minimum. Does it not show that the Government are going beyond the assurances given to the House at that time and that their original estimate could not be relied upon? In giving compensation like this without any principle or discrimination, they are doing no good either to the zamindars or to the tenants. If, on the other hand, the Government had paid an annual sum as pension or as remuneration or as an annual allowance to these zamindars, and their descendants, and had taken over their estates, that would have been more acceptable to them and they would have welcomed such a proposal. We have heard such requests having been made by the zamindars in this House during those debates. Now, what did our

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Deputy Prime Minister of the Central Government, the Great Sardar Patel, do when he brought about the merger of a number of Native States with the Indian Union? Those Princes and Rajas were enjoying vast wealth and power. But Sardar Patel, after taking over their States and merging them with the Indian Union, paid them only an annual pension. He did not pay them Rs. 12½ crores as the Government of this Province now propose to do on taking over the estates from the zamindars. No Government can afford to do like that. Where are they going to find the necessary money for paying compensation? When our Andhra friends want to have the formation of the Andhra Province before the 26th of this month, and when our Press representatives approached our Prime Minister of India and asked him about his view in the matter, he said that it was not so easy to form a separate Province at once, because there is the great financial question which has to be considered. If for this small reform of the abolition of the zamindaris, we have got to find Rs. 12½ crores for paying compensation to the zamindars, I do not know how and where the Government are going to find the necessary money for the separation of the Andhra Province.

“Madam, Deputy Speaker, there is a very curious thing about this payment of compensation. Suppose, for instance, somebody wants to purchase a property. He goes to the owner of the property and makes some private negotiation. If the property is worth, say Rs. 10,000, he higgles over it and reduces the price to, say, Rs. 6,000 or Rs. 7,000. Suppose it is worth Rs. 1 lakh, he tries to make a greater percentage of deduction. But here, when the Government are negotiating to take over the estates from the zamindars and are paying compensation to the extent of Rs. 8 crores, they want to give the zamindars some more money over and above the cost of the estates, by way of bonus, just like private companies who give bonus to their employees, in order to cheat the Government by evading the payment of income-tax. Can the Hon. Minister for Revenue point out any other Government, not only in this country but throughout the whole world, who have adopted a method like this for the payment of compensation to people whose rights had been acquired?”

“Madam, the Government have stated that the interim allowance they are giving to the zamindars will be continued. Now by means of this measure, they are going to make an advance payment to the extent of 50 per cent of the total compensation to be paid. Where is then the necessity to give them the allowance and at the same time, this advance payment? They have not properly explained the position to the House.

“Madam, another point that I should like to mention is this. The Government said that they would not pay the compensation immediately, but only after the necessary survey and settlement operations have been completed; but that in the meanwhile they would pay the interim payment and it is for that purpose they have brought forward this Bill. In this connexion they have not

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done justice to the junior zamindars who depend for their allowance upon the senior zamindars. Their plight has not been taken into consideration at all.

“Another thing is, they have now taken over only a few big estates. There are still many small estates yet to be taken over by the Government. The smaller estateholders are now as it were in Trisangu Swargam, because neither their estates have been notified, nor have they been allowed to continue to collect the rents from the tenants. Three lists of estates have so far been taken over. They stated that in December they were going to take the next list of estates. If the Government are going to take over the estates in the Province so slowly and little by little, then I am afraid, it would be impossible for them to complete the abolition of the zamindaris within a measureable distance of time. Now both the big zamindars and the smaller zamindars and also the tenants are undergoing a lot of difficulties on account of the slow progress in this direction. The bigger zamindars may possibly get on, even without the assistance from Government, but there are a number of smaller zamindars who are already suffering and they have involved themselves in debt. They are not able to pay the interest on the debts they had contracted, nor are they able to maintain their estates.

“Their minds are not settled. Every day they are afraid 12-45
whether their estates will be taken over. That is their fear. p.m.
People have filed suits against small zamindars. Suits are going on. Small zamindars are not able to say whether they can pay the amount, and when they will pay. If Government have taken all the estates, the people who have advanced loans to these small zamindars will not go to the court. Government will pay compensation, and the amount will be deposited with the tribunal. People are unnecessarily going to the courts. The court expenses have to be met. Whether the creditor or the debtor pays the expenses, difficulties have been created by the Government by not having taken all the estates at one stretch. Some zamindars approached the Government and volunteered to surrender their estates. There are some zamindars who have got confidence that they can maintain their estates even without the help of the Government, and still harass the people. There are certain zamindars who have volunteered to take over the estates, because they are harassed by their creditors, and by those who have advanced them loans. In certain zamins, the ryots are harassed by the zamindars, because their estates have not been taken over by the Government. The ryots say ‘please take over the estates immediately and help us.’ The Government only take over a few estates here and there, and they are not giving any attention to other estates. When we put questions to Government, they are not being answered clearly. (Janab Muhammad Raza Khan: ‘It is an aspersion’.) The Hon. Minister is so capable of giving answers that we do not know what is going on. On this Bill at least while giving reply, I request the Hon. Minister

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to throw some light as to when the Government are going to take over the other estates, and whether they are going to take them over or not. I also doubt, in view of the financial position, whether they will take over all these estates. (Interruption.) I am a zamin ryot, and I know the difficulties of the zamin ryot. This Bill is not properly defined, and there is no principle and no basis behind this Bill. Therefore, I request the Hon. Minister to withdraw this Bill, reconsider the whole question, and then bring forward a proper and adequate Bill which will be satisfactory not only to the ryot but also to the zamindar and this House."

* BEGUM SULTAN MIR AMIRUDDIN:—"Madam, Deputy Speaker, I am glad that the Government have come forward by means of this Bill to do justice to those whose properties they have acquired. This step is in compliance with the provisions of the New Constitution which require that compensation should be paid to those whose properties are taken over. It is gratifying that all talk of expropriatory legislation has now ceased and that the Government intend to act in strict consonance with the rules that are prevalent in the civilized countries of the world. There can be no gainsaying the fact that the Government have the power to acquire any property they like, whether it belongs to a zamindar, or a ryotwari pattadar, or an industrial concern, or a public utility concern. But while doing so the point that has to be borne in mind is that fair and equitable compensation is to be paid to those who are deprived of their properties. I am glad to hear that at long last, this principle is being conceded—thanks to the mandate of the Central Government in this behalf—and that a provision has been included in the New Constitution, which will soon be coming into force.

"Some urge that the payment of large amounts in cash to the zamindars will be sheer waste as the latter will squander their money. But that is not our concern. Nor are we concerned with the point as to whether the zamindars have been good or bad. No doubt some of them have been good men and some have proved to be the reverse. But we are not here sitting as a tribunal to judge their acts. Our duty is merely to legislate in such a manner as will prove equitable to every class of person, rich or poor, and not to victimize any section of the population. It is the recognition of the principle of justice and equity that has brought forward this Bill, wherein provision is made to pay the zamindars half the total compensation that they are likely to get. In view of the fact that it will take some years for the survey and settlement to be completed, it is but proper that some amount is paid now to the zamindars whose properties have already been acquired, for after all zamindars are also human beings, who have to be provided with the means of sustenance. How can they be expected to live or to maintain their establishments if compensation is kept deferred for 15 or 20 years?

"I am also glad to know that the Government have fixed Rs. 12½ crores as compensation to be paid to the zamindars, and

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that if the compensation finally settled falls short of that amount, an amount equal to the sum by which the aggregate so falls short, will be distributed by the Government among the estates '*pro rata*'. In view of the reduction of rent made before the introduction of the Zamindari Abolition Bill, and also in view of the fact that it is necessary that something should be done to give as far as possible an equitable compensation to those whose properties are acquired, this decision of the Government is but right. In the past the pronouncements and the legislative enactments of the Government have had a bad effect on the stock market and the finances of the country. But, I hope, a measure like the Bill before us will revive the confidence of the public in the financial dealings of the Government. The urgent need of the hour is the creation of more wealth in the land, but this object cannot be achieved by uttering ideological slogans and scaring away the internal capital. For India's industrial development, there is plenty of money in this country itself and it is not necessary to go and beg foreign countries like America to invest their capital here. But unfortunately during the past two years Hon. Ministers both in the provinces and the Centre have driven away private capital underground by their pronouncements with the result that the economic future of the country has become dark and black. I hope that by measures like this public confidence in the financial stability of the Government will revive.

"While I endorse the change in the attitude of the Government, namely, to deal equitably with all classes, I should like to be enlightened on one point and that is from where the Government intend to procure Rs. 6½ crores to pay to the zamindars. We have not been given any inkling as to how this amount is to be obtained. We have not been told whether the Government propose to withdraw the amount from the revenue reserve fund or intend to have recourse to further taxation. The revenue reserve fund was meant for the economic uplift of the whole Province and it should not be depleted in order to pay the zamindars. And so far as taxation is concerned, I may inform the Hon. Minister that it is absolutely impossible for him to hope that he will be able to raise such a large sum by additional taxation, because the taxation level of this Province has already reached the breaking point and it is not possible for the people to bear the burden of any more levies. In provinces like the Central Provinces and the United Provinces, they are creating a fund, whereby those who are benefited by the abolition of zamindaris are providing the money for meeting the commitments with reference to compensation. Why should not this Government also have asked the tenants who are benefited by the Zamindari Abolition Act to contribute towards the payment of compensation to the zamindars? I do not understand why the Government are so touchy about zamindari tenants when they have no hesitation in desiring the ryotwari tenants to pay twice the annual assessment.

"I am afraid the abolition of the estates has been a wrong move at the present juncture for its effect will be to add to the

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current inflation. Neither is it going to benefit the actual cultivators of the land. The Zamindari Abolition Act will in most instances benefit only middle men who are not actual cultivators of the soil. Hence it would have been much better if the Government had shelved or postponed the measure until the finances of the country had improved so as to be able to stand the strain. But now that the Act is actually in force and the Government have acquired some of the estates, it is too late for them to retrace their steps. Let them pay compensation to the zamindars but let them procure this amount by means other than taxation or withdrawal from the revenue reserve fund as both are objectionable. Another point that I should like to urge is that the Government instead of acquiring the big zamindaris should have acquired the smaller estates first, for the plight of the latter is miserable to-day as the ryots are not paying them rent. While the big zamindars have usually large resources whereby they can carry on even though the ryots may not pay rent the case with the smaller zamindars is different. Hence the Government should, in the matter of acquisition, give priority to the smaller zamindars over the bigger estates.

"In conclusion, I wish to know from the Government what source they intend to tap in order to pay compensation to the zamindars. The best course would be to raise a loan in the open market. But the Hon. the Finance Minister told us the other day on the floor of the House that the Government could not go to the open market and raise a loan evidently because they did not enjoy the confidence of the public. We are, therefore, at a loss to know as to how the Government are going to find the money to pay the zamindars. I should like to be enlightened on this point when the Hon. Minister replies to the debate."

* SRI T. VISWANATHAM:—"Madam, Deputy Speaker, I only want to say a few words on this Bill. When the Government have come to the conclusion that the sum payable is Rs. 12½ crores, they could as well make some changes in the structure of the Bill altogether. Of course the Hon. Minister might say that it is the minimum and not the maximum. But I believe it is only a legal subtlety. The figure has been worked out on either side, that is, on the side of the zamindar and on the side of the Government. The figure of Rs. 12½ crores has been reached as a possible maximum and not as a possible minimum. On the language of the existing Act, the zamindars worked out, and they found that the compensation which they would be able to get would be somewhere about Rs. 7 crores. The Hon. Mr. Kala Venkatarao, the then Revenue Minister, roared on the floor of the House that it would be nothing less than Rs. 12 crores. Then the zamindars asked 'why not you insert this Rs. 12 crores in the Act'. The Minister replied 'how can I insert the figure in the Act', and so the struggle went on. The struggle started at Madras. It went up to Delhi. At Delhi, the Working Committee seemed to have asked the Madras Government to assure that the zamindars got a compensation of Rs. 12½ crores, and also to see that 80 per

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cent of it was paid at the time the estates were notified under the terms of the Act. But the Hon. Revenue Minister of the day did not give effect to their view although he had said he would do it. I am glad that the present Revenue Minister, the Hon. Sri Sitarama Reddi, is setting right a wrong which was done by the previous Revenue Minister either knowingly or in a moment of enthusiasm.

"He did not give effect to his words. He did not make a provision to assure payment of the 12½ crores and he did not also provide for the payment of 80 per cent of the compensation at the time of the taking over of the estates. That wrong was done. The hearts became sore. I am glad, as I have already said, the present Revenue Minister is setting right a grievous wrong previously done. If the Hon. the Revenue Minister now wants to give effect to the words given then, namely, the zamindars would get twelve and a half crores in the estates, I am asking why the entire structure of the Act should not be changed. The Act previously passed was based on certain calculations of present income, reduced income, survey and settlement operations, settlement rates and then upon them the figure of compensation was to be arrived at. The whole procedure was a cumbrous one. The Revenue Minister then knew and I think he still knows it is a cumbersome procedure. Therefore, I am suggesting whether it will not be possible for him to think out an alternative for this. Having agreed to give twelve and a half crores to the estates, what is the difficulty for the Government now to come forward and say that on the net income of the estate according to the present income of the various estates *pro rata*, these twelve and a half crores will be distributed? It is not a difficult proposition for the Government. The Government have before them all the accounts submitted by all the zamindars governed by the permanent settlement. They know the gross revenue, the establishment charges and also the peshkush and the land-cess payable to the Government. Deducting these various items, they get the net income. They have got only to add the arrears of income which accrued due. I am asking why the Government should not change the structure of the Act and say that these twelve and a half crores will be distributed to the various estate-holders proportionately to their net income thus arrived at. The only possible objection he could raise is 'I expect it may be more than twelve and a half crores in which case this would go wrong'. No doubt it is tempting to some of the zamindars to be told that they might get more than twelve and a half crores. But I submit that it may not be so; the present gross income of the estates is about 2 crores and 6 lakhs of rupees. Sometimes it was said it was 2 crores and 20 lakhs of rupees. But deducting the establishment charges, land-cess, water-cess and peshkush payable to the Government, the total net income of these estates is somewhere round a crore of rupees and in that case twelve crores of rupees as the purchase price of those estates is not altogether an unreasonable amount. It is neither high nor should it be contended

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that it is a very low sum. It is a fairly reasonable amount for estates yielding a crore of rupees. Therefore, the Government might very well make it not only the minimum but also the maximum in order to set at rest once for all, all the suspense that is hanging round the entire Province both among the tenants and the zamindars. Instead of waiting for settlement operations, they can make out a list of all the estate-holders, show in the first column the gross revenue, in the next column the items of deductions, arrive at the net income and then in the last column work out the figure due to them proportionate to their net income and according to the multiples given in the Act. It would simplify all processes. The only process remaining would be the distribution of that amount as among the claimants who are entitled to receive it. That, of course, the Tribunal can look after. I submit this with a view to simplify the future procedure with regard to the payment of compensation. I am not saying this just with a view to offer any remarks of opposition. But it is a matter which the Revenue Minister might think about carefully. He has used the words 'advance payment'; but I am afraid he is not making any advance payment. It is only a part payment; for he has taken away the estates. They are already in his hands and for the future estates for which provision is made here, he is not going to make any payment until six months after taking over the estates. Therefore, let not the words 'advance payment' create any wrong impression in the mind of the Members of this House or of the public. The Government are not going to make any advance payment. Without making any payment of money contrary to all accepted notions of justice they took over the estates and now they are obliged to make a part payment. It is good the Revenue Minister has come forward to do it. Therefore, I submit he might consider the proposition which I have placed before him. That is all I would like to say at this stage."

JANAB MUHAMMAD RAZA KHAN:—"Madam, Deputy Speaker, I maintain that this piece of legislation is nothing but a mere vindication of the stand which the Government have taken for the last two years. Many on our side and also on the other side have been telling the Minister concerned—of course, not the present one—that it is wrong in principle and in law that the Government should take the property of others under some pretext or other and say that they will have their payment after six years, eight years or even indefinitely. But at least the present Minister for Land Revenue, for whom I have got greater sympathy and whose difficulties I do understand and appreciate, has come forward with a piece of legislation which envisages that the zamindars when once their estates are taken will be able to get 50 per cent of the calculated compensation within a period of six months. The Bill is very carefully drafted and it will give the impression to the people who do not study the matter that the Government of Madras seem to be very very generous in the matter of payment of compensation to zamindars. That seems to be

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the point of the hon. Gentleman Sri Swaminathan whom unfortunately I was not able to follow very closely in his arguments. It should be remembered that what the Government of Madras are paying is not 50 per cent of the present value of the estates or their actual cost but only of the amount calculated on some basis which the Government thought fit. It is only after many eliminations and reduction after reduction—and not multiplication—that the compensation is fixed which the Government feel is correct. But as was said by Begum Saheba, the Government should be congratulated on the very small mercies shown because they felt and knew that they were doing something wrong in principle or rather they have been forewarned by the Central Government that this whole piece of legislation is wrong in its principle and in its application. It is that thing which has induced the Revenue Minister to come out with a piece of legislation. Of course, he wanted to show his generosity and magnanimity by inserting a clause that even though the compensation might fall short of 12½ crores, he would pay something more. Some Members have raised the point 'What is the sanctity of 12½ crores? How did you arrive at this figure? It could have been more or less. But why is it that you have pitched upon this particular sum?' I do not like to go into it because the Hon. Minister may have his own views and he has not been able to disclose them in the Preamble to this Bill. But I am sure in his reply he will be able to throw some light or specify the reasons.

"Madam, I think on an occasion like this, I should like to point out one or two things to the Hon. Minister for Revenue. From the very beginning I have maintained that the way in which this Bill has been thought of and the way in which the original Bill got through this Assembly has made matters very much confusing in the estates. The hon. Gentleman Sri Swaminathan was right and I entirely agree with him that more than the Government, it is the estate-holders or the zamindars who are anxious that their estates should be taken over because there is nothing but chaos and anarchy going on in the estates. Zamindars are not able to collect their money or their revenue because even before the Government think it fit to announce in the *Fort St. George Gazette* that a particular estate will be taken over on such and such a date, the local people, the ryots cause all sorts of propaganda for which I charge the Government of Madras to be responsible, for their utterances have made the ryots feel so much that they have got the audacity to go and tell the landholders of the estate 'Who are you?' It is all right that the estates may be taken over but you cannot imagine the plight of these zamindars, respectable people no doubt. Whatever may be your prejudices which you can develop according to your policies, you have to go and tell these poor illiterate people that the zamindars still continue to be the owners and that you have not yet taken them over. Therefore, I am one with the members of the Congress Party when they say 'Leave alone the Government's anxiety to take over these estates. see the anxiety of the zamindars to get rid of their estates'.

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"Secondly, I have been telling the Hon. Minister repeatedly that if you just look at the present condition of zamindaries very near Madras, you will find thousands of huts have sprung up. Nobody could check or prevent them. If the owners or the zamindars go to the local authorities they say 'What can we do? We are powerless'. You cannot expect them to take action against thousands of persons. What is the remedy? You must ask them to go and file suits in the civil courts at an enormous cost and even there the decisions might be dragged on. The only remedy left to them is to approach the Hon. Minister. But he is a busy gentleman, he cannot be taking action on thousand and one petitions which he might be getting. But he did not do anything to prevent this sort of thing. Further, in many places lands belonging to the zamindars, their own lands or communal lands or poramboke lands, are being sold or auctioned and distributed among the various people and nobody could prevent them. They know that because of the views of the party in power nothing could be done by the zamindars. That seems to have been the state of affairs and I think there should be an end to this. If really the Hon. Minister feels that there should be some finality of this matter, he should make up his mind once for all and say 'on such and such a date I am going to take over all the estates.' It is admitted in the statement of objects and reasons that survey and settlement operations will take years. When the Bill was piloted—I feel it my duty to point out to the Members of this House and particularly to the present Revenue Minister—great haste was shown by his predecessor; he did not care or bother to see the effects of the Bill. He thought simply 'let me go down in history as a great man who has piloted the Bill; my name will remain in the Andhra area.' He did not think what would be the effects or repercussions of this Bill or whether the Bill would stand the test of conditions or circumstances. It is because of that the present Revenue Minister who combines in him his knowledge and experience as a businessman and also as a lawyer has thought there is something wrong in this Bill and come before this House with an amending Bill. But still he has not gone far. He thinks he will do something and even for that he deserves some amount of congratulation. It is possible he will think further and try to bring more amending Bills in this House because as far as the policy of the Government is concerned there seems to be no finality.

1-15 p.m. "There are periodical changes. One fine morning, the District Collectors write letters to the zamindar that some tank in a particular village is not in a good condition and that it must be repaired immediately and they state in their order, 'If you fail to do this before such and such a date, we will attach your private properties, we will attach your house' and all that. In one of the instances, the zamindar of a particular place was told by the Collector, 'I will attach your motor-car and your private house if you do not attend to the repair of a particular tank' which involved an expenditure to the extent of Rs. 5,000 or

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Rs. 6,000. What can these poor people do. Madam, there is a wrong impression created in the country that every zamindar has amassed a good deal of wealth. Actually some of them are bankrupt. Some of them are debtors. It is no use talking in the air. You should consider what their predicament would be and what the remedy should be. You may say that there is the High Court. But I may tell you the remedy that these zamindars can get from the courts is doubtful. The courts may be in their favour sometimes and sometimes they may not be in their favour and be in favour of the Government. So that is the point, Madam, which should be taken into account. Even when the estates are taken by the Government, when questions of repairing tanks, etc., come up before them, they will certainly have to go into details of the works and the expenditure involved in each and they will have to see whether the owners have money to carry on. They cannot simply rush things which involve large expenditure in a very short time. I therefore suggest that the Government should take note of these things.

"Then there is another aspect which has to be considered. The Bill is not clear, Madam. While it is stated that 50 per cent of the rough estimate of compensation will be deposited with the Tribunal, it is not stated what would happen in cases where the estates are mortgaged. It is quite possible that the rough estimate of compensation in a particular case is one lakh of rupees. Suppose there are cases of estates which might be mortgaged for Rs. 60,000 or Rs. 70,000. What would happen for the first charge on the mortgage? This is not clearly explained in the Bill. So that is the lacuna here which, I think the Minister or the department concerned were not able to explain or it is also quite possible that they did not like to bother themselves about this aspect. Again with regard to income, there is also another wrong principle which is enunciated here. I know it is too late now to talk of these things. I feel that we, members not only of the Opposition but members of their own party, who are able to study the subject carefully cannot do anything. We can only speak and speak for hours and even for a number of days, but the result will be nothing, as long as the members of the Treasury Bench come to the Assembly with definite minds that their views only are correct and the views of others expressed in this House are not so. So I know that all our speeches are of no use and of no avail. Then you may ask why I am speaking then. I may tell the House that I am talking and stressing the points so often in the hope that they will come to their proper senses. Madam, I am sorry I am using such strong language and I will withdraw it if it is objectionable. But I want only to stress that our views must be taken into account by the Government."

THE HON. SRI H. SITARAMA REDDI:—"I am glad that the hon. Member is coming back to his senses." (Laughter.)

JANAB MUHAMMAD RAZA KHAN:—"I am only following the Hon. Minister in that. Apart from what is being said by the

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members of the Treasury Benches nothing is done for the good of the people at large. Although our speeches are of no use, I am determined to go on speaking for days and months in the hope that at least on some day the Government will come to realize that there is something in our speeches worth considering.

"There is one other matter to which I want to refer and conclude my speech. On a previous occasion I raised a question about certain estates which may be held by four or five persons jointly. The Minister said that in the case of estates belonging to four or five parties—i.e., brothers or relatives—they will get the benefit under the higher scale. If the estate is considered as one unit, the amount that would be distributed would be less. In order to avoid this the Minister said that if the parties registered their names with the District Collectors and give a statement that the estate is the property of four or five persons, then they will get 15 times or even 20 times the amount. I tried to explain to the Minister concerned that I myself was getting lots of letters asking for clarification in this matter. The then Revenue Minister said that the Government are watching and will do the needful. That itself shows that the Minister concerned never bothered himself about these matters. The people's difficulties were never appreciated. The Government should take note of all these points and try to redress the grievances of those who are affected badly. I am sure that the Hon. Minister for Revenue will not rest content by merely bringing this Act, but he will see that all these lacuna and difficulties are removed and that he will try to help those interests which are affected. I support this measure."

SRI M. G. NATESA CHETTIYAR:—"Madam Deputy Speaker, following the hon. Gentleman the Rajah of Venkatagiri in thanking for the comforts which the Government have afforded, I wish to state that many of the members seem to be of opinion that the amount is supposed to be the value of the zamindaris dispossessed from the zamindars. In fact the Government had called it in their Bill like that. Naming of a different flower as rose will not give it the smell of rose. It will be what it is, whatever may be said about it. Unless the value of the estate has been ascertained on its proper income and also compensation paid for the loss of interest, it cannot be called as compensation. But for the purpose of this sovereign Legislature, it has assumed a proportion as if the compassionate allowance which they have made in the Bill is itself a compensation. It is the real value of the property dispossessed from the zamindars that should form the basis. In fact what has been allowed by that Bill is nothing more than compassionate allowance and again many members have been under the impression that when the States are taken without any compensation, the zamindars are being paid compensation. It is more than clear from the Permanent Settlement that zamindars are proprietors of their lands given under a Sahad. So it is on a different settlement that they have been given these lands. In fact, if the Government were to pay all the value of the estates they could not afford it as it has been said on the floor of the House many a time. Then the amount which we are

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paying to the zamindars for the dispossession of their estates cannot be compensation. We cannot afford to pay the actual value. It is only a compassionate allowance depending on the ability of the Government to pay. The Government are taking away the property from the zamindars for the purpose of the so-called socialistic act of the Government. Madam, many hardships have been caused. The compensation or the amount that would be disbursed to the zamindars depends mostly on the method of notification that may be adopted by the Government. The notifications are, so far as the present is concerned, only in respect of the estates which are well managed and well administered and where every interest will be looked after both in respect of the ryots there and the Government for payment of peshkash. As a matter of fact, if I remember correctly, the previous Revenue Minister at a particular stage said that the notification would proceed from the small estates to the bigger estates. In fact, it has been reversed now. It is wrong. Now it is only the small zamindars and the partible zamindars who are being affected very much. That notification's effect is that the relationship existing between the zamindars, partible zamindars and the ryots is impaired. For the last three or four years when there was the talk of the abolition of zamindaris and payment of compensation and so on, mutual understanding between the zamindars and the ryots was lost as the ryots are in fact taking very many things as their own and there is a lot of denudation taking place. I brought these facts once or twice to the notice of the Government, particularly to the notice of the Revenue Minister. But there are other classes of people as my hon. Friend Sri Swaminathan had said. There are people who volunteered their estates. I tell you that in my own case there has been a complete denudation of forests which I purchased privately for about Rs. 20 or 25 thousand about 30 years ago. This is due to the fact of the legislative measures in respect of the estates that we are taking here. Repeatedly we go on extending private forests and enacting for the protection of these forests. It has become practically impossible and it is very difficult now to protect the forests. I know in my Salem district one partible zamindar is actually starving as he could not get his rations. It was only the other day, Madam, it was represented to the Revenue Minister that a big zamindar collecting Rs. 43,000 has not got money for purchasing rations for his family. Unfortunately he could not make up money and he sent away his manager to various places to get money, but he could not get. As a matter of fact, I may tell on the floor of the House, Madam, that I am one who is depending entirely on the income from the estate, all these years after I entered political life in 1925. From that day I have been continuously carrying on my political life and also carrying on making expenses for my family. But for the last two or three years, I am really completely depleting and it is a shame that I have been even pledging my jewels, not pledging, but actually selling all the jewels in many matters in order to maintain my family. I am not ashamed of it. As long as my limbs are all

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right, I have got the capacity to earn and give. But the question is, earning is not possible, especially with persons who are charged with the responsibility of maintaining their families and also charged with the suits and other proceedings in the courts. Still, the Legislature is simply going on passing such legislation practically not to give effect to decrees and other things. The Revenue Minister had stated many a time on the floor of the House that he had asked the Revenue Courts not to proceed with the executions. He said that he had not issued orders. But the Revenue Board has issued an order to treat all the first charge decrees as simple money decrees and the lands could not be brought to sale. Thus the small partible zamindari-holder is badly hit."

THE DEPUTY SPEAKER:—"The hon. Member can continue his speech after lunch. I now adjourn the House to meet again at 2-30 p.m."

(After lunch—2-30 p.m.)

SRI M. G. NATESA CHETTIYAR:—"Mr. Speaker, Sir, I would like to point out to this hon. House that the havoc that had been wrought by the rent reduction procedure has been responsible for the great confusion we see now. The inevitable result is non-collection of rents. The Zamindari Abolition Act provides for compensation, partial or full. But, under the Rent Reduction Act, Government have issued orders in respect of collections which means the Revenue Department will do the job. I am at a loss to understand what kind of arrangement this is. Again, I do not know what would happen to the claims filed with reference to the orders issued by the Government for the collection of rents direct from the ryots by the officials. This is a point which needs clarification. As regards the phrase 'part payment' used in the Bill, I feel that it would be better to have it substituted by the words 'advance payment'. The latter title will fit in well since the amount of compensation has not been fixed and is not likely to be fixed until after the work relating to survey and settlement has been finished, and I take it this work will be proceeded with on the ryotwari basis. Sir, during the interim period, that is, the period between now and the period of completion of this work, I feel that the Government must take care to prevent denudation of forests, alienation of even zamindari private lands, damages to communal lands, encroachment on porambokes, etc. A certain percentage has been fixed in the compensation amount to be decided later on for attending to repairs to tanks. This amount is recoverable from the compensation amount when it is paid. Sir, this is wholly wrong and unfair. The Government should not reduce the amount on this account. I am sure the Hon. the Minister will take note of this fact.

"Finally, Sir, I would like to make one suggestion, and that is, Government must find the funds for making payments in this regard from their 'cash balance', that is, from their revenue

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reserves. It would be a good financial policy, a good economic policy if capital expenditure is met from the capital available at the disposal of the Government. This is, in a sense, a capital expenditure and it must be met from the Provincial reserves. There should be no additional taxation nor should there be a rigid enforcement of collection of arrears of rent. While I thank the Government for making arrangements to collect the arrears of rents and to execute court decrees, I would insist on their observing the conditions I have just now mentioned. Sir, with these words, I support the Bill."

* THE HON. SRI H. SITARAMA REDDI:—"Mr. Speaker, Sir, several important matters have been raised in connexion with this Bill. I may tell some of my hon. Friends that some of the points do not directly arise out of the Bill that is now under discussion, and I shall, therefore, confine myself to such of the statements by hon. Members as may relate to the Bill. Sir, this Bill has been brought forward to fulfil some of the assurances that were given during the discussion of the Act both on the floor of the House and in the Joint Select Committee. In this connexion, I may inform my hon. Friend, Sri R. V. Swaminathan, who was a Member of the Joint Select Committee along with my former erstwhile colleague and now General Secretary of the Indian National Congress (Sri Kala Venkata Rao), that the amount disclosed by him (the then Minister for Land Revenue) in the Joint Select Committee was not 8 crores of rupees as has been mentioned now. I find from the proceedings that the Revenue Minister had stated that according to his calculation, the total compensation on the scale suggested would come to about 11 crores of rupees and, therefore, a sum of 12½ crores of rupees had been provided to meet unforeseen circumstances. He assured, this was the amount Government had in mind to meet the expenditure in this behalf. Sir, we thought we could achieve this object under the Act as it exists now but we were advised that separate legislation was necessary for the purpose. Hence this amendment has been brought forward. My hon. Friends, Sri Viswanatham and the Raja of Venkatagiri, made certain suggestions in the matter. The hon. Member, Sri Viswanatham, wanted that the entire structure of the Act should be changed. He also wanted that Section 27 should be revised. Sir, such basic alterations are not possible and the Government cannot go back upon the decisions that had already been made. So, in keeping with the assurance that has already been given, compensation will be paid after due survey and should for any reason the total amount fall short of the 12½ crores of rupees decided upon by the Government, the difference will be paid on a *pro rata* basis. This question is nothing new to the Members of this House. Sir, certain Members asked wherefrom this amount was got or what was the sanctity about it. The sanctity is that an assurance having been given by the Government when the Bill was under discussion in the Joint Select Committee, it must be fulfilled.

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* THE HON. SRI H. SITARAMA REDDI:—"Sir, I very much sympathize with the amendment, but I am sorry I cannot accept it. I should like to assure the hon. Member that it is not the intention of the Government to delay it for six months. It is the outer margin. We propose to pay it earlier if possible. We want to have this time-limit for the purpose of calculation because we do not want to be charged with delay in payment. It is only an enabling provision, so that the Government may be able to pay within the six months. I can assure the hon. Member it is not our intention to keep it for six months. It is just a safe margin for all possible contingencies and delays in calculation. I hope the hon. Member will withdraw his amendment."

THE RAJA OF VENKATAGIRI:—"In view of the assurance given by the Hon. Sri Sitarama Reddi, I beg leave to withdraw the amendment."

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

* THE RAJA OF VENKATAGIRI:—"I beg to move the following amendment:—

that after the proposed section 54-A (1), another subsection as follows be added:—

"(1-A) If it is found on a rough estimate that the aggregate of amounts payable under this section to all zamindari estates to which this Act applies falls short of six and a quarter crores of rupees, the Government shall have power to suitably vary the proportion of the gross annual ryotwari demand as provided under section 27 of the Act, to such proportion as would secure to all zamindari estates the present payment of 6½ crores of rupees."

Sir, I must at the outset express my regret for not having been able to be here in the House in time to hear my Hon. Friend's reply to the general debate. I came here just in time only to hear the concluding portions of his reply. I was told, Sir, by some of my friends that he expressed his inability to accept some of the suggestions made by myself and my Friend Sri T. Viswanatham. The underlying idea of this amendment is that half of the promised amount should be secured to the zamindars as early as possible, namely, within the six months as specified in the Act. Sir, instructions and other directives and the history of our efforts to secure justice from the Ministry have been adverted to by some friends. As I said this morning, eighty per cent was assured to us by the highest authority. And we expected that 80 per cent of this amount of compensation would be paid to us, but now we find that for reasons, some known and some unknown to us, only 50 per cent is proposed to be secured to us. I now want to point out to my Hon. Friend Mr. Sitarama Reddi that even this 50 per cent of this inadequate amount of Rs. 12 crores may not be secured to us. The total income from all zamins put together is estimated to be, about Rs. 230 lakhs. After reduction

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to ryotwari settlement, the amount would be approximately between 130 and 140 lakhs, though certain officials have informally mentioned that the amount would be even lower. I would only take the estimate given in one of the meetings of our select committee. If Rs. 130 or 140 lakhs is the aggregate amount that these estates would secure to the Government after abolition of zamins, the zamindars would be entitled only to one-fourth of that amount as the basic annual sum on which compensation would be calculated and paid to them, according to the scales laid down in the Act. I may submit that two-thirds or even more of this income of 225 lakhs were being got by individual zamindars with an income of one lakh and over. The multiple provided in the Act for calculating compensation for the above zamins is 12½ times. Two-thirds of incomes from estates already notified would be about 85 lakhs and one-fourth of the 85 lakhs would be 22 lakhs. And 22 lakhs multiplied by 12½ would be about three crores. The balance of 1/3rd of the income of 130 lakhs is about 40 lakhs. One-fourth of that would be 10 lakhs. Even when it is multiplied by the high multiple of 20, it will give a figure of only two crores.

Thus, it would be obvious that only about Rs. 5 crores can be got on this account as compensation for the revenue and certain other items provided for in the Bill. Then there is the miscellaneous income which comprises mostly of income from forests and a little income got from quarries. That, in my considered opinion, would not be more than a crore. Rupees 6 crores thus, you find, would be the total grand amount of compensation which the zamindars will get. At any rate my friend Sri Swaminathan should now feel assured that there would not be any risk of the Government being over-generous or even generous to us, landholders. Our apprehension is quite the contrary to his apprehension—ours is that though we were promised that Rs. 12½ crores would be given, in spite of demands and representations based on equity, law and other considerations that we were entitled to a far higher amount—even this inadequate amount of Rs. 12½ crores cannot be reached if the present basis is to be continued. I am aware of the provision made in this Bill that after survey and settlement are completed, it would be possible for the Government to secure the balance to the zamindars. Now, my immediate purpose and object is to secure the 50 per cent of the promised amount of Rs. 12½ crores. I maintain and I respectfully submit to the Minister and to the Government who have brought forward this amending Bill, that they would again find the need for another Bill if really their intention is to secure to us the Rs. 6½ crores as I believe it is theirs. I am almost certain that this confident estimate of Rs. 6½ crores or approximately that amount could not be secured to the zamindars, viz., 50 per cent or thereabouts of the compensation due to them. Sir, I plead before this House that, while we earnestly represented, earnestly and most emphatically represented, that at least 80 per cent of at least this 12½ crores should be given, if we find now the certain possibility and prospect of securing very much less than the 50 per

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cent of the promised Rs. 12½ crores, I suppose we are justified in feeling rather very disappointed at this situation. Sir, when a property is taken out from the hands of an individual, it has to be paid for at any rate within a reasonable period of time. That is the recognized practice based on law; and I need not quote the law in this case. Sufficient advertence has been made to all these points and they do not require further repetition now. Sir, even under a socialistic Government, in England, adequate compensation was paid and it was paid through certain processes which I need not refer to here, processes which could be considered just and which would inspire great confidence in the security of property.

“ Now, Sir, apart from the various provisions of this Act, the present amending Bill which as we all know is the result of an effort by both the higher authorities and my friend sitting on the Treasury Bench, attempts to see that deferred justice is secured at least at this stage. At the time of passing the Act in the course of my observations, I warned the then Hon. Revenue Minister that it would not be possible under the rules and we quoted facts and figures before higher authorities, and we convinced them that the quantum promised, viz., Rs. 12½ crores, could not be secured to the landholders if the present Act remained unaltered. You see the result in the provision made in this very amending Bill, viz., that Rs. 12½ crores should be secured to us. It is a provision which we now gratefully acknowledge; but at the same time, we cannot express the same gratification in regard to the other provision which deals with 50 per cent of that amount being secured to us. At one stage we had some reason to expect that the Government would take power to vary the proportion which represents the basic annual sum fixed, if it was found by the Government on a rough estimate that 50 per cent of this Rs. 12½ crores cannot be received by us now on the basis provided in this Bill. My amendment seeks to vest that power to vary the proportion in the Ministry itself, to avoid the necessity of another delay due to another Bill with consequential avoidable suffering of this divested class, so that the Government may vary the proportion and see that 50 per cent of this amount is reached on a rough calculation; and if it cannot be 50 per cent, anything approximate to that may be reached. If, as I expect, my hon. friend is willing to secure to us this 50 per cent, even then it would not be possible. I again most emphatically assert that by no means this 50 per cent could be reached. It may be stated by some that anyhow since provision has been made and the zamindars are assured of Rs. 12½ crores, it does not matter even if this 50 per cent of this assured amount is not reached. I respectfully represent to you, Sir, and to the Ministry that it should not be allowed to happen; because, as is admitted by this very amending Bill, it indicates most obviously the recognition of this fact, viz., that the zamindars should not be allowed to wait for compensation and that under present conditions, and on various considerations, at least 50 per cent should be secured to them now alone. The period for which they will otherwise have to wait, viz., till the

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survey and settlement is over, would be too long a period, and it is not proper that they should be made to wait. If my estimate is correct—and I assert it is—this 50 per cent would represent only one-fourth of the amount promised to us. While in the amending Bill, the professed object is to secure to us 50 per cent of the compensation, if we are given only 25 instead of 50 per cent, is it fair, I ask? To receive only one-fourth of even this very low quantum of compensation of 12½ crores and to expect us to wait for 10, 12 or more years, till after survey and settlement,—who knows what the period would be—is really unbearable, I may most respectfully submit.”

MR. SPEAKER:—“ From the zamindars’ point of view, I know it is a very important point; but with all that, I must ask the Raja Saheb to realize that there is too much of repetition. I know this is an important matter from the zamindars’ point of view, and so let him continue, but it would be better to avoid repetition.”

* THE RAJA OF VENKATAGIRI:—“ I am very much obliged to you, Sir, for recognizing the importance of the subject; at times indulgence has to be shown in view of the enormity of the injustice already caused to us and in view of the great importance attached to the subject. I am trying to place my views before the House from various aspects, and when I do so naturally there must be some repetition, which I would beg you to excuse. So far, I have indented on the time of this House only on rare occasions; perhaps it was only on another general debate that I intervened besides zamin discussions. Therefore, I would request you once again to show me some indulgence. Anyway, I would not abuse the indulgence shown to me to any undue extent.

“ Now, Sir, we are asked to wait for 10 or 12 years and be content only with one-fourth of the promised amount of 12½ crores which we consider is only about one-eighth or one-tenth of the amount we are legally entitled to and one-fourth of that one-eighth will be only about 2 per cent of what we consider to be due to us. Anyway, I do not want to refer to the legal aspect of what we consider we are entitled to. I will only confine my remarks to the 12½ crores which is assured to us in this Bill. Only one-fourth can be now given to us. I trust that Government would accept my amendment, even in a suitably modified form, unless they can tell this House that it is possible to secure to the zamindars about 6¼ crores, or roughly that amount or an amount approximating that.

“ Sir, in regard to these matters, various extraneous issues were raised by some members and I now wish to desist from alluding to them. Those are not germane to the issue and I think the valuable time of this House should not be wasted by my replying to them. But, let me say only this. We want that at least this 50 per cent should be secured to us and not the 25 per cent which we apprehend we would ultimately get. Then, Sir, ten years in these days is too long a period to wait. I

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may assure this House here and now that even this money would become a national asset, because, being aware as I am of the various schemes which my zamindar friends have got, most of this money would find investment in industrial and agricultural development of the country at a time when the money market is very tight; and our great Leader, Pandit Nehruji often rightly emphasised it is for us to produce more lest we perish, and manufacture more so that we need not perish.

"Again, Sir, I disagree with those who believe that it is only by abolition you will secure relief to the tenant. There are various other methods by which you can do it. Now, if the object of the Bill is to secure relief to the tenant, you must at the same time see that injustice is not caused to one section of the society which forms this great Bharatavarsha."

THE ZAMINDAR OF MIRZAPURAM:—"Mr. Speaker, Sir, I rise to second this amendment which has been moved by my hon. Friend, the Raja Saheb of Venkatagiri. He has dealt with the subject completely and fully and if his speech cannot convince the Hon. Minister in charge, I do not think it is possible for other members to convince him.

"Now, Sir, this amendment is only an enabling provision for the Government to vary the proportion of the gross annual demand. After all, the compensation now proposed, namely, 50 per cent, does not come anywhere near 6 crores and odd. As my hon. Friend, the Raja Saheb of Venkatagiri, has stated, we may not get even 25 per cent of the compensation if the provisions of the Bill are applied and if the Government do not take any power to alter the proportion of compensation, if it does not come to 6½ crores. This amendment is very reasonable and it is necessary that the landholder should be paid at least the 50 per cent of the compensation which the Government are now proposing to pay. According to the amending Bill, the Government have stated, that the zamindars shall be paid a compensation of 12½ crores. When this is admitted, I do not find any reason why this amendment should not be accepted by the Hon. Revenue Minister. This amendment seeks to provide only 50 per cent of the 12½ crores. If this is not accepted now, the Government will not have any power, even if they want to increase the proportion and pay the landholder. So, Sir, I would earnestly request the Hon. Revenue Minister to view the amendment sympathetically and accept it."

MR. SPEAKER:—"Amendment moved—

'that after the proposed section 54-A (1) another sub-section as follows be added:—

"(1-A) If it is found on a rough estimate that the aggregate of amounts payable under this section to all zamindari estates to which this Act applies falls short of six and a quarter crores of rupees the Government shall have power to suitably vary the proportion of the gross annual ryotwari demand as provided

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under section 27 of the Act, to such proportion as would secure to all zamindari estates the present payment of 6½ crores of rupees."

* SRI K. BHASHYAM:—"Mr. Speaker, Sir, I am glad that the Government have come forward with this Bill for the purpose of securing to the zamindar at least some portion of the amount due to them and they have also assured them that a minimum of 12½ crores as compensation will be payable to them. I therefore gladly welcome such a measure, for I am one of those who do not want to take any man's property without proper compensation being paid to him.

"Now, Sir, what I would like to speak about the amendment which has been moved by my hon. Friend the Raja Saheb of Venkatagiri is—if he sits in the Opposition, I would call him Gentleman."

MR. SPEAKER:—"He does not belong to the Congress party. He sits in the Opposition."

SRI K. BHASHYAM:—"He is not my enemy; but my friend, Sir."

MR. SPEAKER:—"In parliamentary parlance if a Member does not belong to the same party, he is not addressed as 'Friend', but addressed as 'Gentleman'."

SRI K. BHASHYAM:—"Is it, Sir, that a member of the Opposition is always a Gentleman and a person who sits on the Ministerialist side is not a Gentleman?" 3-30 p.m.

MR. SPEAKER:—"What I said was that in parliamentary parlance if a member does not belong to the same party he should not be addressed as 'hon. Friend' but as 'hon. Gentleman'. That is the position; let us have no controversy over it."

THE RAJA OF VENKATAGIRI:—"Mr. Speaker, Sir, on a point of information, so that it might guide me. I always claim, Sir, that I am a friend of all sections of the House and since I do not belong officially or unofficially to the Opposition, how can I be described in terms applicable to the members of the Opposition, namely as 'hon. Gentleman' and as one belonging to the Opposition, and not as a friend of the party in power? I would always like to be a friend of the party."

MR. SPEAKER:—"Whether he is a friend of the party or an enemy of the party is immaterial; in parliamentary parlance, a Member who belongs to the same party will be referred as 'hon. Friend' but if he belongs to other parties he is referred to as 'hon. Gentleman'."

JANAB N. MUHAMMAD ANWAR:—"Sir, on a point of order. Am I to understand that a friend is not a gentleman and a gentleman is not a friend?"

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SRI K. BHASHYAM:—"The Raja of Venkatagiri is finding it difficult how to address members of the Congress party; he is not in the Opposition because he does not sit with the official Opposition."

MR. SPEAKER:—"That does not matter. The point is he does not belong to the Ministerialist party."

SRI K. BHASHYAM:—"I would suggest that we call him as gentleman Friend."

MR. SPEAKER:—"But that is a new coining hitherto not used in parliamentary parlance."

SRI K. BHASHYAM:—"We are a new parliament and we are entitled to coin new words."

MR. SPEAKER:—"But let us follow what as a result of 700 years of parliamentary experience, they have adopted."

* SRI K. BHASHYAM:—"But at certain moments, we are wiser than they despite their 700 years of parliamentary experience."

"My hon. Friend the gentleman Friend, the Raja of Venkatagiri, has moved an amendment and I am very sympathetic to his amendment. I find that in actual practice in the matter of working it, there will be some difficulties and I should like to have some enlightenment on the point from him. The amount payable is 6½ crores of rupees and that is the minimum that is guaranteed to them. Unless all the estates are notified and a rough estimate is made of the amount payable under this Act, it is not really possible to ascertain whether it would come to 6½ crores or not. Unless the mover of the amendment is willing to wait till all the estates are taken up and a rough estimate is made in respect of the estates, this amendment cannot really come into force. But I will point out to him that by the time all the estates are taken up and an estimate is made, the time between the rough estimate and the determination of the final estimate will be too short for him to get any advantage. The question of relating rough estimate to the final figures is a matter of mathematics and it can be worked out easily under the scheme which the Government have got for the distribution of interim relief. Therefore, this is a point on which I would like to have some enlightenment."

"Regarding the other amendment, for some reason, Communist troubles or for the reason that the estates could not be managed efficiently, the Government have only taken up the bigger estates. The holders of the smaller estates are to a large extent persons who are dependent upon the income from their estates for their livelihood. It has been brought to my notice that small estates have been left out and the big ones taken over. They are small people who have neither the status nor the dignity nor influence to make the collections of rent from their tenants and so they are in a very difficult position and in point of fact their

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position is much worse than even the ryots who are tenants under them. I suggest to the Hon. Minister that the question of taking over the small estates should not be put off but that they should be taken over along with the big ones; if he does so, it is possible to accelerate the taking over of estates and the ascertainment of compensation. Small estates after all require little time and conclusions can be reached more easily than in the case of the big estates. The small estate-holders are not people who will carry matters further and further in appeal and they would be content with what they get. I suggest that small estates might be taken up along with big ones so that they may be in a position to say that both big and small estates have been given sufficient attention for the purposes of taking over. The interim period is a very difficult period."

MR. SPEAKER:—"How can the hon. Member speak on the original clause; when I put the original motion, at that time the hon. Member may speak."

* SRI K. BHASHYAM:—"I thought the whole thing might be covered at once."

"I bow to your ruling, Sir. But any how I have said what I have got to say and I should like to have information from the Mover on the points I have raised for purposes of enabling me to support it."

SRI T. VISWANATHAM:—"Mr. Speaker, Sir, if my hon. Friend Sri Bhashyam had not spoken, possibly I might not have spoken at all. The matter was quite clear when the Bill was published. The Government have got some data. They have taken quite a good number of estates and I understand the aggregate income from these estates is about two-thirds of the total from all the estates. If it is possible for them to know their rates to work up to 12½ crores, it would equally be possible for them to know at what rate it would work out to 50 per cent of that. My hon. Friend Sri Bhashyam has pointed out that unless all the estates are taken over we will not be in a position to know exactly what that amount would be. I submit the estates need not be taken over; without taking over the estates and without even notifying them, it can be worked out. You have got the income and you have also got the reduced rate of income under the Rent Reduction Act and by applying another section, you know what it is that you have got to pay and if that should fall short of 50 per cent of the 12½ crores of rupees, it would be quite easy for them to raise the proportion. If the Government have accepted the principle of giving compensation to the total extent of 12½ crores it is also equally possible for them to make it come to 6½ crores or half of it as the hon. Gentleman has suggested in the amendment. I really should see no difficulty and there should be no legal difficulty at all as it is after all a simple mathematical calculation. I hope the Government can render justice to those who have been denied."

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* THE RAJA OF VENKATAGIRI:—"On a point of personal explanation, Sir. Since the hon. Sri Bhashyam has raised very important points, I thought that I should clear the doubts in his mind since these doubts and the seeming impossibility of working out the figures might prevent my Hon. Friend Sitarama Reddi Garu from considering my amendments as acceptable. The estates notified represent roughly 60 per cent of the aggregate income from all zamindaris. They have now 60 per cent of the estates or even more under their management. Now in this Bill, so far as roughly estimated, they are going to pay 50 per cent of the compensation payable under the main Act. There must be certain data on which these rough estimates would be made and 50 per cent deposited within a period of six months or within June 1950. It is very easy to say that it must be about 30 per cent of these 12½ crores which is 50 per cent of the total compensation due to 60 per cent taken over. The same basis should enable them to increase the one-fourth to one-half of gross income estates so as to reach the amount of 6½ crores. They must have got the aggregate amount of income from the big estates; they must have to base their calculations upon it. Otherwise, how can they pay? Are they going to wait till the survey is over and then make the payment? I hope this might enable my amendment being accepted."

JANAB ABDUL HAMEED KHAN:—"The main point is finance."

* THE HON. SRI H. SITARAMA REDDI:—"Mr. Speaker, Sir, the amendment proposed by the hon. Gentleman seeks to revise the provisions of section 27 of the Act in a certain contingency and also wants the Government to proceed on the assumption that the total compensation as finally determined will or may fall short of 12½ crores. Having regard to the provisions of section 27 of the Act, I think the acceptance of the amendment would do more harm than good to the cause which the hon. Gentleman is so stoutly espousing. In the latter part of the amendment he says that the Government shall have power to suitably vary the proportion of the gross annual ryotwari demand to such proportion as would secure to all zamindari estates the present payment of 6½ crores of rupees. In the whole structure of the Act, section 27 is a very important factor as that gives the basis for the calculation of the amounts that are to be paid for the estates. That is sought to be revised and the amendment therefore seeks to revolutionize the entire basic structure of the original Act and it is not merely an amendment proposed to secure 6½ crores of rupees for them; it will mean the Government agreeing to revolutionize and change the entire structure of the Act. That is likely to happen and that is a position which the Government cannot accept. He proceeds on the assumption that the amount is not likely to be 12½ crores and wants to see that there is adequate provision made to enable them to pay 6½ crores of rupees. Nothing can be known now and it can only be known after the

survey and settlements have been completed on the principles already set out in the original Act. Suppose we take over half a dozen estates to-morrow we cannot have the entire picture as to what the total amount is likely to be and so it will be impracticable and difficult to work out what is the 50 per cent to be paid; it can only be on the basis of a rough calculation. Otherwise there is no possibility of the Government paying any amount to the estate-holder within six months because we will have to wait till the last moment when all the estates are surveyed and settled. So I am sure it will lead to a lot of complications and the hon. Gentleman will not achieve the object which he seems to have in mind and so I would suggest to him not to press his amendment. I can only say that the Government have gone into the question and they could not know the actual amount that will be payable and so, if it falls short of it, they have agreed in the Bill to see that *pro rata* it is raised so that the zamindars get 12½ crores and that during the interim period in respect of the estates that have been taken over, they get 50 per cent of the compensation worked on a rough basis. Otherwise if we go into details, I believe there will be considerable delay and the very people whom the hon. Gentleman wants to help will be much inconvenienced. I therefore, suggest to the hon. Gentleman not to press his amendment."

* THE RAJA OF VENKATAGIRI:—"Mr. Speaker, Sir, a 3-45 p.m.
hope was roused in my heart when I listened with all the attention I can command to the reply of the Hon. Minister for Revenue. But that hope, which suddenly sprang up, vanished equally suddenly as I heard certain observations made by the Hon. Minister later. Calculated roughly on the present basis of one-fourth, it would come to three and a half crores, and that was intended to be given to avoid the injustice of asking the zamindars to wait till survey and settlement operations are over. Sir, I have already represented that to wait for 12 years after receiving only one-fourth of the total compensation amount would entail a lot of suffering. Sir, I know the fate of my amendment unless it is accepted by Government. So it may be in my own interest not to press it; but, Sir, that should not be understood that I agree to the proposal of the Government. I find that this Bill is framed to secure to us 6½ crores; or if it is not that, let it be about five crores, or an amount approximate to that. I think it will be possible, if only Government want it, to find some means within the four corners of the Bill a device to secure to zamindars fifty per cent of the compensation of 12½ crores which if paid, would be used only to accelerate the economic progress of the Province."

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

MR. SPEAKER:—"Before I take up the next amendment I have to say a few words on the position of the Chair and regarding the proper use of Parliamentary expressions in the House. I wish to state that whatever is said here is taken verbatim, and the proceedings of this Assembly are published in printed form. If

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twenty years after, anyone is to read the proceedings of this Assembly, he would think that the hon. Members Sri Bhashyam and the Raja of Venkatagiri belong to the same party if they refer to each other as hon. Friend. So if only the proper Parliamentary language is used, like my hon. Friend in case of members of the same party the hon. Gentleman in case of others such confusion would not arise. Some Members have been using the word 'You' meaning the Government. But when read in published form, it will refer to the Chair. Yesterday, one hon. Member said, 'you are cruel, you have no sympathy', which obviously mean, the Chair has no sympathy and is cruel; but what the hon. Member intended was to refer to the Government. But when I read the British Parliament proceedings I readily find from the debates, which member belongs to the Ministerial party and which member to the Opposition party."

JANAB ABDUL HAMEED KHAN:—"But all the same it should not be understood that we are enemies; in fact there are bosom friends of ours on the other side."

MR. SPEAKER:—"That is why I say, the proper Parliamentary language like 'the hon. Member, the hon. Gentleman, or the hon. Friend' should be used."

* THE RAJA OF VENKATAGIRI:—"Mr. Speaker, Sir, I beg to move—

'that in the proposed section 54-A, sub-section (2) (a) after the words "in the proviso to section 41 (1)" the words "provided that in the opinion of the Government the said amount cannot be recovered from one of the deductions to be made from the arrears of rent as provided under section 55 of the Act" be added.'

Sir, the Hon. ——— I would not call him friend or gentleman, for while I claim myself as a friend of all sections of this House. I feel his sympathy is not adequate to this side; nor would I call him gentleman divested of that friendship, to adopt the Parliamentary language as suggested by you; and so I would call him only, the Hon. Sitarama Reddi Garu. (Laughter.) Sir, we have been strenuously fighting for the Andhra province; and 'Garu' is one of the privileges claimed to be used by the Andhras and so I would not drop that word.

"Now, Sir, I have already observed that the amount of provisional compensation,—or rather as one hon. Member has rightly called it part-payment and not as advance payment,—may not represent even one-fourth of what the zamindar would get. So I suggest that the peshkash and the other dues to Government need not be deducted now. I submit, as regards the interim payment, in section 50, we do not find, if I am right, any provision made for the deduction of peshkash and other dues. Sir, this part-payment tantamounts to interim payment. It is a notorious fact that in several estates, after the policy of the Ministry was

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announced, the collections fell to an extraordinarily low figure with the result that the arrears of peshkash and other dues have accumulated. Now, Sir, if this provision is rigorously enforced in certain cases there may not be anything to be paid as part-payment, or to quote the language of the section, as advance payment. Therefore I request the Hon. Sitarama Reddi Garu to show some sympathy and consideration to this aspect of the matter and see that at least this injustice is avoided. But if we are to be told that the law is there, it is unalterable and inflexible and to relax it would mean violation of all fundamental basis of concept of law, then I am afraid I should submit that we would suffer very much. I hope the Hon. Minister would see that this injustice, inconvenience and hardship are not caused to us."

THE ZAMINDAR OF MIRZAPURAM:—"Sir, I second the amendment moved by my hon. Friend, the Rajah of Venkatagiri. He has stated in detail everything that has to be said on this point, and I have nothing to add to it. So I would only request the Hon. Minister for Revenue to accept this amendment."

MR. SPEAKER:—"Amendment moved—

'that in the proposed section 54-A, sub-section (2) (a) after the words "in the proviso to section 41 (1)" the words "provided that in the opinion of the Government the said amount cannot be recovered from one of the deductions to be made from the arrears of rent as provided under section 55 of the Act," be added.'

* SRI K. BHASHYAM:—"Mr. Speaker, Sir, this is one of those amendments which has got my utmost sympathy, and if I am allowed to vote as I like, I would vote for it. When an estate is sought to be taken over, compensation is sought to be paid from time to time, and at the time of final adjustment, after the calculations have been made by the Government, the amount is to be paid into the tribunal. Pending that final settlement, I do not see any reason why deductions should be made now. Why should not the deductions be made at the end; because after all the Government have got the whiphand, so to say, in their hands, as they have the money of the estate-holder right to the end of the period in their hands? Therefore it is possible to adjust any amount due to Government at the very end. Sir, I plead for this more especially in the case of small estate-holders. For all these years they have been expecting compensation to be paid to them, and it is only fair they should be paid a portion of the compensation even now, as otherwise it would be very difficult to manage to exist in these hard days. Therefore while I agree that as a matter of fact in this matter Government have power to deduct amounts due to them from the compensation payable by them at some stage or other, I request it may be postponed till the last stage. So this motion has my heartiest support, and I would vote for it if I am allowed 4 p.m. the freedom to vote."

THE HON. SRI H. SITARAMA REDDI:—"Sir, in the amendment that is proposed certain matters are sought to be left

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to the opinion of the Government. Item (ii) of the proviso to section 41 (1) of the original Act, which says that the Government shall be entitled to deduct from the amount to be deposited all moneys due to them in respect of any claim which was secured immediately before the notified date by a mortgagor, on a charge on, the estate or any portion thereof, covers a wider scope than what is proposed. When the Government are paying half of the compensation, it is but right that they should take at least half of the deductions, though they have the right to deduct the entire amount. This provision is based on equity. I am sorry I cannot accept the amendment."

* THE RAJA OF VENKATAGIRI:—"Sir, the word 'equity' ceases to be equity when applied to the present case. It is no doubt true that what is due to the Government should be recovered. When only fifty per cent of the deductions is sought to be recovered, the Government are rightly entitled to it. But if the rent collected by a zamindar is very low, he will be hit hard. He might not have been able to pay even the peshkash. There would be precious little left for him if fifty per cent of the peshkash due is deducted from this advance payment. I really never had in my mind other secured charges on the estate. I had in my mind only the arrears of peshkash which the zamindars may be owing. This provision entitles the Government to make deductions in regard to arrears of peshkash. I earnestly request the Government to consider such cases with great sympathy. With these words, I beg leave of the House to withdraw the amendment."

MR. SPEAKER:—"I hope the House gives permission to the hon. Member the Raja of Venkatagiri to withdraw his amendment."

The amendment was, by leave of the House, withdrawn

MR. SPEAKER:—"The motion is—

'that clause 3 do stand part of the Bill.'"

Clause 3 was carried.

Clauses 4 and 5 and the preamble were put and carried.

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

"I thank the hon. Members for the various suggestions they made and I am sorry I could not accept any of the amendments of the hon. Member the Raja of Venkatagiri. I have already explained the whole object of the Bill clearly when I moved the motion for the consideration of the Bill and I do not want to traverse the same ground."

MR. SPEAKER:—"Motion moved—

'that the Madras Estates (Abolition and Conversion into Ryotwari) Amendment Bill, 1949, be passed into law'."

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SRI B. VENKATANARAYANA REDDI:—"అధ్యక్షా, ఒకటి, రెండు విషయములను మాత్రము ఈ సందర్భంలో మంత్రిగారి దృష్టికి తీసుకొనిరావలసినాను. జమీందారులకు ఇవ్వదలచిన compensation లో సగభాగమును వారికి advance payment గా ఇచ్చేసందర్భములో కొన్ని ముఖ్య విషయములను ప్రభుత్వమువారు గమనించవలసియున్నదని, వాటిని మంత్రిగారి దృష్టికి తీసుకొనిరావలసిన బాధ్యత, ధర్మము నానైనకూడా ఉన్నదని భావిస్తున్నాను."

"ఇస్తు తగ్గింపు చట్టప్రకారము జమీందారి గ్రామములలో ఇస్తు తగ్గింపు జరిగిన తరువాత రొక్కరూపములో ఇస్తు చెల్లించేటటువంటి వద్దతి ఉన్నటువంటి గ్రామాలలో పాత ఇస్తులకు కొత్త ఇస్తులకు విశేషంగా హెచ్చుతగ్గులు రావు. జమీందారి ప్రాంతాలలో కేవలము రొక్కరూపములోనే ఇస్తులను ఇచ్చేటటువంటి గ్రామాలు కొన్ని, ధాన్యరూపములో ఇస్తు చెల్లించవలసిన నిర్ణయములుగల గ్రామములు కొన్ని ఉన్నవి. Rent reduction జరిగిన తరువాత ధాన్యరూపముగా ఇస్తులను చెల్లించే గ్రామాలలోని రైతులకు విశేషంగా ఇస్తు తగ్గింపు జరుగలేదు. ప్రభుత్వమువారు ఇస్తు తగ్గింపుచేసిన తరువాతకూడ ఎక్కడానికి 40, 50 రూపాయలువరకు వస్తులు విర్రవదుతాయున్నవి. ఇదిచాలా విపరీతమైన హెచ్చు ఇస్తు. ప్రభుత్వమువారు ఎన్నెన్నటిని స్వాధీనం చేసుకొని survey and settlement చేయించిన తరువాత ఈ భూములకు ఇతర గ్రామములలోవలెనే కూడ రూ. 5, 6 ఇస్తు మాత్రమే నిర్ణయించబడగలదు. ఇప్పుడు జమీందారులకు compensation ఇచ్చేటప్పుడు ఆ compensation ప్రస్తుతము ఇస్తు తగ్గింపు చట్ట ప్రకారం నిర్ణయించబడిన రూ. 40, 50 తరముల మీద ఆధారపడి ఇవ్వదలచినట్లుగానే ప్రభుత్వమువారికి హెచ్చు ఖర్చు అవుతుంది. కాబట్టి survey and settlement జరిపిన తరువాత నిర్ణయించబడే రూ. 5, 6 ల ఇస్తునే ఆధారంగా తీసుకొని జమీందారులకు సబ్బరహరిం ఇప్పించవలసిందని కోరుచున్నాను. ధాన్యఇస్తు గ్రామములు వెంటనే సోస్టి నెట్లమెంటు చేయడము. లేనిచో జమీందారులకు ఆనేక రెట్లు హెచ్చుయ్యవ్వడం తలచిస్తుంది. ఆ విధంగా అదనంగా జమీందారులకు ఇచ్చే compensation ను గరిగా రాబట్టుకొనే అవకాశం ఉంటుందో ఉండదో మంత్రిగారు గమనించవలసిందని కోరుతు వారిదృష్టికి ఈ విషయమును తెస్తున్నాను."

* THE RAJA OF VENKATAGIRI:—"Sir, for the benefit of those who could not have followed the Telugu speech of the hon. Member who preceded me, I may say that he wanted that the zamindars should be paid compensation on the basis of the ultimately settled rate which may be about 50 or 60 per cent of what the zamindars may be receiving now. My submission is that this issue is not relevant to the present measure. The object of the measure is only to pay fifty per cent of the compensation calculated by the Government on the basis on which it is payable to the zamindar. After all, what is secured to the zamindar is only one-fourth, and there is a sufficient margin still in the hands of the Government. Therefore the apprehension of the hon. Gentleman Sri Venkatanarayana Reddi Garu is not well-founded. He feels that he is a custodian of the public finance. It is a very laudable object. But I submit that every Member of this House should be a custodian of the just and legitimate rights of not only that section of society in which he is interested, but of all sections."

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4-15
p.m. "Coming to the Bill, I still hold the opinion that my amendments deserve acceptance by the Hon. Revenue Minister. It is really my misfortune that he could not accept them. If any injustice is caused in working the Act, I hope the Hon. Revenue Minister will see that it is mitigated to the utmost possible extent. It is that hope that consoles me, though I still assert that the compensation provided for in the original Act and this also is not supported by social justice and legal and other considerations and that we are entitled to a far larger amount. We feel that eighty per cent of this twelve and a half crores of rupees should be paid now. Even fifty per cent would not be secured according to the provisions of this measure. I must frankly submit, Sir, that all these hopes and promises appear to me to be mere pious wishes, but piety has got great spiritual effect. Let me hope, Sir, that those pious wishes, by God's grace, will be translated into real actions, and that God would move the Hon. Sri H. Sitarama Reddi to see that justice is secured to this class of people who have already suffered much avoidable injustice at the hands of the Government."

* SRI K. BHASHYAM:—"Mr. Speaker, Sir, the Government, no doubt, have been hastening up the survey and settlement operations in respect of the various estates which have been taken over, under the original Act, for determining the compensation to be paid to the zamindars and other estate-holders and for that purpose they have also sanctioned the necessary staff for seeing that these preliminaries are gone through, as quickly as possible. They are no doubt earnest to see that their ultimate liability to the zamindars may be finalised as early as possible. It is the fond hope of the Government that when all these preliminary operations are over and the total amount of compensation is finally determined, it would not be more than Rs. 12½ crores. But I am not quite sure about it. Anyhow, I feel that they should give necessary instructions to the authorities who are in charge of the rent reduction work in the estates and also to those officers who are in charge of ascertaining the rents and calculating the compensation to be paid, to work it out on the basis of the 12½ crores only, which they have fixed as the total amount of compensation, for all the estates to be taken over. Sir, complaints have been made to me by many persons that in respect of the rents payable by tenants, these authorities have reduced them to one-fourth and one-third in many cases. In one case the rent was reduced to such a low figure, that it so worked out that the total amount of rent to be paid would not cover even the peshkash payable by the estate-holder to the Government. I think that such a state of things should not be allowed to happen, and that the Government should in speeding up these operations, issue instructions to authorities concerned not to reduce the rents so unduly, as not to be comparable with the rents prevailing in the ryotwari areas in the neighbouring locality, because ultimately it is the Government who will be the sufferers. For, when once the rent is reduced

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very low, that represents the amount that the Government will be able to collect from the ryots as land revenue and hence ultimately the Government will get only a reduced amount of land revenue. Therefore the officers who are in charge of this work should be asked to take this aspect of the question into consideration in fixing rents. I hope, Sir, that the Government will issue necessary instructions in the matter to the officers concerned and see that they conform to the principles laid down in the original Rent Reduction Act in estates.

"Then again, Sir, I wish to refer to the question of small estates and persons who hold these small estates. The Government are only concentrating upon bigger estates and are anxious to settle the claims of bigger estate-holders first. They do not seem to show as much eagerness and anxiety to settle the claims of the smaller holders, who are put to greater sufferings by the delay in taking over their estates. I would like the Government to take up these smaller estates, notify them and settle their claims first before taking over bigger estates, because it is easy to do so. The Government need not make them wait for a considerable length of time, making small payments by instalments, because under the provisions of the original Act, they can deposit the full amount within six months from the notified date, and dispose of their claims once for all. These small estate-holders are put to considerable difficulties now, because they are unable to get on with the small sum paid to them in instalments and therefore I should like the Government to take over these small estates in the first instance and settle their claims as soon as possible, and relieve them from their present distress."

SRI R. V. SWAMINATHAN:—"Mr. Speaker, Sir, I hope that after this Bill has been passed, there will be an end of all the matters connected with the zamindari abolition, because from the moment the original Act for the abolition of the zamindaris was passed, the Government have been bringing forward several pieces of legislation one by one, in almost every session of the Legislature in order to amend the original Act. That shows that the Government have passed the original Act without sufficient consideration and in haste. It has almost become a habit with the Government, that whenever they do one thing, they do so rather in haste and without giving sufficient thought and consideration over the matter, and then come along with amendments to rectify the defects found therein. 'One thing at a time, and that done well', should be their motto, and that is the policy which the Ministry should adopt.

"Now, Sir, on account of the Zamindari Abolition Act, not only the tenants, but also the zamindars are suffering. This Act was intended to help the tenants and also give some benefits to the zamindars, but now we find that both of them are suffering and none of them gets any benefit out of it. I hope, Sir, that this

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amending legislation will be the last one on this subject, and that the estates which have not yet been taken will be taken over very soon and that the claims of the zamindars will be settled without much difficulty.

"Sir, the Government, when they passed the original Act, did not realize the difficulties and defects in the working of the Act, but simply laid down certain principles and methods for working out compensation. But now when they have actually taken over certain estates, they find that there is no definite provision for the actual payment of compensation, and that is why they have come forward with this amending measure. My appeal to the Government is this. They have now taken over only a few big estates but have left a number of other small estates to be taken over later. I think that they must notify the other estates also and take them over and get along with the preliminary survey and settlement. I think, they can pay compensation and that question will not stand in the way. Though this point was raised in discussion after discussion, the Hon. Minister did not reply to that point and the Government do not tell us when they are going to take over all the other estates, which have now been left out. I hope they will look into this question and take necessary steps to take over the rest of the estates as soon as possible."

SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I rise to congratulate the Hon. Sri Sitarama Reddi on piloting this Bill. As I said, at the first reading, he has undone to some extent the wrongs done by a previous legislation. I only hope that he will pursue this policy further and bring in more Bills to rectify the defects and to remove the injustices done by previous enactments.

"Sir, the Hon. Sri Sitarama Reddi is a lawyer and he can go more deeply into the provisions and implications of the original Act and he can bring in more Bills and more amendments to remove the injustices one after another, in quick succession and not 'one thing at a time' as my hon. Friend Sri R. V. Swaminathan would wish to have it. But I do not want the Hon. Minister to combine all these subjects into one big jumble, and bring forward one big amending legislation. For example, there may be one amending Bill for the change on the basis or structure of compensation; a second Bill for removing the injustices done to the inamdars, and a third one for rectifying and remedying procedural defects and complications that are found in the original Act. I do not want that these amendments should be brought in in one Bill. I suggest that he might bring in three or even four amending Bills for this purpose, because the original Act is so complicated and so bad in its draftsmanship and so wrong in some of the principles embodied therein, that it deserves any amount of amendments by a good Minister like the Hon. Sri Sitarama Reddi. That is all I have got to say at this third-reading stage of this Bill, Sir."

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* THE HON. SRI H. SITARAMA REDDI:—"Mr. Speaker, Sir, I should first like to reply to my hon. Friend Sri R. V. Swaminathan. He was a member of the Joint Select Committee on the original Bill and I do not know wherefrom he got the idea that the Government have been bringing lots of amendments to that Act. I should like him to refresh his memory and to note that this is the first Bill that has been brought forward as an amendment to the original Act that was passed for the abolition of the zamindari. He ought to have known that as a member of the Joint Select Committee. If the Government think that it is necessary to correct certain mistakes, or to remedy certain defects which had crept into certain enactments, or to see that justice is done to any section of the people who had been suffering from some injustices by reason of some past enactments, the Government are certainly in duty bound to bring forward such amending legislation and there is nothing wrong or improper about it. I do not know wherefrom my hon. Friend Sri Swaminathan got this idea, that the Government are not tired of bringing amendments in session after session to that Act. He is a member of this House and he must know it better than anybody outside and he should not be under such delusion. But at the same time, he must remember that as long as it is necessary for the Government to see that injustices are removed and justice done to people, they must necessarily bring forward amendments. That is the purpose of this Legislature and I must remind him once again that it is for that purpose that we are here and it is for that that he and I are selected by the people to this House.

"Sir, coming to the subject proper, my hon. Friend Sri Bhashyam pointed out certain difficulties and hardships which the smaller zamindars and estate-holders are undergoing, and said that survey and settlement operations should be expedited and that their estates should be taken over first. I am sure, he is aware of the rules that we have recently framed under section 60 of the Act and which were also approved by the Legislature. We have said that whenever we take over the estates of smaller zamindars, we will pay them the entire compensation in one lump sum and that we will take over those small estates as soon as possible. We are still keeping that in mind and we will proceed according to that policy. Sir, I am anxious that this work of conversion and taking over of the estates should be expedited and for that purpose adequate staff of survey and settlement parties have been sanctioned, and we are taking every step to see that these operations are expedited and the claims of the estate-holders settled as soon as possible. At the same time, I should like hon. Members to realize that the Government have also got certain difficulties to face in the matter, both administrative and financial. We have to examine every aspect of the matter before we take the next step. It is not as if we are unaware of the difficulties of the zamin ryots or of the small zamindars, and we are equally anxious as members of the House to mitigate the sufferings of the zamin ryots.

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"Sir, I should like to take this opportunity to assure hon. Members of the House that the Government will do everything to expedite this work and see that the whole work is finished as early as possible.

"Sir, the hon. Gentleman, the Raja of Venkatagiri, appealed to the Government that justice should be done to them. I can assure him that it is because we wanted to do justice, not only between zamindars and tenants, but between man and man, irrespective of class or community, that we have brought forward this Bill. Let me also thank hon. Members of the House for the very constructive suggestions they have made about the working of this Act and the difficulties pointed out by them in the administration of the estates which have been taken over, and we will take note of them and see that adequate steps are taken to remedy the defects and remove the difficulties and hardships pointed out. I once more thank hon. Members of the House for giving me this co-operation to get this Bill through as expeditiously as possible."

MR. SPEAKER:—"The question is—

'that the Madras Estates (Abolition and Conversion into Ryotwari) Amendment Bill, 1949, be passed into law'."

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

(2) THE MADRAS VILLAGE PANCHAYATS BILL, 1949—cont.

Clause 9—cont.

4-30
p.m.

* JANAB M. MUHAMMAD ISMAIL:—"Mr. Speaker, Sir, we were on clause 9 on the previous day. The New Constitution does not stand in the way of affording reservation or even separate electorate to the minorities so far as the panchayat boards are concerned. The Article in the New Constitution which deals with the subject of separate electorate is Article 325. It reads—

'325. There shall be one general electoral roll for every territorial constituency for election to either House of Parliament or to the House or either House of the Legislature of a State and no person shall be ineligible for inclusion in any such roll or claim to be included in any special electoral roll for any such constituency on grounds only of religion, race, caste, sex or any of them.'

This article refers to the elections to the legislatures of the country. It does not put an interdict or place any bar so far as the reservation of seats and separate electorates are concerned in the matter of elections to the local boards including the panchayats. That is one point about this article. Secondly, even with reference to the elections to the legislature, what the article says, is—

'... no person shall be ineligible for inclusion in any such roll or claim to be included in any special electoral roll for any such constituency on grounds only of religion, race, caste, sex or any of them.'

But if there is anything else along with any of these factors, namely, religion, race, caste, sex or any of them, then I do not think there is any bar in setting up a special electorate or separate electorate,

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For example, if a group of people belonging to a particular religion, are also members of a minority community, or a backward community, then, Sir, I do not think there is any objection in this article to creating a separate electorate even for the legislatures. That being so, the Government ought to have provided for representation for minorities including the Muslims in the Bill. This clause 9 omits the Muslims and Christians altogether. Representations to Muslims and also to Christians, if they so desired, ought to have been provided for in the Bill through election itself. I go a step further and say that such representation ought to be given through separate electorates as well if they are to serve the real purpose of giving representations to the minorities. Instead of giving representation through separate electorates, if representation is given through joint electorates as is being proposed by this Bill, what will happen? The representative elected—be he Hindu or Muslim—will be really the representative of the majority community, particularly when any dispute or controversy arises between the majority and the minority communities. He cannot conscientiously represent the minority. In that case, the minority community will be deprived of any representation in the panchayat board. Such a representative elected through joint electorate, who is really the representative of the majority community, need not even have the approval of the minority community. But all the same simply because he is said to belong to a community, he is stated, or he is asserted, to be the representative of that community to which he happens to belong. This is not the proper way of giving representation to the minorities. Take, for instance, what happened the other day with regard to the elections to the Constituent Assembly. Have those Members who have been elected to represent the Muslim community any representative character? Did the powers-that-be, I mean those who were concerned in the matter of selection and the election of those representatives, take any pains even to consult the wishes of the people of the minority community to which they were supposed to give representation through these nominees? This is certainly a mockery of the demands and claims of the minority communities who want to have real representation in the various electoral bodies in the country. They wanted Muslims to represent them in the Constituent Assembly, and they are getting these representatives. Sir, the public know and the world knows the character of the representatives who have been given to the Muslim community in the said election. Such things have happened in the past, and they will happen in the future as well. That is why I say that when Government want to give representation to a community, they should give them their own real representatives, and adopt such methods and means by which such representation can be secured. Giving the minority community, which claims representation, such kind of representatives is worse than denying them the right of vote. If they were denied the right of voting, what will happen? Nobody can presume to represent the community, and commit the community to policies and actions which the community does not approve. The world will know that the minority

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community has no voice. Now, under this Bill certain people will be elected as representatives of the minority communities, and they speak out, not the views and wishes of the community which they are supposed to represent but the views of their real electors, that is to say, the majority community. In a thousand and one things all the communities will feel alike, speak alike and also think alike. But whenever a difference comes between one community and another, then the minority community will not have any opportunity of expressing its views. In this way, that community will be deprived of the right of self-expression, the very fundamental right of expressing its views. Even when it has the right of self-expression, the decision does not remain in its hands, but only the right of expression of these views and wishes before a majority. Even that right of self-expression is being denied to them. One hon. Member opined that separate electorate was anti-national, or was not in accordance with nationalism. When they speak of nationalism, I cannot really understand what they mean. Though this question has been put on several occasions it has not been explained. The hon. Member who presumed to speak on nationalism and separate electorates, did not explain what he meant. The fact is that he simply echoed and repeated what other men greater men than himself have stated before. Those other gentlemen themselves have not explained how separate electorates are against nationalism. I say, and I assert, Sir, that separate electorate is not at all against nationalism. On the other hand, it will strengthen nationalism. By separate electorates, people get what they want. They are given the opportunity of having their say in the legislatures and other electoral bodies, and they will be satisfied. They will feel that they have got what they wanted. But if this is denied to them, and if members belonging to their community are elected by other than separate electorates, and they misrepresent them, what happens then is that discontent grows. Smouldering discontent, grievance and despondency among the people will result. This is not at all good for the welfare of the country. It is not good to keep a community perpetually discontented, and perpetually deny it the elementary right of having its say in the proper quarters. On the other hand, as I said, if they are given separate representation and real representation, they will feel contented and satisfied, and they will take every opportunity of heartily co-operating with the other communities. In the villages, seeing that every section of the people can have their way in the matter of election, there would be no room for bitterness and keen disappointment, which would otherwise be nourished. Elimination of discontent and feeling of grievance by providing for separate electorate and real representation to the minority community will really strengthen harmony, unity and nationalism. They say that these separate electorates created trouble in the past. This again has not been explained. To attribute any trouble to separate electorates only reminds one of the Tamil proverb:

‘தென்னேமரத்திற் தேள் கொட்டியதற்கு
பின்மரத்தில் நெரிகட்டினதாம்.’

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That is, the coconut tree was stung by a scorpion, and the swelling therefor appeared on the palmyra tree. (Laughter). First of all the coconut tree would not have been affected by the scorpion sting, and secondly even if it were affected, the swelling for it should appear on the coconut tree and not on the palmyra tree. Whenever there was trouble, they said that it was due to separate electorate. Why should all troubles be attributed to separate electorates, passes my understanding. But what was really the cause of the trouble? The cause of the trouble between the communities was not the separate electorate which was really the result of a happy agreement between the communities. The real cause of that trouble was the irritating objection and opposition that were raised even to the ordinary demands and claims of the Muslim community.”

MR. SPEAKER:—“These things can best be said when we come to new clause 9-A.”

* JANAB M. MUHAMMAD ISMAIL:—“It was never my intention, Sir, to say this now, but since on this clause certain friends had raised this question, I thought that I should refer to the subject.”

MR. SPEAKER:—“But it will be repeated again when we take up clause 9-A.”

* JANAB M. MUHAMMAD ISMAIL:—“Not exactly Sir, not in the same terms or manner, Sir. (Laughter.) The trouble was caused by the constant and irritating opposition that was being confronted even by the ordinary demands and claims of the minority community. If there is anything wrong in the principle, then what is really meant by representation to vocational classes or by representation of faculties? There are separate electorates for faculties and on vocational basis.”

THE HON. SRI K. CHANDRAMOULI:—“There is no such reservation in the Panchayat Bill.”

* JANAB M. MUHAMMAD ISMAIL:—“I do not speak of separate electorates and of reservation of seats with regard to the Panchayat Bill alone. I am speaking of the principle. When the principle is all right. . .”

MR. SPEAKER:—“I think it will be relevant to clause 9-A.”

* JANAB M. MUHAMMAD ISMAIL:—“Sir, my point is why should it not have been provided for in clause 9 of this Bill? That is what I ask. I am trying to convince the Minister that he should not have included that in clause 9.

“Again, in other countries, they say, there is no such thing as separate electorate. But there are even greater things than separate electorates. There are countries in Europe where education of a minority community is handed over completely to the

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charge of that minority. Moneys out of public revenue are being allotted for these minority communities to be managed by them. They have got councils to be elected by themselves which are to manage these educational and other institutions which are handed over by the State to the exclusive charge of those minorities. Religious instruction is made compulsory and religious instruction for every community is being arranged to be given only by that particular community."

Mr. SPEAKER:—"That is not relevant to the discussion on hand."

* JANAB M. MUHAMMAD ISMAIL:—"I have to say this because some hon. Member asked in what other countries have you got such an arrangement as this. I say there are more serious and more comprehensive arrangements for minorities in other countries. In Yugoslavia there is a community called Ruthenians. They are even given territorial autonomy. Albania, a small country which is not equal to even two or three taluks of our country, has got provision for special electorates for the minority. All these provisions, I would emphasize, have been provided not even as a result of the agitation of some local leaders but as a result of the deliberations of the statesmen of the world. That came after the end of the First World War."

Mr. SPEAKER:—"All these could have been quoted in the Constituent Assembly. That would have been a better place than this one."

* JANAB M. MUHAMMAD ISMAIL:—"I have quoted them there too, Sir. Here that question was raised. On Friday I complained that that question need not have been raised. But since it was raised and since our friends had not noted what was going on in the Constituent Assembly. I have to refer to them here too. From these things, it will be evident that separate electorate is not harmful; reservation of seats and separate electorate are very salutary. It will work for very good and happy nationlism in the country. Let us not always be harping on past prejudices. Let us forget them; let us go forward and go ahead with mutual accommodation, tolerance, goodwill and harmony for the happiness of the country as a whole. I am for the achievement of this object. Every community must be satisfied; it must be given its due. That is all that I want to urge."

* THE HON. SRI K. CHANDRAMOULI:—"Sir, before I say anything, or reply particularly to the Leader of the Opposition, I would like to place one point which had been made clear by this House when we met at the beginning. Particularly the Opposition and the minorities had made it quite clear to me and in their several speeches that no reservation was needed, no co-option was needed. Only the Harijan Friends wanted persistently that a sort of reservation for some time should be given to them and

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even they were not in favour of co-option. That was the impression the House had given. When we went to the Select Committee, with due respect to the general will or opinion of this House too, we had to concede that sort of thing. I know the idealism and even the small reservation for some time temporarily to the Harijans falls short of that idealism. But so long as you live in democracy, you have to compromise at certain points. You have to give some weight to the opinion of the minorities. That also you wanted. Because it was the unanimous opinion of the Harijans and all others had also advocated in their favour, I had to concede that on behalf of the Government.

"Regarding separate electorates, the less it is talked about them at this juncture the better it is for the minorities and others. I am very sorry the Leader of the Opposition has moved and placed himself in a complicated position. He has fallen into the net trying to come out and at the same time not being willing to come out of it. That is the impression his speech has given me. (Interruption.) He says if separate electorate is conceded—I am only talking about the Muslim community—the person who comes there through separate electorate will always talk of Muslims and he can represent hundred per cent Muslims. That is the impression which the Leader of the Opposition has given. That is narrow-mindedness. I want him to think in terms of the village as a whole. That is the basis of this Bill. Let him not always think as a Muslim but as a villager. In our country in the villages I can vouchsafe some years back we lived like brothers. After some time a sort of compartmental feeling set in. Unfortunately under the alien British rule this poison was injected and every one of us, after some time, began to think 'I am a Kamma, he is a Muslim, the other one is a Christian, etc. All these things must go. We must start afresh and with the advent of independence, we must try this experiment. If it cannot work, then you have a justification to go back to the old order. Till then you have no justification. That is why I appeal to all the minority communities 'Let us all boldly try this experiment, let us work together so that if it succeeds, the country will be well, the villagers will be well, they will flourish and work together like brothers for the common and mutual good of the whole village'. That is a healthy principle, nobody can gainsay that fact. So, I request the Leader of the Opposition, without labouring upon this point time and again or bringing in any other complications, to accept the clause. I do not want to make a long speech now but when the time comes, I will explain gradually every point, about the separate electorate, reservation, how they are wrong and how we can only work by practical methods. I will also show how these things have worked in the villages. I request all the hon. Members and particularly the minority communities not to have any misapprehension. I would like to see that all of us work happily and carry out the intentions of this Bill so that the common good of the villagers may be achieved."

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JANAB MOHAMED ABDUL SALAM:—"On a point of information, Sir. The Hon. Minister appealed to the Leader of the Opposition to think less and less of the Muslims. Will he make an appeal to the Kammas and Reddies of his place to think of themselves less and less when they think of this Government?"

THE HON. SRI K. CHANDRAMOULI:—"Already on behalf of the Congress I did it for 30 years as a Congress worker and I am sure we never talked in terms of communalism."

MR. SPEAKER:—"I am going to put clause 9 to the vote of the House. Then we shall take up the amendment of Messrs. Seethi Sahib and Ibrahim."

JANAB M. MUHAMMAD ISMAIL:—"We may take up the amendments tomorrow, Sir."

Clause 9 was put and carried.

MR. SPEAKER:—"We will take up to-morrow the amendment of Messrs. Seethi Sahib and Ibrahim. Now I adjourn the House till 11 o'clock to-morrow."

The House then adjourned.

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APPENDIX.

[Vide answer to starred question No. 293 asked by Sri K. R. Karanth at the meeting of the Legislative Assembly held on 9th January 1950, page 623 supra.]

Statement showing the average wholesale prices of important articles of food prevailing in important centres of the Province.

(Price in rupees per imperial maund of 82.2/7 lb.)

Commodity.	Average wholesale price before devaluation.				Average wholesale price since devaluation 1949.
	January to June 1948.	July to December 1948.	January to June 1949.	July to 18th September 1949.	19th September 1949 to 15th October 1949.
(1)	(2)	(3)	(4)	(5)	(6)
RS.	RS.	RS.	RS.	RS.	RS.
1. Rice.					
1 Visakhapatnam	25.58	27.95	17.66	15.37	15.37
2 Kakinada	12.01	15.58	13.05	12.78	12.67
3 Guntur	10.46	11.26	12.36	12.36	12.36
4 Tiruchirappalli	11.91	15.08	13.47	13.43	13.40
5 Kumbakonam	11.62	11.42	13.01	13.01	13.01
6 Mangalore	12.02	12.47	14.26	14.26	14.26
7 Kancheepuram	13.00	26.74	16.25	15.67	14.06
Average	13.71	17.21	14.29	13.84	13.59
2. Cholam.					
1 Guntur	8.70	7.49	8.66	8.52	8.27
2 Nandyal	9.87	8.68	8.97	8.57	9.73
3 Adoni	9.30	10.16	10.76	10.42	11.36
4 Cuddapah	7.86	9.93	10.90	10.90	10.90
5 Guntakal	11.38	14.68	9.45	9.95	9.95
6 Coimbatore	9.13	8.81	9.03	9.19	9.63
Average	9.37	9.94	9.63	9.76	9.97
3. Redgram dhall.					
1 Nandyal	20.20	23.20	21.01	17.80	18.09
2 Bellary	22.51	20.80	20.00	20.09	20.09
3 Vellore	27.52	25.93	22.37	21.71	18.98
4 Tiruchirappalli	26.68	25.95	22.44	21.24	21.24
5 Madras	21.69	26.38	21.82	20.75	21.11
Average	23.72	24.45	21.55	20.32	19.90
4. Bengalgram.					
Kakinada	20.19	20.64	21.94	23.92	20.87
5. Gingelly oil.					
Madras	63.15	68.47	71.77	70.41	70.22
6. Chillies.					
1 Kakinada	31.43	50.95	58.20	83.70	93.00
2 Guntur	35.16	43.38	62.31	77.64	85.04
3 Tirunelveli	46.50	68.55	74.14	71.21	70.55
4 Tuticorin	46.04	64.34	72.75	74.29	72.28
Average	39.78	56.81	66.85	76.71	80.22

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Commodity.	Average wholesale price before devaluation.				Average wholesale price since devaluation 19th September 31st October 1949.
	to January June 1948.	to July December 1948.	to January June 1949.	to July 18th September 1949.	
(1)	(2)	(3)	(4)	(5)	(6)
	RS.	RS.	RS.	RS.	RS.
7. Salt.					
Madras City	1.74	1.60	1.35	1.42	1.49
8. Tamarind.					
1 Chittoor	10.25	10.00	12.54	21.51	22.28
2 Kozhikode	14.11	14.11	14.11	14.89	20.24
Average	12.18	12.06	13.33	18.20	21.26
9. Coconut oil.					
1 Kumbakonam	56.57	69.14	86.23	91.80	84.57
2 Kozhikode	45.36	60.72	68.06	73.94	78.21
Average	50.97	64.93	77.15	82.87	81.39
10. Cane jaggery.					
1 Visakhapatnam	11.09	13.50	12.08	18.46	21.37
2 Cuddalore	10.74	10.36	15.82	22.97	24.20
Average	10.92	11.93	13.95	20.72	24.29

THE MADRAS LEGISLATIVE ASSEMBLY.

Tuesday, the 10th January 1950.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

MR. SPEAKER:—"Regarding question No. 298, I may state that previously a similar question came up before the House. (Interruption.) I know that it came in a different form. So, I will allow only one or two supplementary questions and will pass on to the next question."

Partition of the Madras Province.

* 298 Q.—JANAB MOHAMED ABDUL SALAM: Will the Hon. the Premier be pleased to state whether it is a fact that the Government have decided to allow this House to discuss the attitude of this Government on the question of the partition of this Province into Andhra and Tamilnad?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—"As the hon. Member is aware, the Government of India have decided to bring the Andhra Province into existence as soon as possible on the lines recommended in the J.V.P. Report, and the steps to be taken to implement this decision are now under the active consideration of that Government. The Government consider therefore that a discussion of the matter in the legislature is unnecessary."

JANAB MOHAMED ABDUL SALAM:—"Recently in a press interview the Hon. Pandit Jawaharlal Nehru, the Prime Minister, has said that there are some objectors to this proposal. May I know who are the real objectors, in the view of the Provincial Government, in this matter—whether the Kannadigas or the Ceded districts people or Prakasamites?"

THE HON. SRI B. GOPALA REDDI:—"I do not know what the Prime Minister meant when he used the term 'objectors'. The hon. Gentleman is free to draw his own inference."

SRI V. RAGHAVAYYA:—"Does it follow from the answer given by the Hon. Minister that the formation of the Province does not depend and is not preconditioned by the selection of a capital by this Government and does it also follow that the India Government can select the capital for the Andhras and form the Province?"

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THE HON. SRI B. GOPALA REDDI:—"I do not know whether the Government of India can play the role of an arbitrator in this matter. But as far as this Government are concerned, it was the wish of this Government that the Partition Committee should name the capital of the new Andhra Province within its territory."

JANAB MUHAMMAD RAZA KHAN:—"May I ask what are the real difficulties of the Government of Madras in placing the terms of reference of the Central Government and the reports submitted by the Government of Madras on the table of the House so that the Members of this House, who really reflect public opinion in this Province, may have an opportunity to discuss them?"

THE HON. SRI B. GOPALA REDDI:—"After all it was a question of time and convenience also. The House was not in session then and we had to send the report to the Government of India in the first week of January. We have actually sent the report on the 4th January. Apart from that it was not felt necessary to discuss the matter in the Legislature if it was to come into operation before the 26th January. If, however, the Province is to come after the 26th January, an entirely different procedure will have to be followed. Then the hon. Members will perhaps have an opportunity to discuss this matter."

JANAB M. S. ABDUL MAJID:—"May I know whether the recommendations of the Partition Committee were such that the Government of India were not prepared to accept the creation of the new Province?"

THE HON. SRI B. GOPALA REDDI:—"The decisions of the Government of Madras were submitted to the Government of India. Of course the Partition Committee report was also there as an annexure to the main report of the Government of Madras."

SRI N. VENKATASUBBAYYA:—"May I ask if the report of this Government to the Central Government was complete, including the naming of the capital and, if it is not, in what respects it is incomplete and whether a further report is proposed to be sent?"

THE HON. SRI B. GOPALA REDDI:—"The Andhra members of the Partition Committee promised to name the capital a little time later, which the Government of Madras thought could be communicated to the Government of India at a later date. Except for that, I suppose all other details were completed."

MR. SPEAKER:—"I do not know if the question has been correctly understood. The question is, 'Will the Hon. Premier be pleased to state whether it is a fact that the Government have decided to allow this House to discuss the attitude of this Government on the question of the partition of this Province into Andhra

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and Tamilnad?" I do not know how these supplementary questions can arise out of this question. (Voices: This is a very important matter, Sir.) So, I will allow one more question."

JANAB MOHAMED ABDUL SALAM:—"May I know whether the Finance Minister has been able to decide whether there should be a general Budget proposal or a separate Budget proposal to be discussed by the same Assembly?"

THE HON. SRI B. GOPALA REDDI:—"Till we receive a communication from the Government of India, we will have to proceed on the basis of a united Budget."

Alleged administration of kerosene oil to some patients instead of medicine.

* 299 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that on or about 13th September 1949 a nurse in the Rayapuram Hospital, Madras, gave kerosene oil instead of medicine to some patients and if so, what the result is and who is responsible for that action; and

(b) whether the Government have taken any action against those who are responsible for that?

THE HON. DR. T. S. S. RAJAN:—" (a) Yes. On 12th September 1949, kerosene oil was administered, by mistake, to 3 patients in the Government Stanley Hospital, Madras. The error was immediately detected and action taken to prevent complications, but unfortunately, one of the patients, a child aged 5 years, died the next day. The staff nurse, a pupil nurse of the ward and a thoti who had inadvertently placed on the table a bottle of kerosene, similar to a bottle of medicine, were mainly responsible for the incident.

" (b) Yes. The persons concerned have been punished suitably."

SRI A. VEDARATNAM PILLAI:—"Is the Hon. Minister aware of the reports of such kinds being published in the Press frequently and if so will the Government take necessary action against those who are responsible for such action and prevent it in future?"

THE HON. DR. T. S. S. RAJAN:—"My hon. Friend will note from the answer that the Government have taken necessary action and that too immediately and such accidents as could possibly be avoided are being avoided. Generally accidents like that do happen and we certainly take all precautions necessary for preventing them."

SRI V. RAGHAVAYYA:—"What prevented the Hon. Minister or the Government from dismissing this particular nurse who has been grossly negligent in the discharge of her legitimate duties?"

THE HON. DR. T. S. S. RAJAN:—"The Government have taken suitable action."

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SRI S. NAGAPPA :—“ Arising out of the answer to clause (b) of the question that suitable punishment was awarded, may I know to whom the maximum punishment was awarded, whether it was awarded to the nurse who administered the kerosene to the patients or to the totti who placed the bottle on the patient's table? ” (Laughter.)

THE HON. DR. T. S. S. RAJAN :—“ The whole thing is a thorough mistake. The medicine that ought to have been on the table of the patient has been inadvertently replaced without the knowledge of the nurse or the attendant and someone else in the hospital has put the kerosene bottle. The fact is that the bottle did not contain proper labels. Instead of medicine it contained kerosene oil. As soon as it was detected that kerosene was given, all the necessary things were done to wash out the kerosene from the stomach of the patients and everything possible was done to correct the mistake. It is, however, regrettable that the accident did happen. But we have taken all necessary precautions against it. This thing could not have been avoided because the nurse happened to be a young nurse who joined service recently and she did not catch the technique of the work so thoroughly as an experienced one in charge.”

SRI G. NARASIMHA RAO :—“ May I know the nature of the punishments that have been awarded to all the people? ”

THE HON. DR. T. S. S. RAJAN :—“ They have been dealt with properly, Sir.”

SRI T. S. PATTABHIRAMAN :—“ In view of the fact that death has resulted due to the negligence of a Government servant, may I know whether the Government will consider the advisability to give suitable compensation to the family of the victim? ”

THE HON. DR. T. S. S. RAJAN :—“ That is another matter, Sir.”

SRI V. I. MUNISWAMI PILLAY :—“ May I know from the Government whether they have instructed all the hospitals in this Province so that such things may not occur again? ”

THE HON. DR. T. S. S. RAJAN :—“ It was a sheer accident. There is no use saying, ‘ All accidents should be avoided in the hospitals.’ Human accidents are bound to happen, in any institution. We are only bound to see that such accidents do not happen and as a rule try to prevent them by such instructions as may be necessary. This being a very rare and rather unusual type of thing, we did not think it necessary to issue a general circular to all hospitals concerning this accident.”

SRI P. NATESAN :—“ May I know whether it is the practice in the hospitals for the totties to place medicines on a medicine chest? ”

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THE HON. DR. T. S. S. RAJAN :—“ Generally, the nurses do it but sometimes they are helped by totties in replacing the medicines. Probably it is not correct. But when the nurse is overwhelmed with work in attending to the various patients in the respective wards, she is certainly being helped to a certain extent. Even in the present case, if the nurse had scrutinized the bottle, she might have found out the mistake. As I said before, it is a mere accident.”

Appointment of approved tenderers for the distribution of chemical manures.

* 303 Q.—**SRI V. RAGHAVAYYA** : Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether it is a fact that the Government have appointed approved tenderers for the distribution of chemical manures;

(b) who the distributors are for the Andhra districts including Rayalaseema;

(c) who the partners of the firm, Rao and Reddi, in Madras are; and

(d) whether it is a fact that some waggon loads of chemical manures were seized by the Taluk Supply Officer of Kandukur this year, and if so, why?

THE HON. SRI A. B. SHETTY :—“ (a) Yes, Sir. The Government have selected seven firms for the distribution of ammonium sulphate as straight fertilizer in the Province for the year 1949.

“(b) The distributors in this area and the districts allotted to them are as follows:—

(i) Messrs Llyds Commercial Corporation, Madras. Visakhapatnam, East Godavari, West Godavari, Krishna and Guntur.

(ii) Messrs. Indian Tobacco Corporation, Guntur. Bellary, Kurnool, Ananta-per, Chittoor and Cuddapah.

(iii) Messrs. Rao and Reddy, Madras. Nellore, North Arcot and Chingleput—Non-Andhra districts.

“(c) The Board of Directors of this firm consists of the following:—

(i) Sri P. S. Reddy; (ii) Sri Ch. Sabha Rao; (iii) Sri B. Hanumantha Rao and (iv) Sri T. Pattabirama Reddi.

“(d) The answer is in the negative.”

SRI V. RAGHAVAYYA :—“ Sir, do not the Government feel embarrassed in punishing the wrong-doers particularly when the persons concerned happen to be the relations of Ministers—often of the rank of brothers-in-law as in the case of the partners of the firm Rao and Reddy referred to in the Hon. the Minister's answer? Does not this embarrassment lead to considerable trouble in checking such firms? ”

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THE HON. SRI A. B. SHETTY:—"I do not understand the reason why my hon. Friend is putting this question. I have said that no waggon loads of chemical fertilizers have been seized by the Taluk Supply Officer."

SRI V. RAGHAVAYYA:—"Do not the Government feel very much embarrassed when they choose firms where very close relations of the Ministers function as directors for distribution of chemical manures particularly for the reason that they will not be able to do justice to the administration of the several orders issued and that it will not be possible to mete out punishments when these people go astray?"

THE HON. SRI A. B. SHETTY:—"I do not understand who is to be punished and for what offence when there is no offence committed here."

List of backward communities.

* 301 Q.—SRI R. V. SWAMINATHAN (on behalf of Sri A. Subramanyam): Will the Hon. the Premier be pleased to state—

(a) whether any community or communities have been removed from the list of backward communities; and

(b) if so, what the names of those communities are?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—" (a) & (b) The community called 'Kosavan' has been deleted from the list of backward communities. The members of that community represented that they should be known as 'Kulala' and the Government accepted the suggestion. As 'Kulala' was already a community included in the list, the name 'Kusavan' was deleted therefrom."

JANAB MOHAMED ABDUL SALAM:—"May I know, Sir, whether the attention of the Government has been drawn to the political minorities like the Vaniyakula Kshatriyas, Kallars and Maravas, whether they have asked for any special facilities from the Government and if so, whether the Government have accepted their demands?"

MR. SPEAKER:—"I do not see how this question arises out of the main question."

Closure of the hospital at Vadacheri village.

* 302 Q.—SRI M. MARIMUTHU: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that the hospital at Vadacheri village in Pattukottai taluk, has been closed; and

(b) if so, for what reasons?

THE HON. DR. T. S. S. RAJAN:—" (a) Yes. The hon. Member apparently refers to the Rural dispensary there.

" (b) For want of a qualified Medical Practitioner who is prepared to work there."

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SRI M. MARIMUTHU:—"கனம் தலைவர் அவர்களே! பட்டுக் கோட்டை தாலுக்காவில் ஜயாயிரம் ஜனங்கள் வசித்துக்கொண்டிருக்கும் வடசேரி கிராமத்திலுள்ள ஆஸ்பத்திரியை மூடிவைத்திருப்பதற்கு கனம் சுகாதார மந்திரி அவர்கள் காரணம் கூறுவாரா?"

MR. SPEAKER:—"அவர் பதில் சொல்வார்; நீங்கள் உட்காருங்கள்."

THE HON. DR. T. S. S. RAJAN:—"ஆஸ்பத்திரி என்று ஒன்று இருந்தால் அதற்கு வைத்தியர் என்று ஒருவர் இருக்கவேண்டும். தகுந்த வைத்தியர் கிடைக்காத காரணத்தால் அந்த ஆஸ்பத்திரி மூடப்பட்டிருக்கிறது."

SRI M. MARIMUTHU:—"தற்சமயம் ஜயாயிரம் ஜனங்கள் குடியிருக்கக்கூடிய கிராமத்திற்கு உடனடியாக ஆஸ்பத்திரியை மறுபடியும் திறக்க கனம் மந்திரி அவர்கள் தகுந்த நடவடிக்கை எடுப்பார்களா?"

THE HON. DR. T. S. S. RAJAN:—"உடனடியாக திறந்து வைப்பதற்கு டாக்டர்கள் தேவையென்று தெரிவித்தேன். தகுந்த டாக்டர்கள் கிடைத்தவுடன் ஆஸ்பத்திரியை திறந்து வைப்பதற்கு உடனடியாக நடவடிக்கை எடுத்துக்கொள்ளுகிறேன்."

SRI S. NAGAPPA:—"May I know, Sir, whether the Government are making any attempts to see that paucity of doctors is got over by training doctors with lesser qualifications than M.B.B.S."

THE HON. DR. T. S. S. RAJAN:—"Sir, medical education is something very much sacred which is concerned with the lives of the people and we cannot play with it simply because we are faced with an emergency. We cannot manufacture people overnight to be put in charge of the hospitals without any relation to the fundamental duties they have to perform and the knowledge they have to acquire for it."

Approved tenderers for the distribution of chemical manures for the Ceded Districts, etc.

* 303 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Agriculture be pleased to state—

(a) who the approved tenderers for the distribution of chemical manures for the Ceded Districts (Rayalaseema) and the Circars (coastal districts of Andhra barring Nellore) are;

(b) when they were appointed and by whom;

(c) what the total quantity of chemical manures allotted to the Guntur district annually is and what the needs of this district are; and

(d) whether any lorries were seized smuggling these manures from the Ceded districts to Guntur and if so, when and from whom?

THE HON. SRI A. B. SHETTY:—" (a) The following are the approved tender firms for the distribution of ammonium sulphate as straight fertilizer for the year 1949 in the Andhra districts, barring Nellore:—

- | | |
|--|--|
| (i) Messrs. Lloyd's Commercial Corporation, Madras (five districts). | Visakhapatnam, East Godavari, West Godavari, Krishna and Guntur. |
| (ii) Messrs. Indian Tobacco Corporation, Guntur (five districts). | Bellary, Kurnool, Anantapur, (Chittoor and Cuddapah). |

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"(b) They were appointed by Government in December 1948.

"(c) A statement is laid on the Table of the House.

"(d) The information called for is awaited."

SRI V. RAGHAVAYYA:—"Judging from the statement placed on the table of the House that the quantity supplied to Guntur district has risen from 1,596 to 3,695 tons in the course of two to three years, may I know, Sir, whether this enormous demand in that area is inducing the Tobacco Corporation of the Ceded Districts to smuggle lots of this manure beyond their zone into the Guntur and other districts and also to Bombay?"

THE HON. SRI A. B. SHETTY:—"Supply of fertilisers to districts is made in accordance with the indents submitted by the District Agricultural Officer and with reference to the quantity available for distribution."

SRI T. VISWANATHAM:—"May I know, Sir, whether the prices charged by these various firms are higher than the prices charged by the Imperial Chemical Industries?"

THE HON. SRI A. B. SHETTY:—"I have no information, Sir."

SRI V. M. RAMASWAMI MUDALIAR:—"May I ask, Sir, why a Guntur firm has been appointed as distributors for the Ceded Districts and a Madras firm for the Circars? Are there any special reasons for making such an arrangement?"

THE HON. SRI A. B. SHETTY:—"The Government must have taken into consideration all factors relevant to the subject while deciding the tenders for particular areas."

SRI V. RAGHAVAYYA:—"Are the Government aware, Sir—I want a frank answer from the Hon. the Minister—that these firms have been selling these smuggled articles at Rs. 50 and 60 per bag whereas the Imperial Chemical Industries were selling these at Rs. 20 only and the controlled price to-day is about Rs. 18 or so?"

THE HON. SRI A. B. SHETTY:—"The Government have no information, Sir. If my hon. Friend has got in his possession any evidence relating to the instances referred to by him, he may produce the same and then action will be taken by the Government."

SRI S. NAGAPPA:—"May I know whether there were any applications from the Rayalaseema area for distributing rights and if so, what has happened to them?"

THE HON. SRI A. B. SHETTY:—"Most favourable tenders have been accepted."

SRI S. NAGAPPA:—"The Hon. the Minister has not answered my question properly, Sir. I want to know what has happened to the applications from Rayalaseema, if any?"

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SRI ALLURI SATYANARAYANA RAJU:—"May I know, Sir, whether there were any applications from the Harijans?"

THE HON. SRI A. B. SHETTY:—"I have not got the list of applications with me now, Sir. I want notice."

SRI T. VISWANATHAM:—"May I know, Sir, whether the Hon. the Minister is aware that these firms have got to purchase their requirements from the Imperial Chemical Industries who are the original importers and then distribute and as such, they are only middle-men newly created by the Government?"

THE HON. SRI A. B. SHETTY:—"It was thought desirable to have these distributed by a number of respectable firms by calling for tenders and accepting the best offers."

SRI G. NARASIMHA RAO:—"Is it not a fact, Sir, that these fertilizers are supplied by the Government of India from the World Agricultural Pool?"

THE HON. SRI A. B. SHETTY:—"Yes. The Government of India arrange to get us the supplies."

SRI V. RAGHAVAYYA:—"Sir, will the Hon. the Minister state whether the Deputy Director of Agriculture has not punished Messrs. Row and Reddi recently by suspending them from trade for one month for transgression of some of the rules laid down by the Government?"

THE HON. SRI A. B. SHETTY:—"On account of some complaint, the firm was kept under suspension for some little time but later on fertilizers were supplied to them because it was found that there was nothing to prove the allegation."

SRI K. LINGA RAJU:—"May I know, Sir, whether the Imperial Chemical Industries also had tendered?"

THE HON. SRI A. B. SHETTY:—"I have no information now, Sir."

Alleged beating of the Harijans of Jagannadhapuram.

* 304 Q.—SRI B. SATYANARAYANA RAJU (on behalf of Sri G. Sanyasi Rao): Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that the Harijans in Jagannadhapuram near Melupaka, Yellamanchili taluk, were beaten by the ryots of that village; and

(b) whether the Police have enquired into the details?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—" (a) & (b) There was no instance of a clash between Harijans and ryots in Jagannadhapuram village. It is not clear whether the hon. Member is referring to a complaint made by one Banda Sanyasi, a Harijan of that village, stating that his debtor Sri Mutyalu Naidu had broken into his house, and committed theft along with fifteen rowdies of the village who were fully drunk. This complaint was enquired into and found to be false.

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“Another complaint from the wife of Banda Sanyasi stating that she was beaten by these persons was duly investigated. As the offence complained of came within the scope of simple hurt under section 323, Indian Penal Code, she was directed to file a complaint. This complaint was duly filed and the matter is *sub judice*.”

SRI S. NAGAPPA:—“May I know, Sir, whether the Government are aware that such instances have of late become very many? If so, will the Government consider the desirability of giving immediate protection to the unfortunate people?”

THE HON. SRI B. GOPALA REDDI:—“Sir, whenever a complaint is preferred, the Police immediately proceed to the spot and make necessary enquiries.”

Number of nurses sent abroad for higher studies.

* 305 Q.—JANAB MAHIN SCHAMNAD: Will the Hon. the Minister for Public Health be pleased to state—

(a) the number of nurses (men and women) that were sent abroad for higher studies from this Province during this year and last year;

(b) whether there are any Muslims among them; and

(c) if the answer to (b) is in the negative, what the reasons are?

THE HON. DR. T. S. S. RAJAN:—“(a) During 1948 one woman nurse, and during 1949 one man nurse and two women nurses, were deputed by this Government for higher studies abroad.

“(b) The answer is in the negative.

“(c) No Muslim nurse eligible for higher studies applied.”

JANAB MAHIN SCHAMNAD:—“May I know, Sir, how many Muslim nurses there are—both men and women—in the various hospitals in the Province and whether all of them are not suitable?”

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

Encroachment by an approved tenderer of chemical manures on the rights of other tenderers.

11-30 a.m. * 306 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Agriculture be pleased to state—

(a) what steps have been taken by the Government to prevent one Government approved tenderer of chemical manures from encroaching on the zones of other approved tenderers in the Province;

(b) what the punishments prescribed for such smuggling are;

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(c) whether any tenderers were found guilty of such transgression;

(d) if so, who they are; and

(e) what punishments were meted out to such smugglers?

THE HON. SRI A. B. SHETTY:—“(a) The supply of fertilizers to individual firms is controlled by the Agricultural department and no firm is permitted to move stocks from the clearing agents except to specified places within the districts, in which the firm holds distributory rights.

“(b) The firms are bound by an agreement with the Government. If there is any case of encroachment of mutual distribution rights, it will be construed as a contravention of the terms of agreement, and the Government may terminate the contract forthwith. Action can also be taken against the offending firm under the provisions of the Madras Manure Dealers' Licensing Order, 1949, for suspending or cancelling its licence or for prosecuting it.

“(c) So far no case in which a tenderer firm was found encroaching on the rights of another has come to the knowledge of the Government.

“(d) & (e) Do not arise.”

SRI V. RAGHAVAYYA:—“In view of the dissatisfaction felt in the Province that these people are black-marketing their stuff at very high prices, why not the Government consider the desirability of introducing free trade between the various districts and abolish the zonal system?”

THE HON. SRI A. B. SHETTY:—“No complaints regarding such blackmarketing have been proved.”

SRI V. I. MUNISWAMI PILLAY:—“Arising out of the answer to clauses (b) and (c), may I know whether it is the Agricultural department which see to the terms of the licence being carried out or is any other department entrusted with the work?”

THE HON. SRI A. B. SHETTY:—“The Agricultural department, Sir.”

Proposal to convert the Samalkot Panchayat Board into a municipality.

* 307 Q.—JANAB S. MUHAMMAD ISMAIL: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether there is any proposal to convert the Samalkot Panchayat Board into a municipality; and

(b) if so, when it is likely to be constituted into a municipality?

THE HON. SRI K. CHANDRAMOULI:—“(a) & (b) The question is under the consideration of Government.”

JANAB S. MUHAMMAD ISMAIL:—“If places like Amalapuram and Peddapuram with lesser population, lesser area and

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lesser income than Samalkot Panchayat Board could be converted into municipalities, why should the Government keep this matter under consideration for such a long time?"

THE HON. SRI K. CHANDRAMOULI:—"Before a panchayat board is converted into a municipality, several factors have to be taken into consideration—finance, administrative arrangements and so on. The matter is under the active consideration of the Government and I can assure the hon. Gentleman that the Government will decide the question soon."

JANAB MOHAMED ABDUL SALAM:—"One special feature of the administration of the Hon. Minister is converting panchayat boards into municipalities and second-class municipalities into first-class municipalities. May I know whether it is done on facts and figures or on the recommendation of the local people?"

THE HON. SRI K. CHANDRAMOULI:—"When a request comes from hon. Members, from the various councils and also from the people, we take into consideration the financial position and other things. If the financial position is all right, then only we will convert a panchayat into a municipality. It is not the general policy of the Government to convert piecemeal panchayats into municipalities and third-grade municipalities into second-grade municipalities and so on."

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

II.—VISIT OF THE SPEAKER OF INDIAN PARLIAMENT TO MADRAS.

JANAB M. S. ABDUL MAJID:—"On a point of information, I understand that the Hon. Shri Mavalankar, Speaker of India's Parliament, is going to visit Madras shortly. May I know whether any arrangement has been made to invite the Hon. Shri Mavalankar to address this House?"

MR. SPEAKER:—"He has not been invited to address the House. Let me inform the hon. Member that on behalf of this House I am going to give a tea party to the Hon. Shri Mavalankar."

SRI P. KANDASWAMI PILLAI:—"Will it be possible for the Government to arrange the necessary facilities for the Members of this House to take part in that function on that day in addition to the work in the Legislative Assembly?"

MR. SPEAKER:—"That question will have to be answered by the hon. the Leader of the House."

THE HON. SRI B. GOPALA REDDI:—"I very much regret that the House may not be in session just then. Of course, the

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tea party which you are kindly giving to the Hon. Shri Mavalankar will certainly be attended by all the Members who are in the City and also by those who take the trouble of coming here from their respective places."

(Some hon. Members rose to put questions.)

MR. SPEAKER:—"I am not going to allow any further questions. It is better that the leaders of parties have a talk with the Leader of the House and communicate to me whatever decision they arrive at."

III.—THE MADRAS VILLAGE PANCHAYATS BILL, 1949—cont.

Clause 10.

MR. SPEAKER:—"Mr. Seethi Sahib and Mr. Ibrahim, who gave notice for the addition of a new clause 9-A are not in their places. Let us take clause 10. The motion is—

'that clause 10 do stand part of the Bill.'

* **SRI K. KOTI REDDI:**—"I move, Sir—

'that clause 10 be omitted'.

The clause is to the effect that panchayats should be divided into wards whether they be small panchayats or big panchayats. We have laid down that villages with a population of more than 500 should be constituted into separate panchayats. There are to-day a few major panchayats with a population between 5,000 and 12 or 13 thousand and in some cases even more. But in the majority of cases, the villages contain ordinarily not more than 4 or 5 thousand people and 98 per cent of the villages contain less than that. Is it necessary that these revenue villages should be divided into smaller areas for the purpose of election? Ordinarily you expect a villager who stands as a candidate for election and who is to administer the affairs of the village to know each and every individual in that small constituency. If I claim to represent a particular ward, what happens? When a municipality is divided into several wards, the member representing a particular ward fights for some convenience for that ward such as a light here or a repair to the road there without taking into account the general welfare of the whole municipality. At any rate in the case of municipalities which are fairly big and consist of 20,000 and more of population, there may be some justification for dividing the area into wards. Even there I would like to abolish division into wards, for I want that a member of a municipality or a panchayat should be able to take a comprehensive view of the welfare of the whole area and not only of the particular area which he represents. That is why I am against the ward system.

"Then there is another disadvantage also, as is shown by the experience of some of us, legislators. If there are capable and efficient men in a particular constituency and if that particular constituency is not able to return all those capable and efficient men from that constituency, and if those capable and efficient men try to contest some other constituency, then it is stated by the

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opponents that these people, however efficient and capable they might be, do not belong to that particular area. It is the experience of most of us. I know it is so in my own district and I know it is the case in other districts also. The voters would say, 'Why should we vote for a man who does not belong to our constituency?' That is the sort of feeling. It has become a great danger to the country. If there are two or three capable men who can take their place in the Cabinet and if they all belong to one particular district, you may take it from me that these two or three people will not all have the chance of sitting in the Cabinet. The usual feeling is: 'Why should another man from the same district be in the Cabinet?' We are seeing it every day. So long as that feeling lasts, it will be a long time before people are educated to the extent of voting for people of capacity and not because he belongs to a particular place or a particular caste, or creed. Till then, I would like that instead of small constituencies, we have bigger constituencies so that all capable men may have a chance of contesting these constituencies. Therefore, in the case of an ordinary revenue village which is to be constituted into a panchayat board, there is no need to divide it into wards, because it will consist of only 1,000 to 2,000 voters and the candidate ought to be in a position to know everybody. I am therefore very keen that no wards should be constituted in the panchayat areas."

* SRI B. S. MURTHI:—"I second the amendment. I should like to bring to the notice of the Hon. Minister the present practice of clubbing Harijan voters with caste-Hindu voters. The Hon. Minister has been pleased to make reservation of seats for Harijans, but it appears to me to be giving something with the right hand and taking it away with the left hand because in wards where Harijan candidates are to be elected, the caste-Hindu voters are in a large majority. If the panchayat is to be divided into wards, I would request the Hon. Minister to lay down a rule definitely that wherever seats are reserved for Harijans, the caste-Hindu voters in the ward should not be more than 25 per cent. By means of that, there will be a commingling of caste-Hindu voters and Harijan voters and at the same time, the majority of the voters will be Harijans. It will then be possible for the Harijans to elect representatives who command the confidence of the Harijans. If this is put into practice in all the panchayats, I am sure it will satisfy the wishes of the Harijans. With these few words, Sir, I support the amendment."

MR. SPEAKER:—"Amendment moved—
'that clause 10 be omitted.'"

11-45
a.m.

* SRI K. BHASHYAM:—"Mr. Speaker, Sir, in such small areas as a second-class panchayat, I do not see any necessity for dividing them into wards at all. In cases where the population is only 1,000 or less than that, it is much better that all the members are elected by the whole population concerned. I support this amendment because there has been of late not only communalism

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but sub-communalism raising its head all over the Presidency. Persons belonging to the Reddi community in a village elect a Reddi candidate, not because of his political complexion but because he belongs to their caste; so also is the case with other communities. I would therefore like to discourage this sub-communalism by making the whole village one unit for purposes of election. It may be that we should have many booths for getting the voters to vote, but it is certainly not good to have separate wards in which particular communities may have a majority and may elect their own community person irrespective of his capacity or his fitness for the place. Therefore, so far as second-class panchayats are concerned I should strongly submit to the Minister in charge of the Bill that there need not be any question of division into wards, but that the whole village may be made one unit for the purpose of electing members from that unit."

THE HON. SRI K. CHANDRAMOULI:—"Sir, I am sorry I cannot accept the amendment of my hon. Friend for the simple reason that if there is no ward system, only one party will dominate and no other party will be able to come in. The idea of the Government is to see that proper representation is allowed in the panchayat board, so that the various areas and all the minority communities also may have a better chance to go through the elections. Hence, Sir, I cannot accept the amendment."

* SRI K. KOTI REDDI:—"Sir, I may be forced to withdraw my amendment, because I know its fate if the Hon. Minister does not agree to it. But before withdrawing it, I may say one or two words. I know there may be the danger referred to; but the Hon. Minister is not going to give opportunities to the minority communities by this means, I am sure. I know what has happened in respect of our own Assembly in the recent elections to the Parliament. If persons belonging to majority caste stand together, they can certainly go against the minority communities; but I can assure the Hon. Minister that so far as villages are concerned, I do not think there will be such great danger. Anyway, between the two, I am certain in my mind that dividing villages into wards is actually cutting at the very root of the panchayat system itself. If you do really want a village to be constituted into a unit by itself, do not divide it into a number of small wards which will certainly lead to a lot of faction. If minorities are to be given the chance, these wards are not helpful. Friends might have complained that no provision has been made for minority communities and probably the Hon. Minister thought that some method must be found for getting them in; but I submit, this is certainly not the right method to achieve that object. Yesterday on a point on which this Assembly no doubt was divided, on a point on which this Assembly had agitated for more than half a century, on a point on which there was a clear difference of opinion throughout the whole country, my hon. Friend the Hon. Minister for Local Self-Government, because a number of speakers spoke on it, probably thought it was reasonable and gave in. And in this case I thought this was a much more

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reasonable amendment and he would allow it to be accepted, though I had my own views about the chance of its going in. Anyway, Sir, I do not think any purpose is going to be served by my pressing this amendment, and I therefore withdraw it."

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

* SRI K. KOTI REDDI:—"Sir, I move my next amendment, viz.—

'that in line 1 of clause 10, between the words "to a" and "panchayat" the words "Class I" be inserted.'"

MR. SPEAKER:—"The next amendment also may be moved, I think. Amendments Nos. (1) and (2) under clause 10 (1) may be moved together."

* SRI K. KOTI REDDI:—"No, Sir, if one amendment is carried, the other amendment may not be necessary. So, I would like to move the first amendment only now.

"As I said in regard to my previous amendment, there are panchayat boards whose population may be more than even ten thousand. It is not in all cases that towns containing more than ten thousand of population are constituted into municipalities. Even to-day under the Act, it is possible that there are a few towns whose population is more than ten thousand which are not municipalities but only panchayats. There may be some justification in the case of such towns to constitute separate wards for purposes of election. My amendment wants that panchayats whose population is 5,000 and less, should be saved from the possibility of being divided into separate wards. In the case of class I panchayats, i.e., with more than five thousands of population, if the Hon. Minister is very keen on it, let him divide them into wards; but with regard to class II panchayats with less than five thousands of population, I would request the Hon. Minister to accept my amendment; there is no necessity for constituting them into separate wards. Sir, I move my amendment."

SRI G. VENKATA REDDI:—"Sir, I second the amendment."

MR. SPEAKER:—"Amendment moved—

'that in line 1 of clause 10, between the words "to a" and "panchayat" the words "Class I" be inserted.'"

THE HON. SRI K. CHANDRAMOULI:—"Sir, let me make the position very clear to the hon. Member. Whether it is a panchayat having five thousands of population or one thousand only, whatever it is, is the ward system good in the interests of the village, or is the whole population to be taken as one unit and the elections conducted on that basis, is the question. This matter has been gone into thoroughly by the Select Committee and also by several Members interested in the subject, as a result of several representations received in this regard. I may assure the hon. Member that several organizations and important people have come to the unanimous conclusion that the ward system should prevail. Even there, we have taken into consideration the

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population and other aspects. That is why in the case of major panchayats, we have allowed more wards, whereas in the case of the smaller panchayats less number of wards. This very principle will be frustrated if the hon. Member's amendment is now accepted. I am very sorry, Sir, I cannot accept the amendment and I request my hon. Friend to withdraw it."

SRI K. KOTI REDDI:—"The same arguments again; so, I withdraw."

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

* SRI K. KOTI REDDI:—"My next amendment is—

'that in clause 10 (2), for the words "not less than" the words "not more than" be substituted.'"

In view of the fate of the first amendment, I am not moving my second amendment to clause 10 (1). I am therefore moving this amendment to clause 10 (2)."

MR. SPEAKER:—"I want to know which amendment the hon. Member is moving now—is it to clause 10 (1) or clause 10 (2)?"

* SRI K. KOTI REDDI:—"I am moving my first amendment to clause 10 (2), viz.—

for the words "not less than" substitute the words "not more than".'"

"My amendment will certainly give an opportunity to the minority communities whose rights the Hon. Minister for Local Self-Government is going to safeguard by this clause. Only by my amendment the unfortunate villages won't be cut into a large number of small areas. My amendment limits the discretion of the officer concerned in dividing a village into three or four or even five wards, but not more than that. Even if a village contains 5,000 population, each ward will have a maximum of 1,000; but if it has a population of say 10,000 each ward will have 2,000. It is a very simple thing. My request is that a village ought not to be divided into a number of small units; let it be divided at the most into five wards. There is always a danger in cutting these panchayats into small areas; let us try to minimise that danger as far as possible. If you cut them into single-member constituencies, the danger is much more than if you cut them into plural-member constituencies. Let the Hon. Minister make each ward into a plural-member constituency of three or four members; then the danger will be less. The Minister for Local Self-Government is not probably aware of the state of things in the particular area I come from. Probably there are no factions in the area with which he is more acquainted than myself. In the case of the Ceded districts, particularly, in the black cotton soil areas, everybody is complaining that by the introduction of these panchayats, we will be adding to the existing factions. Of course I am telling them 'you have been conferred some kind of local self-government; you must manage your own institutions in future; you must be prepared to spend your own money in your

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own village and you need not hereafter go to the overseer, the engineer or even the Minister for such purposes; it is given to you to manage the affairs of your own village'. 'It is all theoretical' the Minister says: 'Do you know what is happening in our villages?' This system leads to one influential man contesting another influential person in the elections, and what is the fate? We know what it is. Factions will increase and we cannot enjoy the benefits of Local Self-Government in these areas. But we believe, Sir, that somehow or other we must introduce the panchayat system; at least in doing so, however, let us try to minimise the dangers resulting from it by adopting one or two methods which I have suggested here. I am glad that the Hon. Minister has agreed to introduce secrecy in ballots, by means of making provision in rules.

12 noon. "But, I also told him to avoid the colour-box system. I have suggested a method for safeguarding the secrecy of the ballot. But still there is the danger. I may tell him what happened in one of the district board elections. There were two colour boxes. One of the candidates was a Congressman and the other a non-Congressman. I am sure ordinarily the voters would have voted for the Congress candidate. The other man who was more influential thought that he might not get enough votes by means of this colour-box system. He told the voters 'if you vote in favour of the Congress candidate and put your voting paper in the colour-box, my box will be empty and everyone will know to whom you have given your votes, take care.' It had the desired effect and more people voted for him. Otherwise, he would have secured only a very few votes. That is why I request the Hon. Minister to think over the whole question of the secrecy of the ballot and see from the instance I have given that the secrecy of the ballot is not often safeguarded.

"There is another danger which probably the Hon. Minister may not be able to avoid. What is happening is, if a man is not certain of the vote in spite of the promise made by the voter there is the suspicion that he will not put his vote in his colour-box. The candidate will say 'don't vote for the other man, I will give you half a rupee or one rupee for not voting at all.' Influential people can certainly do that. In some countries they have not adopted such a system as here. In Russia, and in some states of Australia every voter is made to go to the poll and vote in favour of the candidate of his choice and if he does not do that he must give an explanation before the Magistrate as to why he has not voted and if his explanation is not satisfactory he will be prosecuted and fined. I do not know whether this country is going to have such a system. In spite of the introduction of this colour-box system and the secrecy of the ballot various forms of corruption are happening in the Local Board and District Board elections. We are interested in seeing that the simple man, the poor man and the common voter are guaranteed secrecy and are not prevented from having their own choice. So, we must have a system by which as far as possible it may be possible for the voter to have his freedom of choice. That is why even in the

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matter of plural-member constituencies I am trying to convince the Hon. Minister in spite of his knowledge of villages that there is this danger. If you cannot have the whole village as one unit you must at least try to minimise the danger by not having too many wards. Otherwise wards will become single-member constituencies. The result would be even an influential man may not be able to succeed and his opponent will say, 'I am not contesting against you but against some other candidates.' This will, therefore, occur only where there are plural-member constituencies and where we have as many seats as possible. That is why I appeal to the Hon. Minister, to see that if he cannot adopt it to the whole of the presidency let him at least adopt it for my own area. I have asked many voters and they all agree that, if wards are to be had, instead of having many wards it will be convenient to limit the maximum number of wards to five. I, therefore, move this amendment."

SRI V. RAGHAVAYYA:—"Sir, I have great pleasure in seconding this amendment for one reason; whether it is more important or less important, it is still an amendment. This clause does not specify as to how the number is to be fixed. It gives ample discretion to the concerned authority to fix the number. That is the danger which has to be avoided. Further, in splitting the village into so many wards, the basis must be on an accepted basis, it may be on the population basis. If that is the idea of the Government, why don't they say that the subdivision of the village would be on the population basis only. They have left it vague, and so it may strike the Inspector of Local Boards to give a separate ward for vested interests. For instance, even though the number of merchants is small he may give two or three places for them. In the case of any village where the panchayat is expected to be the rule of the people, adult suffrage operates, in which case all the persons sitting together must have a voice in selecting the entire body. I gave an instance . . ."

MR. SPEAKER:—"May I know what amendment the hon. Member is speaking about? I think he is speaking on the whole clause."

SRI R. V. SWAMINATHAN:—"Mr. Speaker, Sir, I deem it my duty to oppose this amendment."

JANAB ABDUL HAMEED KHAN:—"On a point of order, Sir. There is no seconder for the amendment."

MR. SPEAKER:—"The hon. Member, Sri V. Raghavayya seconded it."

SRI R. V. SWAMINATHAN:—"According to the original clause, the number of the wards is not restricted; only the minimum is mentioned and if necessary it may go to more than 5 wards. But, according to the amendment moved by my hon. Friend, Mr. Koti Reddi, he wants to restrict the number only to 5 or even less than that. The reason for his amendment is, there will be plural-member constituencies where more members

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may be elected and it will be more helpful because, minorities can be given a chance of getting their share in the administration of the panchayat. I fear the object will not be achieved by this amendment, whereas there is more chance of achieving that object by means of single-member constituencies. If the hon. Member's amendment is accepted, it may be divided into two wards. In such a case, influential people can control the whole panchayat and not minorities. If, on the other hand, it is a single-member constituency, small minorities can get elected without anybody's help or interference. Therefore, I cannot understand how my hon. Friend, Mr. Koti Reddi, is trying to achieve the object by his amendment. Of course, he wants to do the best for the people, but I am afraid he cannot do so by this amendment. Therefore, Sir, I oppose this amendment and I hope the Hon. Minister will also agree with me."

SRI V. I. MUNISWAMY PILLAY:—"Mr. Speaker, Sir, I also oppose the amendment moved by my hon. Friend, Sri Koti Reddi. I do not think he has made out a case whereby the clause may be amended in any form. The wards are divided according to the population. If the population happens to be 10,000 we may have five wards in a village and the voters may not be 500 or 600 under the adult franchise who will be eligible to vote but considerably more. If this amendment is accepted by this House it may not be workable. Secondly, it is said that there must be multi-member constituencies. According to this Bill, there is provision only for the election of Scheduled Caste candidates and no other minorities come in, though they may be co-opted. So, I think Sir, the clause may stand as it is. I, therefore, oppose the amendment."

THE HON. SRI K. CHANDRAMOULI:—"Sir, the amendment of my hon. Friend, Sri Koti Reddi wants to restrict the number of wards only to 5. He does not want to go any further. A panchayat Board, according to the first part of the clause may contain either 5,000 or 20,000 people and sometimes even more. The idea of the Government also is not to multiply the wards without any discrimination. We want also to restrict as far as possible the ward system. But at the same time we cannot restrict it to the absolute minimum. That is why we have stated where there is greater population and there is public opinion in favour of increasing it, it may be done. That is all the idea. If we restrict the number according to the hon. Member's amendment it may not also be healthy. I cannot accept the amendment of the hon. Member, for the reason I have stated, but I can assure the hon. Member that it is not the intention of the Government to multiply the small units and put them in water-tight compartments. The idea of the Government is that according to this system there will be wider representation also. I hope the hon. Member will withdraw his amendment."

* SRI K. KOTI REDDI:—"I am afraid, Sir, the Hon. Minister for Local Self-Government is making a mistake. My

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amendment relates only to class I panchayats which contain not less than five thousand and not in the case of class I panchayats with a population of 5,000 or less. I want that even in the case of a village whose population is 5,000 or more, the number of wards should be 5 and not more than that. I leave it to the Hon. Minister to accept the amendment or not and I wish him all success in working this Act. After, perhaps, four or five years when they appoint a Committee to go into the question, it will be seen whether this ward-system of dividing the villages into small units, has contributed to the welfare of the people or not. I withdraw my amendment."

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

SRI K. KOTI REDDI:—"I am not moving by other amendment, Sir."

Clause 10 was put and carried.

Clauses 11, 12, 13, 14, 15, 16 and 17 were put and carried.

Clause 18.

MR. SPEAKER:—"The motion is—
'that clause 18 do stand part of the Bill.'"

12-15
p.m.

THE HON. SRI K. CHANDRAMOULI:—"Mr. Speaker, Sir, I beg to move—

'that in clause 18, the word "or" occurring at the end of sub-clause (j) be omitted and the word "or" at the end of sub-clause (k) be inserted.'

It is only a verbal amendment."

MR. SPEAKER:—"The question is—

'that in clause 18, the word "or" occurring at the end of sub-clause (j) be omitted and the word "or" at the end of sub-clause (k) be inserted.'

The motion was carried.

* SRI K. KOTI REDDI:—"Mr. Speaker, Sir, I move—

'that in the proviso to sub-clause (k) of clause 18, for the words "due notice", the words "registered notice which is either acknowledged or refused" be substituted.'

Sir, instances have occurred in the past in district boards and also in taluk boards where meetings have been held without notices being sent to members. Due notice does not really mean registered notice. Sending notices by registered post would be a safeguard against the presidents' doing any mischief against some members whom they do not like or whose seats they may like to fall vacant. It will all the same be written in the notice book that notices had been sent but in actual fact no notice would have been sent. My fear is having regard to experience that we have had in this direction in district boards and taluk boards, it might

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occur in panchayat boards where the area is limited. I would really like to see that such cases are avoided and it is with that view that I move the amendment."

The amendment was duly seconded.

MR. SPEAKER:—"Amendment moved—

that in proviso to sub-clause (k) of clause 18, for the words "due notice", the words "registered notice which is either acknowledged or refused" be substituted."

SRI K. BHASHYAM:—"Mr. Speaker, Sir, cases have come before courts where notices are supposed to have been issued to the members but no notice at all has been issued and courts had to determine whether it had been done or not. In such cases, it is necessary that there must be a perfect record above suspicion to show that due notice had been given to the members of the meeting of the panchayat board and therefore, it is necessary to provide that all notices shall be given in a particular manner which will really make it above-board altogether; it may be by a registered notice or by some other means which can make it perfect proof against any mismanagement or misdealings. I am afraid that the object that my hon. Friend has in mind cannot be achieved by means of this amendment; even though such notices might have been sent by registered post, there may be cases where registered notices might be wandering from place to place and the member would not be able to attend the meeting. So the amendment is not quite good. It must be possible for him to propose that due notice by registered post shall be given so as to reach the member in time for attending the meeting. If that is secure, the whole difficulty expressed by my hon. Friend would disappear."

THE HON. SRI K. CHANDRAMOULI:—"Mr. Speaker, Sir, I can sympathize with the hon. Member that there will be such cases where mischief will be done in the manner he suggested but that will be few and far between and cannot be generalized. It is very difficult to send notices by registered post to the members in the same village and also it is a very costly affair. The present method is to give notice direct to the member and get his signature or if he is absent, to give it to a member of the family of the member and take his signature or to give notice by due publicity or attach it to the house or some other place as the case may be and if the member is residing outside, of course it will be sent by registered post. There may be some exceptional cases where injustice might occur but for that we cannot generalize. It will be a costly affair. So I request him to withdraw the amendment."

SRI K. BHASHYAM:—"I wish to know from the Hon. Minister whether when they make rules, they will give effect to the suggestions made by him, namely, in case where a member resides outside, he will be given notice by means of a registered notice, or in other cases it will be given to a member of the family or by affixture on the house or some other place."

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THE HON. SRI K. CHANDRAMOULI:—"I assure the House that not only these but all the healthy suggestions given by hon. members will be incorporated in the rules."

* SRI K. KOTI REDDI:—"Mr. Speaker, Sir, I will withdraw but I am sorry the Hon. the Minister for Local Self-Government says it will be a very costly business. But my point is that it should be done in the case of a person whose seat is about to be vacant and not in all cases. Where a member is not attending one particular meeting his non-attendance will not affect his membership. Supposing within a period of three months eight meetings are held and a member has been absent; my submission is his seat will be rendered vacant if he does not attend the next meeting and so in that case, it must be sent by registered post. It is not necessary to send the notice by registered post to all people and for all meetings. I hope the Hon. Minister will have that in mind and incorporate a provision in the rules."

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

Clause 18, as amended, was put and carried.

Clauses 19, 20 and 21 were put and carried.

Clause 22.

MR. SPEAKER:—"The motion is—

'that clause 22 do stand part of the Bill.'"

JANAB ABDUL HAMEED KHAN:—"Mr. Speaker, Sir, I move—

'that the following be substituted for clause 22 (1):—

"The President shall be elected by the members of the Panchayat Board from among themselves" and make consequential changes in other clauses'.

I am very sorry I have once again to speak on this thorny question whether the president shall be elected by the panchayat or by the entire constituency. Mr. Speaker, I do not think I need repeat the arguments that I advanced on the last occasion in connexion with the first reading of the Bill. I wish to tell the House and also my Hon. Friend the Minister for Local Administration that he is making a dangerous experiment. I know his intention is to bring into existence a leader for the whole village in the person of the president of the panchayat, to whom people can go otherwise also than for the work connected with the panchayat, that is, wherever there are disputes or arbitration where his help is required in order to bring about understanding, peace and harmony in the village. I think that is his object and it is certainly a laudable object to have a man of that position and standing in the village to occupy the position of the leader of the village. But the danger in that situation is that there is a possibility of creating factions. Whether or not in the past, conditions making for factions existed when we had panchayats and home rule, the spirit obtaining in the world to-day is making for factions rather

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than understanding and peace. If there is to be elections conducted in the whole village for the presidentship of the panchayat, this gentleman who is going to be the president of the panchayat as well as the leader of the whole village, will certainly not be allowed to be unanimously elected and there will be contest. When once you introduce an election of this dimension, namely, of the whole village electing its president, what will happen is that the bitterness which comes into being during the course of the elections will continue after the election and the gentleman elected will have with him a certain group to the exclusion of the others in the panchayat, whereas if he is elected by the panchayat board, he will hold himself responsible and responsive to the members of the panchayat as a whole. Otherwise if he is elected by the entire constituency, he will certainly not be responsible to the board and he may act independently of the Board and in a divergent manner. In order to avoid conflict between the panchayat board and the president elected by the entire village being perpetuated from year to year, year in and year out, I think it will be advisable to leave the election of the president to the members of the panchayat themselves. Of course, this is a very big experiment we are making in village administration. What is obtaining in the case of the president of the republic we are trying to introduce in the case of the president of the village. I would request the Hon. Minister for Local Administration to wait for better times to do this. Let us see how we work the idea in the case of the presidentship of the republic; and from the experience we gain therefrom we shall proceed to the election of president in other cases. Let us come down from the top instead of going up from the lowest unit, the village. Sir, on these grounds I propose my amendment."

MR. SPEAKER:—"I wish to draw the attention of hon. Members to the fact that this question of election of president was discussed threadbare during the first reading stage, and so I would request hon. Members not to take up much time on this, now."

JANAB MOHAMED ABDUL SALAM:—"Sir, I have great pleasure in seconding this amendment, which seeks to restore the existing practice in regard to the election of the village president. The Hon. Minister is a very reasonable man and I hope he will see his way to accept it. I know he is obsessed with the idea of idealism in the matter, and that is why I see he is not able exactly to see what will happen in villages if the president is to be elected by the villagers and not by the panchayat. Let me tell him if the clause in the Bill is to be carried out in practice, there will be in the panchayat board a body of members elected by the village face to face with a president elected by the villagers, the two holding different views on all matters and a deadlock being created almost every day. Thus they will be perpetually at loggerheads. Further there is also this fact to be remembered. There is no question of a no-confidence resolution being moved against the president. Even where members elect

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the president at present, there is a clause in the existing Act providing that no no-confidence motion could be moved against the president for the first six months after his election. This is provided as a safeguard for the president to do some substantial work. Even that clause is absent in the present Bill, and if the present measure were to be carried out, Government will be troubled every day with a deadlock between the president and the panchayat.

"Then, Sir, it is sought to hold the election of members of the panchayat and the president simultaneously. There may be several people who may wish to stand for presidentship first, and if they should fail in that, they may wish to stand for election for the membership of the panchayat. Now this is rendered not possible by the present rule. I do not know why the Hon. Minister has introduced this rule. Sir, I was a member of the Select Committee, and I hope I shall not be charged with divulging any secret if I say, that in the Select Committee, whenever any question of importance came up for discussion and decision, the Hon. Minister for Local Administration would simply say, 'this is the Cabinet decision and it shall not be touched.'"

MR. SPEAKER:—"The hon. Member is revealing a secret."

THE HON. SRI K. CHANDRAMOULI:—"I never said it; he is wrong."

JANAB MOHAMED ABDUL SALAM:—"Sir, we in the Select Committee were not convinced of the reasons for the change. I see clearly in actual working the elected members ranged on one side and the president elected by the village ranged on the other side and the two always at loggerheads. I fear Government will have to repent for their action if they do not accept the amendment of Mr. Hameed Khan."

MR. SPEAKER:—"Amendment moved—

that the following be substituted for clause 22 (1):—

"The President shall be elected by the members of the Panchayat Board from among themselves" and make consequential changes in other clauses."

SRI K. BHASHYAM:—"Mr. Speaker, Sir, I rise to support the amendment moved by the hon. Gentleman, Mr. Hameed Khan. (Hear, hear from Muslim Benches). Sir, from your look, I saw that you were expecting me to commit the blunder against which you warned us yesterday. But I have not forgotten your direction. Sir, we have had so far experiments carried out on the basis that the president should be elected by the local boards. In fact it has been made manifest in many of the party factions, that the election of the presidentship commenced much earlier than the election of members themselves. Each candidate to the presidentship went about the wards canvassing support for him from the prospective successful members to the local board. This sort of thing is not good, for it is undesirable that a prospective president should go about the place canvassing votes, because a person who is

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a president should be, at least according to me, above all party politics in the village. So I would like that the president of the village panchayat who will be elected by the village should be a better person than the one elected by the panchayat board. Therefore, I say to the hon. Gentleman, Mr. Hameed Khan, that this instead of creating disharmony between the president and the members, will conduce to the good working of the administration because the president is not obliged to do anything to any member for the latter having given his vote to him. We have had sufficient experience of the present system of election of the president, and so it is high time we discard the present system and try the new one. Then, Sir, Mr. Salam said that we should wait to see how the system of the President of the Indian Republic being directly elected works. Sir, what is the experience which the country is going to gain from it? After all the powers given to him are not many and important. He is there only as the constitutional head and he is to sign the ordinances, decrees and enactments; he is only an ornamental head of the State. So I do not think we would be profited by that. Therefore when the new constitution is on the anvil I would like to see this experiment being made now. Then, Sir, it was also mentioned by Mr. Salam that since the elections to both presidentship and membership take place simultaneously, it prevents the opportunity for a man to stand for election for both. I would prefer that a man should stick to one thing than try for both. If a man is so influential in the village let him stand for the presidentship and not stand for membership. I am sure this will lead to a better administration than in the past. We have had cases of no-confidence motions being brought and not passed by those who constituted the majority in the board walking away from the meeting, and after some time had elapsed, the same day another meeting being held and the motion being passed, the whole thing being brought to court and contested to decide which meeting was duly constituted and correct. All these things will be saved, for the president hereafter would be one above all petty party prejudices. Sir, this is all I have to say."

12.45
p.m.

BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, I support the amendment of my hon. Friend Mr. Abdul Hameed Khan. Having regard to the illiteracy of our villagers at present and the spirit of faction that is rampant in villages, I feel that the present time is not opportune to launch on the experiment which is envisaged in clause 22 of the Bill. It has been the bitter experience of the Government in the past that a spirit of faction reigns rampant in the elections to local boards. Those who are cognisant of the conditions prevailing in villages know full well what amount of bitterness and faction will be aroused if the president is elected directly by the voters. I have not been in the villages. But I have been in the districts and know the amount of faction that is prevalent in villages, because a number of cases come up to the District Court from villages. By introducing this clause in the Bill, I think the Government will only fan the flame of faction that is rampant in villages to-day. When we have not

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launched on this experiment with reference to the election of the President of the Indian Republic, why should we launch it with reference to the election of the president of the village panchayat? It is very high sounding when the Government say that they are following the American model. Why should the American model be copied with reference to the election of the president of the village panchayat and not with reference to the election of the President of the Indian Republic as well? Having regard to the conditions prevalent in the villages to-day, we are far removed from America and are not in a position to adopt the American model. As the Hon. Minister knows, people in America are highly educated and there is no faction or bitterness there as is prevalent in our villagers. When our villagers become educated and literate then perhaps it may be time to try the experiment. I feel that the present time is not at all opportune.

"If the president is not elected by the members of the panchayat but by all the voters in the village, he will feel omnipotent and his inclination will be to flout or ride roughshod over the members. The result will be that the president and the members will be ever at loggerheads, there will be faction and this situation will cause a real headache to the Government. If the president is elected by the members, he will have some regard for them.

"On the one hand the Bill says that the president shall be elected by the entire electoral body of the village. Thereby he is made omnipotent in the sense that he will feel that he has got the verdict of the people. On the other hand, the Bill provides that he shall be removed from office by the Inspector of Municipal Councils and Local Boards. Here the president is belittled. Therefore I feel that the Government are inconsistent in this Bill.

"Having regard to the present conditions, I feel that the Hon. Minister will do very well to accept the amendment of Mr. Hameed Khan. I hope he will accept it and not laugh on the experiment as, I am sure, it will create a big headache to the Government in future."

SRI V. I. MUNISWAMI PILLAY:—"Sir, I was not present when the first reading stage of this Bill took place and therefore I hope the Hon. Speaker will not mind giving me a few minutes' time.

"In the first place I must appreciate the wisdom of the Hon. Minister in sticking to the clause as it is in the Bill. It is known that certain sections of the villagers have been kept away from taking part in local administration all these ages. I refer to the Scheduled Castes who have not been given any facility. Harijans in the cherries as well as the people in the main village will be the voters for election to the panchayat. Under this Bill, each voter will have two votes, one for electing the members of the panchayat and the other for electing the president. Thereby the voters will get a political consciousness. Now we are thinking of the Central Legislature, Provincial Legislature and so on. Panchayats will provide a training ground for the people to cast their votes intelligently and elect a president and members who will be the

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custodians of the privileges of the people in the panchayat area. My hon. Friend Mr. Bashyam has clearly stated that the president, if he is elected by the members, will be in the clutches of the few members and may not look to the interests of the whole village. If he is elected by the voters in the panchayat area, I feel that he will realize his responsibility for doing things which will be useful to the whole village. So, I oppose the amendment moved by Mr. Hameed Khan and support the clause as moved by the Hon. Minister."

JANAB MUHAMMAD RAZA KHAN:—"Sir, I am very much sorry for the speech of the hon. Gentleman, Sri K. Bhasyam. Unfortunately, he has developed a sort of mania to support the Government right or wrong."

MR. SPEAKER:—"Let not the hon. Member think like that."

SRI B. S. MURTHI:—"On a point of order, Sir."

MR. SPEAKER:—"I have already corrected the hon. Member."

JANAB MUHAMMAD RAZA KHAN:—"Without making any personal observation against him, let me say that he tried to argue a weak case. What is the real basis on which the Hon. Minister for Local Administration has come to the conclusion that direct election is preferable? Just before Mr. K. Bashyam rose to speak, the Hon. Speaker said that this point was very much debated at the first reading stage of the Bill. Then a good number of Members not only on this side but on the Government side also said that this clause would not work well. When the Hon. Minister came out with the Select Committee Report, we thought he would give some valid reason for this radical change. According to the statement of the Hon. Minister himself and his supporters, this is only an experiment. The experiment may succeed or fail. If it succeeds, well and good. All congratulations from our side to the other side. If it fails, the repercussions will be serious. The contention of the Hon. Minister was that he might be allowed to try the experiment. We wish him god-speed in his attempt. But all the time he and his supporters were speaking oblivious of the conditions in the villages. Faction is rampant in the villages. As was rightly pointed out by my esteemed Friend Mr. Abdul Hameed Khan, the political consciousness of the villagers is not high and their standard of education is far far low and I will be right even if I say that it is nil. One cannot expect such people to consider the issue dispassionately and elect the best president. The result of this clause will be that instead of confining the trouble to the seven or eight members of the panchayat, the whole village will be brought into the fray. The Hon. Minister has got a better knowledge and experience of the conduct of elections. Even five or six years after the district board elections are over, the feeling of animosity persists with all its deleterious effect. In some villages things may go on

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very well and the president may be elected unanimously even without contest. But in thousand and one cases, the villagers may be divided on political, communal and sub-communal lines. Instead of confining the trouble in such villages to the new members of the panchayat, this clause will involve the whole village in it. Thereby the very object of this Bill to benefit the masses will be defeated. The Hon. Minister and his supporters do not realize these difficulties. They know that factions are rampant in villages. But they are actuated by a desire to do something novel and get credit. Every Member of this House knows that the Hon. Minister is very sincere in his attempt. Nobody attributes any motive to him. It is easy to pass this clause but the question for consideration is whether in its practical application it will do good to the people. (Interruption by Janab Mohamed Abdul Salam.) My Friend Mr. Salam interrupts. Even when we, responsible Members of this House, have to decide whether I should get a seat on a committee or commission or Mr. Salam or Mr. Bashyam, we fight and fight for petty things. Even this morning a report appeared in the Press that the Members of the Congress Party of the United Provinces Legislature, in the presence of that great leader Sardar Vallabhai Patel, could not adjust their differences as to who should represent the Province in the Indian Parliament. When such is the state with responsible and educated people, people who have been in the public life of the country, we cannot expect the villagers to consider issues dispassionately and act always in the interests of the village as a whole. Our debate in this House may be all right. But we are not going to work the Act but the villagers. The argument of the Hon. Minister was that if the president was to be elected directly by the voters, he would go round the village and come in contact with the people, and that therefore he did not want to confine the choice to the seven or eight members sitting in a close room that is going to be the office of the panchayat. The argument seems plausible. But in effect, the prospective president instead of approaching the masses may be a factor in setting up one party or group against the other and creating trouble.

"I am sure on an important issue like this, many arguments are not needed to convince the Hon. Minister. If he cannot change, whatever the arguments may be, let him have his own way, nobody could help it. But if he is open to conviction and if he thinks that there is weight in what we have said, let him reconsider this important clause and there is no hurry about it. I feel that instead of being a help, this clause will defeat the purpose of this Act. In the light of what we have said, I hope the Hon. Minister for Local Administration will consider whether the clause should be retained as it is or amended in the form suggested by Mr. Abdul Hameed Khan."

SRI R. V. SWAMINATHAN:—"Mr. Speaker, Sir, I oppose the amendment moved by the hon. Gentleman Mr. Hameed Khan, the ex-Mayor of Madras City and seconded by another hon. Gentleman who is the vice-chairman of another municipality. Sir, several hon. Members who spoke on this amendment expressed the

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fear that almost all the villages in this Province are infested with factions. That is a very wrong impression. In fact, it is not so. There may be quarrels between people in the villages. We simply call them factions. But if there are quarrels in the cities or municipalities or in other big towns, we call them politics."

SRI T. S. VISWANATHAM:—"Sir, the hon. Member is quoting my exact sentence without acknowledgment."

SRI R. V. SWAMINATHAN:—"Sir, this is the only clause in the Bill which is a revolutionary one and which is the central feature of this Bill. According to it, if the President of the Panchayat Board is to be elected by the villagers, naturally they will choose the best man in the village. They will also see that that man is the most popular man in the village. Perhaps there may be factions in that village, but still when it comes to a question of the election of the President of the Panchayat Board, all parties will gather together in the village chavadi and they will say, 'Let us set up a man who will be acceptable to all the parties'. That is the idea behind this provision and the people in the village will elect the man acceptable to all parties even though there are factions and groups in the village. What will happen if the amendment of my hon. Friend Mr. Hameed Khan is accepted? We will have to revert to the old system of the president of the panchayat being elected by the members of the panchayat themselves. We have enough experience of this system and we know what are the defects therein. I think, Sir, that the system of election of the president of the village panchayat board by direct votes will definitely work successfully and that is the only sure method, in my opinion, which will put an end to factions and other troubles in the village. Therefore, Sir, I oppose the amendment of my hon. Friend Mr. Abdul Hameed Khan and I request him to withdraw the same and give the villagers an opportunity to elect their own president to the panchayat board and work the new system and set how it works."

* JANAB M. S. ABDUL MAJID:—"Mr. Speaker, Sir, I am reliably given to understand that the provision made in the Bill with regard to the election of the presidents of the village panchayats is a great concession made by the Congress party and even by the Members of the Select Committee to the Minister, because the Minister was anxious to introduce this innovation, which he himself was conceded as most revolutionary. But I want to ask the Hon. Minister whether the people in the villages for whom this innovation is created are fit to play their part in the manner in which the Hon. Minister wants them to play. We have heard that scientists used to experiment on guinea pigs but unfortunately this Government are making experiments on human beings. They have done so on previous occasions and we actually see how people are suffering to-day because of their innovations, ideological innovations, and I wonder whether this experiment which the Hon. Minister wants to make in the village is going to be successful. Sir, he has spoken about the great democracy which he is going to

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experiment in the villages. But at the same time, we must see whether these villagers are fit to play their part in a democratic spirit. I want to ask the Hon. Minister whether he really believes that these poor, ignorant, illiterate and helpless villagers will be going to the polling booths to vote for a principle or whether they are going to vote merely for personality. Sir, have not the several elections that had taken place in the panchayat boards, in the municipalities and in the district boards and even in the Corporation of Madras shown beyond doubt that people cannot vote for a principle, but only for personalities? We know what an amount of corruption and bribery had crept into these electioneering campaigns and how people had been asked to give their votes to candidates, not because they wanted to vote for a principle, but because they had been bought off by interested persons. Therefore, Sir, I submit that when our people are not prepared for such a great experiment, which I also welcome, I do not know what is the use of introducing it at the present time. On the other hand, I would rather suggest that a sort of enabling provision can be introduced in regard to that principle, after we have made people more literate and after they are able to understand the things that are happening around them. In the first place, unfortunately to-day people are not prepared for such an election and secondly it is not one individual who is going to stand for the presidentship of these panchayat boards. There are several people who are rich and influential in the villages who will stand for this presidential election. What an amount of money will be spent unnecessarily over this election, we can very well imagine. The Hon. Minister while dealing with another provision in this Bill, said that even the sending of notices involved unnecessary expenditure. That being the case, I ask the Hon. Minister whether the election of the president is going to be less expensive and whether the people are not going to waste their money on these useless elections. Certainly the coffers of the people in the villages will be unnecessarily emptied on these elections, very much to their detriment. Therefore I say that we cannot afford this very costly experiment at present. We can introduce it only after we have given sufficient education to all the people and after we have introduced and made a success of our scheme of adult education throughout the Province. With these words, Sir, I support the amendment moved by my hon. Friend Mr. Abdul Hameed Khan."

SRI D. V. RAMASWAMI:—"Mr. Speaker, Sir, I rise to oppose the amendment moved by the hon. Gentleman Mr. Hameed Khan and in doing so I would refer to some of the arguments that were adduced by hon. Members of the opposition in regard to the success or otherwise of this experiment. Sir, in the first place I do not regard this as an experiment at all. This provision embodies a very important principle which has been recognised and which has been very much respected by the Congress long before it took up the responsibility for running the elections and accepting office. The history of India is replete with the success of village republics and now the attempt of the Congress Government has been only

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to revive and to reorientate the old administrative system beginning from the very bottom and therefore they have taken the village as the unit for the introduction of real democracy. Villages had been forsaken for ages together and under the aegis of the British rule, factions have been allowed to grow and disruptive forces have been let loose with the result that there are at least two parties now in every village, one headed by the karnam and the other by the village munsif, one fighting with the other and destroying the peace and harmony of the village life. The Hon. Minister has been good enough to drop clause 8 of this Bill which probably would have further continued the disastrous state of things and I congratulate him for his good sense in deleting that provision. In the present clause, the right of our village to be a republic has been recognised and provision has been made for the election of a proper man who could be trusted to be the real servant of the people. In fact, Sir, in an election in which membership is open to all communities and all classes of people, and in which all parties and communal considerations will come into play, the only method of getting the right man, who will be the most popular and the best man in the village for the presidentship of the panchayat board, is through an open election of the entire village in which all the people in the village can vote. That is the safest method to avoid party wranglings and there is no danger at all in such a method. Sir, this is a very important measure and I feel that the Government should not treat it as an experiment and introduce it only in a few villages here and there, but should adopt it uniformly throughout all the villages in the Province. There is a proviso to this clause that a person who stands for election as president shall not be eligible to stand for election as a member, and this is particularly wholesome. It is only then that the president who is so elected by the people of the village as a whole, will be in a position to render service to the whole village, irrespective of class, creed or community. He alone will be the first servant of the village republic. I am sure, Sir, that in the light of these considerations, the question of literacy, or want of education or presence of factions—all these things—will not be raised, because illiteracy does not mean want of knowledge of things that count in this world. A man may be illiterate, but yet he may know and understand everything that takes place around him and he may prove to be one of the best citizens of the country. Therefore, Sir, with these words, I strongly oppose the amendment moved by my hon. Friend Mr. Hameed Khan."

JANAB N. MUHAMMAD ANWAR:—"Mr. Speaker, Sir, I come from a village myself and therefore I have got reasons neither to support the Government nor to support the hon. Mover of the amendment, because I have got reasons for both and I shall clarify my position presently." (Laughter.)

MR. SPEAKER:—"If the hon. Member does not support or oppose the amendment, then what for he is going to speak?"

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JANAB N. MUHAMMAD ANWAR:—"Let me explain my position, Sir. It is rather surprising that the Government should take the analogy of the President of the United States of America for the president of the village republic. For one thing he is not invested with the powers of the executive which the President of the United States commands. At the same time, I am not prepared to concede what the hon. Mover of the amendment has in mind, that this may lead to frictions and factions, because after all, I do not for a moment believe that the president with other local elements in the panchayat is going to create a deadlock or cause so much confusion in the village life. One thing which Mr. Speaker, in fairness to the Government, I must suggest is, that once we accept that the members of the panchayat board are duly elected by the people, why should we bring in matters of personal equation between one man and another? Why don't you adopt the blind principle of the lot and see that the president is chosen by the lot, because I believe, that after all this panchayat board election is but a lottery. (Laughter.) The election of the president may be on the blind principle of the lottery, so that we may give a chance to any man, whether he be a Harijan, or a Brahman or even people who are not in the good books of the Government, to get into it. (Laughter.) For, Mr. Speaker, we know, after all, as it was rightly said by Dr. Johnson—though I must have to confess that it does not speak well of our profession—'that a politician is a scoundrel in the last resort'. (Laughter.) Sir, I do not want that a president of the panchayat board who wants to start life as a politician from the bottom should have that occasion to go to the electorate on principles of election. Even now, it is good, in the interests of Government and of village life that we must adopt the principle of blind lot and I am sure the Hon. Minister will accept that suggestion."

"Another thing, Mr. Speaker, which strikes my mind is, what that great Greek Philosopher Aristotle once pronounced, namely, that if you ask the village community to make a choice of the first best among them, then that gentleman who is chosen might turn out to be probably the one who had cast enough fear and therefore might be considered to be the dictator of the village. Therefore leave it to the village community itself to make the choice of its second best; and quite possibly, Mr. Speaker, the second best might turn out to be really the most liked personality in the village, because, quite often in any village if you ask anybody straightaway, 'who is the topmost man in this village', he may, out of fear or out of favour point to that individual who had spread terror into the hearts of the people, or to whom he is obliged for many reasons. Therefore, the first preference may not turn out to be the happiest choice. I would rather go round for the second possibility and the second best may perhaps turn out to be the most liked personality in the whole village, according to that Greek Philosopher. I make this suggestion for this reason, because it is the Hon. Gentleman Mr. Chandramouli who is reported to have been very strong on this point in the Bill."

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1-15 P.M. "But let him understand by the way, and let him take this warning that our villages are not full of Chandramoulis. Chandramouli is but in a minority of one in every village—so sweet, so sober and so lovely, but it is not everybody who is a Chandramouli. Therefore, let him understand and let him leave it to the members of the panchayat board, once they are duly elected, to adopt the blind principles of lot and let them decide as to who the president should be. I am sure, Mr. Speaker, when I am speaking of Hon. Mr. Chandramouli, I do not forget that you are as much lovely, if not more lovely than Mr. Chandramouli. But even you, Mr. Speaker, are in the minority of one, and, therefore, it is that you are occupying this Chair in this House"

MR. SPEAKER:—"The hon. Member has not stated whether he is supporting or opposing the amendment."

JANAB N. MUHAMMAD ANWAR:—"Sir, I neither support the Government proposal nor give my hearty support to Mr. Hameed Khan's amendment."

* SRI B. S. MURTHI:—"Mr. Speaker, Sir, I think the hon. Mover of the amendment is of opinion that the villager is not intelligent enough to know to whom to cast his vote. This Bill is dividing the election into two parts. One is to elect the members by wards, and the other is to elect the president by a direct vote of all the villagers. It is not possible for an ordinary individual who stands as a candidate for presidency to know and command the confidence of all the villagers unless and until he is known for his services, sympathy, magnanimity and the spirit of social work he has to his credit. As regards the wards, it is a simple thing. The ward has only a few votes, and only one, two or three candidates will stand for election. Those who are able to make a good propaganda and use their influence will be able to get the seats for themselves whereas in the case of the election of the president, it is not so. A whole village, as a matter of fact, has to come to terms in order to put up a single candidate, and this will to a great extent help to eschew factions and ensure a sort of unanimity and a spirit of goodwill. There is one other point also. I would like here to quote the words of Dr. Rajendra Prasad. He said that the greatest benefit that is being conferred on us by the New Constitution is the adult franchise. When we are dealing with persons who are armed with adult franchise, we must treat them as persons who are able to, and are capable of discharging their duties. It is not fair to think that the villager is the old ante-diluvian type of person who does not know what he must do and who always wants to follow a leader or a demagogue to guide him. To-day the villagers are agitated as far as politics are concerned. To-day the villagers are full of political consciousness. If we go to any remote village, we will find there persons arguing not only on their local affairs, but also on the international affairs. If we go to any village, we will find the villagers discussing the future of world affairs. So, it is not fair on the part of members like Mr. Majeed and Mr. Hameed Khan to belittle the intelligence of the villagers and say that they will not be in a position to exercise their votes of their own freewill,

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and that they will be coerced. It is not possible to coerce the whole village all on a sudden and ask to vote for a single individual. If it is a ward consisting of a few hundreds of votes, it may be possible to use coercion or get votes under duress. I am sure that this experiment of direct election of president by the villagers will certainly produce good results. If the president is elected directly by the villagers as a whole, and the members of the panchayat board are elected through wards, I think there will be a sort of co-operation between the president and the members of the panchayat. As it is, there are three parties in every panchayat board, namely, the president's party, the vice president's party and the clerk's party also. A person who is employed in the panchayat board on Rs. 4 or Rs. 5 has a party of his own! As a matter of fact, the Hon. Minister will bear me out when I say that several panchayats are not worked well, and several of them have had to be superseded. Therefore, this experiment (it is not a novel experiment) is a very intelligent and far-reaching experiment which the Hon. Minister is thinking of introducing for the welfare and far-reaching benefits of the villagers. The New Constitution, which will be conferred on us on the 26th of this month, will have better results in making the villager the ultimate ruler of the country."

* JANAB H. S. HUSSAIN:—"Mr. Speaker, Sir, I feel inclined to support the amendment moved by my hon. Friend Mr. Abdul Hameed Khan. This is a very important point which is being discussed on the floor of this House, and it is a matter that will affect the life of our people in the villages. While considering this problem, by all means let us give our imagination full play, but let us not allow it to run riot. Let not our imagination outrun our discretion and judgment. We shall apply our mind calmly and dispassionately to this problem as I would put it. It is not a small matter to entrust the affairs of a village to a single individual, the president of a panchayat board, and perhaps an irremovable executive, by the common suffrage of the entire electorate. Therefore, having regard to these aspects of the question, I would straightway make a suggestion to the Hon. Minister for his favourable consideration, and that suggestion is this. As a sort of compromise during the first term of three years it may be so provided that the president of the panchayat board in a village shall be elected by the members themselves. We can have a fairly good idea of the working of such panchayat boards under a president elected by the members themselves. We know that the President will also be an executive head, if no executive officer is appointed. Whatever that may be, with regard to the execution of the work of the panchayat, decisions will have to be taken under the control and guidance of the president himself at the board meetings. Now, Sir, why should we jump all on a sudden into the arena of the village and apply these revolutionary republican principles where the ground is still unprepared and immature? More than all this the lack of education of our villagers will stand in the way, to a great extent, in the successful working of the panchayat board when the president is to be elected by the entire electorate. No doubt, it may be argued that the president will be the representative of the entire people in its truest sense. I agree there. It may

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be so, and it may be good also. I do not say that it is bad. But then, Sir, we have to look at the other side of the picture also, and not be carried away by emotional enthusiasm. In a matter like this, we must consider the problem from all points of view. For instance let us take this House itself, the sovereign body in the whole Province which can control the doings and undoings of not only these panchayat boards but of any other body in the whole of this Province. Who is presiding over this House? It is your august person, Sir. And who has elected you to the Chair of this Assembly? It is the members of this House. We have implicit confidence in you, and you have justified our confidence to the best advantage not only of this House but of the entire Province. You have drawn the admiration of not only Members here, but outsiders in other Provinces also. Therefore, why should we not allow some margin to our small village republics, as they are called, and try to train them first to get the President elected by the accredited representatives of the people, and leave the matter in their hands so that they may adjust things for themselves. When we say that the President should be straightaway elected by the entire electorate, what will be the position of the members there who can also equally claim to be the representatives of the people? The President will not care a jot for the opinion of the members of the panchayat, and I think, so far as I can bring my own imagination into full play, without allowing it to run riot, there will be always friction between the President as *persona grata* (who will always think that he is all supreme) and the members of the panchayat board, because, the President of the panchayat board is irremovable by the members of the panchayat board, and he can be removed only by a higher authority or by the Government. These are all things which will create friction in the daily life of the people. Therefore, I say, let the President be elected at least for a term of three years—the first term—by the members themselves, and then when the ground is fully prepared and the people in the villages are sufficiently educated, we can adopt the American model or any other model that will suit the conditions of our villages in this country. Therefore, from that point of view, I am suggesting a *via media* so that we may not get ourselves entangled in confusion, chaos and disorderliness in villages on account of the Presidential election. Naturally the election of the President will be a sort of fight between two powerful sections in the village, and the whole village will stand divided instead of standing united. Our main purpose is to see that the village affairs are carried on smoothly and without any trouble, at any rate in the initial stages of the enforcement of this Bill. Therefore, I say I am very much inclined to support the amendment moved by my hon. Friend Mr. Abdul Hameed Khan."

MR. SPEAKER:—"As the Upper House is meeting this afternoon, we have no afternoon session. I adjourn the House till 11 a.m. to-morrow."

The House then adjourned to meet again at 11 a.m. on the next day.

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APPENDIX.

[Vide answer to starred question No. 303 (c) asked by Sri V. Raghavayya at the meeting of the Legislative Assembly held on 10th January 1950, page 692 supra.]

	Ammonium sulphate.	Ammonium phosphate.	Super phosphate.	Bone-meal.
(1)	Quantity supplied to Guntur district through Agricultural depots and tender firms.	Quantity supplied through Agricultural depots and tender firms.	Quantity supplied through Agricultural depots.	Quantity supplied through Agricultural depots.
	(2)	(3)	(4)	(5)
	TONS.	TONS.	TONS.	TONS.
1946-47 (July 1946 to June 1947).	1,596	58	77	16
1947-48 (July 1947 to June 1948).	2,172	200	38	20
1948-49 (July 1948 to June 1949).	3,695	60	80	42

The supply of fertilizers to Guntur was made according to the indents submitted by the District Agricultural Officer and with reference to the quantity available for distribution.

THE MADRAS LEGISLATIVE ASSEMBLY.

Wednesday, the 11th January 1950.

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

I.—SWEARING IN OF A NEW MEMBER.

Rangayya Apparao Bahadur, Sri Raja Meka, Kumar Zamindar of Vuyyur, was sworn in.

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Report of the Andhra Partition Committee.

* 307-A Q.—SRI V. RAGHAVAYYA (on behalf of Sri T. Viswanatham):—“ Will the Hon. the Premier be pleased to place on the table of the House a copy of the Report of the Andhra Partition Committee and the note of the Government of Madras forwarding the same to the Governor-General ? ”

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—“ The Government have, in the public interest, treated the Partition Committee's Report and this Government's letter to the Central Government as strictly confidential documents. The Government are therefore unable to place them on the table of the House.”

SRI V. RAGHAVAYYA:—“ In view of the fact that this matter has been engaging the attention of the public so long and since correspondence between the Government of India and this Government has been going on, may I know if the Hon. the Leader of the House can afford to give us a gist of it, which may not be prejudicial to the interests of the public ? ”

THE HON. SRI B. GOPALA REDDI:—“ Sir, when I say that the documents are confidential, to give a gist of them may be contravening the confidential nature of those documents and therefore, Sir, I regret I cannot even do that.”

SRI V. RAGHAVAYYA:—“ At least can I request the Hon. Minister to answer the question whether the Government of India have directed them to fix the capital as well before sending up their reports ? ”

MR. SPEAKER:—“ How does this question arise ? The main question is, ‘ Will the Government be placed to place on the table of the House a copy of the Report of the Andhra Partition Committee and the note of the Government of Madras forwarding the same to the Governor-General ? ’ and the answer is that it is a confidential document and it cannot be revealed to the House. How does this question then arise ? ”

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SRI V. RAGHAVAYYA:—"My submission is this, Sir. The nature of the communication may be confidential, but when I ask a particular question which is covered by the communication, that particular fact may not be confidential. My point is whether the Government of Madras has been asked by the India Government to settle the capital of the Andhra Province also before they sent up their report or have they left sufficient discretion to the Madras Government to decide the matter themselves?"

THE HON. SRI B. GOPALA REDDI:—"It is very difficult to answer that question, Sir."

JANAB MOHAMED ABDUL SALAM:—"Is it not a fact, Sir, that both the terms of reference of the Central Government and the proceedings of the Partition Committee have been published in the papers from time to time, and if so, may I know how far these reports were true and correct and whether the Government have anything to say as regards the matters published in the papers with reference to the partition question?"

THE HON. SRI B. GOPALA REDDI:—"I have also seen reports published in the papers from time to time, but I cannot say whether they are fully correct or not."

JANAB MUHAMMAD RAZA KHAN:—"Sir, the Government say that in the public interests, the report cannot be placed on the table of the House and at the same time Members of the Assembly also say that in the public interests, it should be placed on the table of the House. May I know who is right and who is wrong, Sir?"

THE HON. SRI B. GOPALA REDDI:—"I think both are right and the Government will continue to treat the matter as confidential, till they become non-confidential as to be placed on the table of the House."

JANAB M. S. ABDUL MAJID:—"May I ask why there should be so much secrecy about the matter, which concerns the fortunes of the whole Province?"

THE HON. SRI B. GOPALA REDDI:—"Because the entire matter is in the hands of the Government of India and they have to give their decisions in the matter, no useful purpose will be served by a debate over it in this House. That is why we are keeping it back, Sir."

SRI P. VENKATASUBBIAH:—"Is it a fact, Sir, that the Fort St. George area and the buildings contained in it are the property of the Central Government, and if so, whether this subject has formed part of the recommendations of the Partition Committee in regard to the division of assets and liabilities?"

MR. SPEAKER:—"This is about another question, which does not arise out of the main question. Let us pass on to the next question."

[11th January 1950]

Number of persons under Police surveillance.

* 308 Q.—JANAB MOHAMED ABDUL SALAM: Will the Hon. the Premier be pleased to state—

(a) the number of persons under police surveillance in March 1949; and

(b) what the number was in March 1946?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—" (a) & (b) The information is not available with the Government. In the Government's opinion, the labour involved in collecting the figures will not be justified by any useful purpose that may be served thereby."

Abolition of the post of Sub-Assistant Surgeon in the Eye department in Kozhikode.

* 309 Q.—JANAB MUHAMMAD RAZA KHAN (on behalf of Janab B. Pocker): Will the Hon. the Minister for Public Health be pleased to state—

(a) whether there was a post of a paid Sub-Assistant Surgeon in the Eye department of the Headquarters Hospital, Kozhikode;

(b) the reason for its abolition;

(c) the special reason for sanctioning a car allowance to Dr. P. B. Menon, the Honorary Surgeon, in the Kozhikode Headquarters Hospital; and

(d) whether any other Medical Officer in the Headquarters Hospital, Kozhikode, is getting such car allowance?

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

" (b) In accordance with a scheme for throwing open certain paid posts to Honorary Medical Officers, one of the three posts of Sub-Assistant Surgeons in the Headquarters Hospital, Kozhikode was transferred to the Government Tuberculosis Sanatorium, Tambaram, to fill a paid post of Sub-Assistant Surgeon sanctioned for the Sanatorium, and Dr. P. Balakrishna Menon was appointed as an Honorary Assistant Surgeon in the former hospital."

" (c) Dr. P. Balakrishna Menon was paid only an honorarium of Rs. 30 per mensem while employed in the duty post. He was not paid any car allowance."

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

SRI S. NAGAPPA:—"May I know, Sir, whether any Honorary Surgeons anywhere in this Province are paid such honorarium?"

THE HON. DR. T. S. S. RAJAN:—"Honorary Surgeons are not paid anything, Sir."

SRI V. M. RAMASWAMI MUDALIYAR:—"Arising out of the answer that it is the policy of the Government to extend

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the system of honorary services, may I know whether the Hon. Minister after he has assumed this portfolio, has extended the honorary system to the various hospitals in the Province ? ”

THE HON. DR. T. S. S. RAJAN:—“ There has been some delay in regard to these appointments, Sir. Recently the Department recommended a number of names of honorary Assistant Surgeons for being appointed in the various hospitals and some orders have been passed already on the recommendations of the department and the others are being looked into by the Government.”

SRI S. NAGAPPA:—“ Arising out of the answer of the Hon. Minister, that Dr. P. Balakrishna Menon is being given an honorarium of Rs. 30 per month and that no other honorary surgeon anywhere in the Province has been paid any honorarium, may I know the special reasons that prompted the Government to pay honorarium to this Honorary Surgeon ? ”

THE HON. DR. T. S. S. RAJAN:—“ Dr. P. Balakrishna Menon is posted to do the duties of a paid post, as Sub-Assistant Surgeon in the Tambaram Sanatorium, which is a specialist post. Therefore the Government thought that he should be given a special allowance, and so they have sanctioned this honorarium of Rs. 30 per mensem. He is not paid any car allowance.”

Money spent on the Engineering College at Coimbatore.

*310 Q.—SRI M. A. EASWARAN (on behalf of Sri V. C. Palaniswami Gounder): Will the Hon. the Minister for Public Works be pleased to state—

(a) how much money has been spent on the Engineering College at Coimbatore up to date—(i) for capital and (ii) for maintenance;

(b) what the buildings already constructed or under construction and what the buildings still to be taken up are;

(c) what the amount spent for machinery and equipments is; and

(d) whether there is any proposal to hand over the college to a private agency, and if so, on what terms ?

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

Rs. 17,65,411.

(ii) Rs. 5,25,942.

“ (b) *Buildings already constructed or under construction*—Prefabricated steel frame buildings are under construction to house the permanent laboratories and workshops. British Evacuee camp A and B Hutments are being remodelled for use as Students' Hostel and quarters for some of the staff. This arrangement is to continue till permanent Hostel and quarters are built up.

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Buildings still to be taken up are—

Main building for the college.

Class rooms.

Office rooms.

Library.

Lecture Halls.

Physics and Chemistry laboratories.

Additional accommodation for laboratories and Gas plant house and Auxiliary sheds.

Quarters for Principal and Professors.

Permanent Hostel block.

Quarters for College Staff.

Hospital block.

“ (c) Rs. 12,65,411.

“ (d) Officers have been received which are being considered.”

SRI S. NAGAPPA:—“ May I know, Sir, what is the strength of candidates that the college could accommodate as also its hostel ? ”

THE HON. SRI M. BHAKTAVATSALAM:—“ I should like to have notice, Sir.”

JANAB MOHAMED ABDUL SALAM:—“ Arising out of the answer that the Government have received offers from private agencies, and that they are considering them, why should the Government be prepared to consider such offers from private agencies ? Have they any idea to hand it over to private agencies ? ”

THE HON. SRI M. BHAKTAVATSALAM:—“ The Government thought that in order to save the additional expenditure that will be required for the college, they could consider a proposition of that sort, Sir.”

Adult education scheme.

*311 Q.—SRI K. T. KOSALRAM (on behalf of Sri M. Kanniappan): Will the Hon. the Minister for Education be pleased to state—

(a) the number of teachers that have been trained so far for the propagation of adult education in the Province;

(b) what the allotment for Adult Education Scheme in this Province for the year 1949-50 is, and what the items on which this amount will be spent are; and

(c) what steps have been taken to ensure the co-operation of non-officials in this matter?

THE HON. SRI K. MADHAVA MENON:—“ (a) 580.

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"(b) Rs. 1.57 lakhs. This provision is to be utilized on the following items:—

- (1) Grants to adult schools.
- (2) Training of teachers in adult education.
- (3) Expenditure on Rural colleges for adults.
- (4) Training of teachers in citizenship.
- (5) Visual education.

"(c) There is an Adult Education Sub-Committee of the Provincial Advisory Board of Education to advise Government on matters relating to adult education. The services of Sri Harisarvothama Rao (a non-official) have also been secured for organizing training courses in adult education in the Andhra Desa. Similar services for the rest of the Province are under consideration."

The Shop Assistants Act.

* 312 Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government have received representations from the Provincial Association of the Shop Assistants and the Shop Assistants' Association, Virudhunagar, against the exemptions from the Shop Assistants' Act, vide G.O. No. 3698, Development, dated 11th July 1949; and

(b) if so, what steps the Government have taken on them?

THE HON. SRI H. SITARAMA REDDI:—“(a) Only a representation from the Virudhunagar Varthaka Kariyas-thargal Aikkia Sangam, Virudhunagar was received.

“(b) No action was considered necessary on the suggestions as the exemptions were made after due examination and in the public interest and as they do not deprive the employees of any of their privileges.”

11-15 a.m. SRI K. T. KOSALRAM:—“May I know, Sir, from the Hon. Minister if he is aware that by exemptions of this kind, the object of the Act is being negated?”

THE HON. SRI H. SITARAMA REDDI:—“No, Sir. The object of the Act is not in any way negated. As I have already said, certain exemptions are necessary in the interests of the public, and they in no way involve loss of privileges to the employees. We take care to see that nobody suffers by the exemptions.”

SRI A. KAMESWARA RAO:—“Sir, since the workers in the different parts of this Province are complaining that exemptions are too many, and that the very object of the Act is being defeated, do not the Government think it better to scrap the Act instead of keeping it on the Statute Book?”

THE HON. SRI H. SITARAMA REDDI:—“I do not accept the premises of my hon. Friend. The effect of the Act is

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in no way lessened by the exemptions that have been granted. As I have already stated, when exemptions are granted, all the other matters that relate to the privileges of the employees are taken great care of, and if it is found that the rights of the employees are in any way affected, exemptions are not granted.”

SRI V. RAGHAVAYYA:—“Sir, surely there must be some policy behind these exemptions. What is the policy of the Government in granting these exemptions? Is it in individual cases or on a broad policy that exemptions are granted?”

THE HON. SRI H. SITARAMA REDDI:—“For the information of my hon. Friend I may just read the Government Order which has been passed in the matter. Exemptions are granted for petrol bunks, Chemists and Druggists' shops, shops situated within the vegetable market under the control of the local bodies, shops and restaurants which are within 100 yards of railway premises and bus stands under the control of local bodies, and theatres and places of public amusement or entertainment. These were exempted because it was represented to Government that the public would be very much inconvenienced otherwise. For instance, if passengers coming by night train want coffee or some other thing, and if they do not get it near the railway station, they will be very much put to inconvenience. But the workers do not suffer because their privileges are taken care of.”

SRI K. T. KOSALRAM:—“May I know, Sir, what is the representation that is received by the Hon. Minister from this particular Association of Virudhunagar?”

THE HON. SRI H. SITARAMA REDDI:—“They objected to some of the exemptions, and when the objections were examined thoroughly, it was found that the objections they took up were not tenable, and the Government felt that the Government Order that had already been passed should stand. The Association wanted the Government Order to be scrapped.”

SRI A. KAMESWARA RAO:—“On whose representation, Sir, these exemptions were given? Is it the employees' or the employers'?”

THE HON. SRI H. SITARAMA REDDI:—“The employers asked for exemptions. But as I have already said, the employees' association or their interests are always taken care of.”

SRI S. NAGAPPA:—“When such exemptions are granted, will the Government consider the desirability of instructing the employers to give these workers over-time wages?”

THE HON. SRI H. SITARAMA REDDI:—“It is obligatory under the Act.”

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Alleged moving of ammonium sulphate to Kolhapur.

* 313 Q.—SRI V. RAGHAVAYYA, (on behalf of Sri T. Viswanatham): Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether any quantity of ammonium sulphate was moved to Kolhapur from our Province during the course of the last six months;

(b) if so, under what authority and under whose orders;

(c) whether there is a firm called Rao and Reddi in Madras and whether it is one of the firms selected by the Government for the distribution of ammonium sulphate within the Province; and

(d) if so, what the area of their operation and the quantity allotted to them are?

THE HON. SRI A. B. SHETTY:—“(a) & (b) The matter is under investigation.

“(c) Yes, Sir.

“(d) The districts and the quantity of Ammonium Sulphate allotted to this firm for distribution for the year 1949 are as follows:—

Districts.	Quantity in tons.
Nellore, North Arcot and Chingleput.	3,532.”

SRI V. RAGHAVAYYA:—“In view of the answer given to clauses (a) and (b) that the matter is under investigation, may I know why the Government have cancelled the suspension order against this particular firm, particularly when it was found guilty on the investigation of the Government?”

THE HON. SRI A. B. SHETTY:—“There is no evidence about the guilt of this particular firm. The investigation is being made to trace the persons who have moved ammonium sulphate from this place to Kolhapur.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I ask, Sir, why the Government should not entrust the task of distribution of chemical fertilizers to a central co-operative society which has many branches in the respective districts, and avoid such allegations as blackmarketing?”

THE HON. SRI A. B. SHETTY:—“It is proposed to transfer the distribution to co-operative societies gradually in a period of six months.”

SRI R. V. SWAMINATHAN:—“May I know, Sir, the quantity exported to the other Province, and the quantity available in this Province?”

THE HON. SRI A. B. SHETTY:—“It is reported that about 170 tons of ammonium sulphate has been removed to Kolhapur this year. The quantity allotted for this year, 1949-50, is 50,000 tons.”

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JANAB MOHAMED ABDUL SALAM:—“Are the Government aware, Sir, that such companies as Rao and Reddi have come up only as mushroom companies, and they are companies only in letter heads just to enable them to submit tenders, and that they have no previous experience in the business which they want to claim from the Government, and it is because of selecting such companies that all these things have happened?”

THE HON. SRI A. B. SHETTY:—“The tenders of only substantial companies, about whose financial solvency the Government are entirely satisfied, have been accepted.”

JANAB MUHAMMAD RAZA KHAN:—“Sir, how is it that the Department of Agriculture of the Government of Madras was so considerate to this Rao and Reddi combination, when they have got so many charges against them that they were not able to distribute fairly, and they were blackmarketing, and why no steps have been taken against this firm?”

THE HON. SRI A. B. SHETTY:—“There is no basis for such allegation. It is not only the tender of Rao and Reddi, but the tenders of seven companies have been accepted.”

SRI V. I. MUNISWAMI PILLAY:—“Arising out of the answer given by the Hon. Minister to entrust distribution to co-operative societies, may I know, Sir, whether distribution will be confined to the members of the society or they will cater to the agriculturists in general?”

THE HON. SRI A. B. SHETTY:—“Co-operative societies will distribute to all ryots who need it.”

SRI V. RAGHAVAYYA:—“Sir, is the Hon. Minister in a position to deny that this firm was caught red-handed while smuggling ammonium sulphate from this Province to Bombay, and on the evidence placed before the Government, the Deputy Director of Agriculture, Madras, suspended the licence of the firm, and the same was restored very unjustly and quite against the rules?”

THE HON. SRI A. B. SHETTY:—“There is no basis for what my hon. Friend has stated. This matter has been gone into by the C.I.D. people, and they say that it has not been possible to trace the consignors, and therefore no further action could be taken in this matter.”

Formation of the Andhra Province.

* 314 Q.—SRI V. RAGHAVAYYA (on behalf of Sri T. Viswanatham): Will the Hon. the Premier be pleased to lay on the table of the House the terms of reference made to the Partition Committee appointed in connection with the formation of the Andhra Province?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—“The Partition Committee has been set up in order that all important issues arising for decision in

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connexion with the formation of the Andhra Province may be settled by agreement between the representatives of the Andhra and the non-Andhra areas. No terms of reference were therefore drawn up when constituting the Committee."

SRI V. RAGHAVAYYA:—"Is it a fact, Sir, that the three Andhra Ministers of the Cabinet who were responsible for the reply to the questionnaire of the Government of India have not signed the report, and that they have been freely giving it out that they are not bound by the report because they have not signed?"

THE HON. SRI B. GOPALA REDDI:—"No statement has ever been made. The question of signing does not arise at all. I do not know who the Andhra Members referred to are. We have not signed any document."

(Many hon. Members rose in their seats to put supplementary questions.)

MR. SPEAKER:—"I do not know when this Andhra Province question is going to be settled. Every day we are getting such kinds of questions. Before hon. Members put supplementary questions, I will read out the question for their benefit. The question is about the formation of the Andhra Province. The question reads—

'Will the Hon. the Premier be pleased to lay on the table of the House the terms of reference made to the Partition Committee appointed in connexion with the formation of the Andhra Province?'

JANAB MOHAMED ABDUL SALAM:—"May I know, Sir, whether the Government have taken note of the minute of dissent of one of the members of the Partition Committee, Mr. Prakasam, and also whether they have sent their own opinion on the minute of dissent of Mr. Prakasam?"

THE HON. SRI B. GOPALA REDDI:—"The question is with reference to the terms of reference made to the Partition Committee. I do not know how the minute of dissent of any member is relevant to the question."

Number of villages not provided with elementary schools.

* 315 Q.—JANAB MOHAMED ABDUL SALAM: Will the Hon. the Minister for Education, be pleased to state the number of villages in this Province having a population of more than 500 and yet not having even one elementary school?

THE HON. SRI K. MADHAVA MENON:—"3,600."

JANAB MOHAMED ABDUL SALAM:—"Is it a fact, Sir, that the Hon. Minister for Education, when he was at Guntur last time, gave a promise that unless a school was provided in every village, he would not grant money for higher education?"

THE HON. SRI K. MADHAVA MENON:—"I do not remember to have made such a statement. I said that Government

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had instructed the district boards that they must first provide a school for every village with a population of over 500 before they raised the standards of the existing institutions. That is all what I said."

JANAB MUHAMMAD RAZA KHAN:—"May I ask, Sir, what steps the present Minister for Education has taken to provide elementary schools in villages where they do not exist?"

THE HON. SRI K. MADHAVA MENON:—"I hope the hon. Gentleman knows that Government are not running any elementary schools themselves. Almost the entire elementary schools in the Province are run by aided agencies or by local boards. The Government are certainly aiding any private agency or local board which increases the number of schools."

JANAB M. S. ABDUL MAJID:—"May I know the number of villages in this Province, Sir?"

THE HON. SRI K. MADHAVA MENON:—"The hon. Gentleman may look to the revenue records and find it out."

SRI R. V. SWAMINATHAN:—"May I know, Sir, whether the Government have got any proposal to start elementary schools to cover all these villages?"

THE HON. SRI K. MADHAVA MENON:—"We have issued instructions to district boards and local bodies that they should provide one school for every village with a population of over 500 before they think of increasing the standards in the existing schools."

SRI S. NAGAPPA:—"May I know, Sir, whether the Government will consider the desirability of locating the schools in the villages in Harijan cheris in order that Harijan children may be attracted to the school?"

THE HON. SRI K. MADHAVA MENON:—"I do not know what my hon. Friend means. If my hon. Friend can induce the district board to open schools in Harijan cheris or induce other people to start schools in Harijan cheris, I will be only too glad."

SRI V. I. MUNISWAMI PILLAY:—"Arising out of the answer that district boards have been instructed to start schools in places where the population is more than 500, may I know whether the Government are also providing the funds for them, or whether they expect the district boards themselves to find the money?"

THE HON. SRI K. MADHAVA MENON:—"Sir, the Government, under the Elementary Education Act, are bound to contribute statutorily a certain portion of the expenses for every school that is opened."

SRI D. V. RAMASWAMI:—"Is it a fact that the delay in providing one school for each village is due to the paucity of 11-30 a.m."

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suitable buildings and, if so, what steps the Government propose to take in order to help the district boards to find proper buildings either by constructing or by renting?"

THE HON. SRI K. MADHAVA MENON:—"We give building grants to district boards and also aided institutions."

SRI G. KUMARASWAMI:—"May I know whether the Government are aware of the fact that there is a demand for district board schools in the schoolless villages and whether the Government are prepared to give some special grant to the district boards to enable them to start these schools?"

THE HON. SRI K. MADHAVA MENON:—"No question of any special grant arises. Special grants will be given where special circumstances warrant them."

JANAB M. S. ABDUL MAJID:—"In view of the advent of adult franchise, is it not the duty and responsibility of this Government to see that they help to organize elementary schools in all the villages of this Province which number tens of thousands? Do the Hon. Ministers think it is in their own interests to see that the people of this Province are kept in everlasting ignorance?"

THE HON. SRI K. MADHAVA MENON:—"We are not going to do things for satisfying our own interests. We are thinking of general interest including that of the questioner himself. But as regards the question of adult franchise coming, I do not think starting a number of elementary schools this year is going to help the adults who are already illiterate and are to vote in the next election."

JANAB ABDUL HAMEED KHAN:—"When can we expect the Government to revise its policy regarding payment of contribution of equal amount of the education cess for every local body?"

THE HON. SRI K. MADHAVA MENON:—"That will be coming before the House very soon. There will be no difficulty at all in the matter because the Government are now contributing almost double the amount which they would get under the Act that is working now, as subsidies."

SRI V. M. RAMASWAMI MUDALIYAR:—"Are the Government aware that the finances of any local body will not permit the opening of schools to cover the 300 and odd villagers, and if so, what steps the Government propose to take to either compel them or to offer other inducement to them to have these schools opened?"

THE HON. SRI K. MADHAVA MENON:—"The local bodies must be prepared to raise the education cess."

JANAB MUHAMMAD RAZA KHAN:—"Am I to take it that the Hon. Minister for Education is unaware of the simple

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fact as to the number of villages? After all, he wants to plan his education programme for the various villages. Is it proper that he should ask a Member to refer to revenue records?"

MR. SPEAKER:—"The Hon. Minister cannot be expected to have everything at his fingers' end."

JANAB MUHAMMAD RAZA KHAN:—"He could have said 'Notice', Sir."

MR. SPEAKER:—"What did he say?" (Laughter.)

THE HON. SRI K. MADHAVA MENON:—"We can refer the hon. Members to any published document, Sir."

MR. SPEAKER:—"The Hon. Minister can ask the Member to refer to a published document."

SRI L. N. GOPALASWAMI:—"Are the Government aware of the fact that contrary to their advice the district boards are increasing their high schools and are not giving any attention to the village schools, and, if so, what action do the Government propose to take in the matter?"

THE HON. SRI K. MADHAVA MENON:—"High schools do not come into the picture. They are not run out of education cess that is collected. Elementary schools which are of a lower grade should not be raised to higher grade if there are villages having no schools. That is the instruction."

Collection of funds for relief purposes by certain officials.

* 316 Q.—JANAB MOHAMED ABDUL SALAM: Will the Hon. the Minister for Land Revenue be pleased to state whether the attention of the Government has been drawn to the fact that officials of the Revenue Department in certain districts are collecting funds for various relief purposes?

THE HON. SRI H. SITARAMA REDDI:—"The Government have recently issued instructions for the constitution of committees in all the districts under the charimanship of the Collector for raising subscriptions for relief work in the cyclone affected areas. The orders issued in that connexion permit Government officials of Gazetted rank to associate themselves with the committees and to work in furtherance of the objectives of the committees."

JANAB MOHAMED ABDUL SALAM:—"Are the Government aware that specially revenue officials are collecting funds for all good purposes like starting schools and colleges and hospitals, by using force and by their official influence in selling tickets and collecting huge amounts?"

THE HON. SRI H. SITARAMA REDDI:—"It is wrong to use force."

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SRI V. RAGHAVAYYA:—" May I know if this laxity given is confined only to the cyclone-relief work or does it extend to other beneficial activities also? "

THE HON. SRI H. SITARAMA REDDI:—" I do not agree with my hon. Friend that it is a laxity. It is a special permission granted to certain officials. I may read for his information a paragraph from the circular issued to the Collectors, ' Government officials of Gazetted rank are hereby permitted to associate themselves with the committees and to work in furtherance of the objectives of the committees. It is, however, made clear that no kind of coercion or pressure should be exercised for raising money. No targets for collection should be fixed '."

Sale of sugarcane.

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

(a) whether it is a fact that sugarcane growers are compelled by the Government to sell their sugarcane to the mill owners of the respective areas at a lower price than what it would fetch them otherwise;

(b) if so, what the reason is; and

(c) whether it is a fact that sugarcane growers are not allowed to make jaggery though it is profitable for them?

THE HON. SRI A. B. SHETTY:—" (a) & (b) No. Under section 12 (1) of the Madras Sugar Factories Control Act, 1949, the Government have notified the minimum price, that the factories are bound to pay for any sugarcane purchased by them during the current crushing season. This price has been fixed with reference to the price of sugar notified by the Government of India this year and also with reference to the several other factors involved.

" (c) The Government have notified so far in respect of only three factories in this Province, that jaggery should not be manufactured, except under a permit, in the sugarcane areas reserved in respect of these factories. This has been done in pursuance of the policy of the Government to maximise sugar production during the current season."

SRI A. VEDARATNAM PILLAI:—" May I know whether the Government will consider the desirability of cancelling the ban on jaggery making and supporting the age-long cottage industry instead of the mill industry? "

THE HON. SRI A. B. SHETTY:—" Sugar manufacture is also essential. There is great need for sugar and the price of sugar has gone up as the supply of sugar is limited. Therefore, the Government see no reason to cancel the restriction imposed."

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SRI D. V. RAMASWAMI:—" May I know whether the Hon. Minister received any representation from the Sugarcane Growers' Association of Anakapalli? "

MR. SPEAKER:—" Anakapalli? "

SRI D. V. RAMASWAMI:—" Yes, Sir."

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

SRI N. S. VARADACHARI:—" Will the Government consider the desirability of ascertaining the wishes of local cultivators before issuing such general sweeping orders as the banning of the manufacture of jaggery without a permit in certain localities? "

THE HON. SRI A. B. SHETTY:—" The manufacture of jaggery is not altogether banned. It has to be done only in accordance with the permit issued by the Sugarcane Commissioner or any officer not below the rank of a District Agricultural Officer who is authorized by him for this purpose."

SRI R. KUPPUSWAMI:—" Is the Government aware that some 4,000 workers remain unemployed for about 4 to 5 months due to the Government Order which prevent jaggery manufacture? "

THE HON. SRI A. B. SHETTY:—" The Government are not aware, Sir."

SRI L. N. GOPALASWAMI:—" What is the special sanctity attached to the manufacture of sugar? Does it contain anything more of food or vitamin value than jaggery and why is this preferential treatment to these mills? "

THE HON. SRI A. B. SHETTY:—" There is no preferential treatment, Sir. This Province produces about 400,000 tons of jaggery and only about 52,000 tons of sugar. Jaggery is exported outside the province while sugar has to be imported."

SRI V. M. RAMASWAMI MUDALIYAR:—" Am I correct in understanding the Hon. Minister to say that this licence system for manufacture of jaggery is prevalent only in those three areas where sugar mills are situate and is not one which should apply to the Province as a whole? "

THE HON. SRI A. B. SHETTY:—" This restriction has been imposed only in the reserved area pertaining to three factories because jaggery manufacture is carried on on a large scale in these areas."

SRI V. I. MUNUSWAMI PILLAI:—" May I know whether the Government have received any representation from the sugarcane growers of South Arcot district, especially from Nellikuppam? "

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

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SRI A. VEDARATNAM PILLAI:—" May I know the reason why 144 has been promulgated against the sugarcane growers in Nilakottai taluk? "

MR. SPEAKER:—" I must inform the House there are still ten more questions."

THE HON. SRI A. B. SHETTY:—" The hon. Friend may put a separate question."

JANAB ABDUL HAMEED KHAN:—" Will the hon. the Speaker kindly say whether this question does not relate to a subject-matter covering the whole Province and as such how Anakapalli can be out of order? "

MR. SPEAKER:—" It is not out of order. If the hon. Members want to go into minute details, they must put separate questions. It is not because it relates to Anakapalli."

SRI L. N. GOPALASWAMI:—" The answers given to this question are unsatisfactory. So, I request for a half-an-hour debate to-day. This sugar problem is one where the villagers are made to pay through their noses."

MR. SPEAKER:—" Let the hon. Member not make a speech. As far as the Chair is concerned, I have no objection to allow the debate. But probably to-day Members have got a number of engagements."

THE HON. SRI P. S. KUMARASWAMI RAJA:—" The Hon. Minister himself will be absent."

MR. SPEAKER:—" The Hon. Minister has got some other engagement and in his absence no purpose will be served by a half-hour debate. This can be adjusted mutually and postponed to some other day."

SRI L. N. GOPALASWAMI:—" Sir, we have been discussing this for only two minutes."

MR. SPEAKER:—" We have got only twenty minutes more and there are still 10 questions. I have to satisfy all Members. I cannot spend more time on one question alone."

Exchange of enclaves with Mysore and Hyderabad.

* 318 Q.—JANAB MOHAMED ABDUL SALAM: Will the Hon. the Premier be pleased to state:—

(a) whether it is a fact that the Government have decided to agree to the exchange of enclaves with Mysore and Hyderabad; and

(b) if so, what the names of such enclaves are?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—" (a) & (b) The matter is under correspondence with the Government of India and no final decisions have yet been reached."

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JANAB MOHAMED ABDUL SALAM:—" May I know the population and the area that will be affected by this exchange? "

THE HON. SRI B. GOPALA REDDI:—" There are several proposals and then it is very difficult to say at this stage what area and population will be affected. A separate question might be put and I would be able to answer."

SRI V. RAGHAVAYYA:—" May I know what are the reasons which induced the Madras Government to enter into a negotiation over this particular matter particularly when the enclaves which are going to be transferred to Hyderabad are enclaves in the Krishna district where communist trouble has been very great recently? "

THE HON. SRI B. GOPALA REDDI:—" The Government of India called for a conference where our Chief Secretary was also present and according to their instructions we sent them some data for their consideration. It is entirely a matter for their discretion."

SRI V. RAGHAVAYYA:—" Is it a fact that of late the enclaves trouble has been increasing because the Madras Government have not been taking sufficient steps to put an end to the trouble there for they are scattered in Hyderabad and the Hyderabad Government independently have not been able to put down this menace? "

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

SRI V. RAGHAVAYYA:—" The question is coming up now, Sir. (Laughter.) Because the Hyderabad Government are not able to locate the place on account of the fact that old retired officials are employed as C.I.D. staff."

THE HON. SRI B. GOPALA REDDI:—" I do not think the premises of my hon. Friend are correct and it is not a fact that they have relaxed their efforts to put down the communist menace in those enclaves. Other matters also whether Munagala and Lingagiri should be transferred to Hyderabad are all still under correspondence with the Government of India."

SRI R. V. SWAMINATHAN:—" In view of the answer that the matter is under correspondence, may I know whether the matter is only with regard to Mysore and Hyderabad or whether it includes Travancore and Cochin States also? "

THE HON. SRI B. GOPALA REDDI:—" It concerns only Mysore and Hyderabad."

SRI S. NAGAPPA:—" Are the Government aware that especially as regards the enclaves in the Kurnool district, it has become very difficult from the point of view of administration? In view of this, will the Government expedite the matter and see that these enclaves are merged with the district in order to ease the administration of the district? "

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THE HON. SRI B. GOPALA REDDI:—"In view of the administrative difficulties felt, the Government of India called for this Conference and certainly they will try to expedite the matter."

SRI R. V. SWAMINATHAN:—"In view of the answer given by the Hon. Minister, may I again ask what steps the Government have taken with regard to the Travancore and Cochin States?"

THE HON. SRI B. GOPALA REDDI:—"We met at a conference in the Madras Cabinet room with the Ministers of the United State of Travancore and Cochin and I am told that the matter has been dropped for the present."

JANAB MOHAMED ABDUL SALAM:—"As this is also a very vital matter for this Province in future, will the Government give an opportunity to this House to discuss the matter before final shape is given to it?"

THE HON. SRI B. GOPALA REDDI:—"We will consider the suggestion, Sir."

SRI R. V. SWAMINATHAN:—"May I know the reason for the dropping of the matter with regard to the Travancore and Cochin States?"

MR. SPEAKER:—"The question is about enclaves in Mysore and Hyderabad."

THE HON. SRI B. GOPALA REDDI:—"The Government of India wanted that the matter should be dropped and therefore, it was dropped."

11-45 a.m. SRI V. RAGHAVAYYA:—"As 15 persons have been killed in these parts within one month, I want to ask for an half-an-hour debate in view of the very unsatisfactory answers given by the Government in this matter."

MR. SPEAKER:—"I am not going to allow a half-an-hour debate to-day."

Proposal to increase medical and health centres in villages.

* 319 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon the Minister for Public Health be pleased to state—

(a) whether the Government have got any proposal to increase the number of medical and health centres in villages in the Province; and

(b) if so, when and where, and in how many centres?

THE HON. DR. T. S. S. RAJAN:—" (a) & (b) It has been decided to open only 10 primary centres during the current year in the firkas selected for intensive rural reconstruction work and to consider the question of opening 9 more centres next year in selected firkas in the course of 1950-51 with reference to the circumstances then prevailing."

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"The location of the 10 centres will be decided after the Surgeon-General and the Director of Public Health have submitted proposals."

SRI A. VEDARATNAM PILLAI:—"May I know whether the Government have made any arrangements to introduce Indian medicines in this area and if so what they are?"

THE HON. DR. T. S. S. RAJAN:—"I have already said that we are awaiting the recommendations of the Surgeon-General and the Director of Public Health for the information with regard to the ten areas that have been selected."

SRI S. NAGARAJA MANIGAR:—"Sir, it is said that the scheme of expansion will take place in ten centres this year and nine in the next year. May I know when the Hon. Minister expects to give these medical centres which are very useful to the villages, to the whole of the Province?"

THE HON. DR. T. S. S. RAJAN:—"I have already answered it. Ten areas are selected this year and nine for the next year. Others will be considered only after that."

SRI L. N. GOPALASWAMI:—"May I ask why all these beneficiary measures should be concentrated upon only selected firka development areas instead of giving the benefits to some other areas in some other villages?"

THE HON. DR. T. S. S. RAJAN:—"There must be some order in the procedure. We have got a plan according to the amount at our disposal and the agency for doing this work."

SRI P. VENKATASUBBIAH:—"In view of the fact that the medical aid was not at all adequate and sufficient in the merged areas of Sandur and Banganapalle, may I request the Government to start some primary health centres in these areas?"

THE HON. DR. T. S. S. RAJAN:—"The Government have already laid down their programme for this year and the next. So further consideration cannot be taken up now."

SRI K. SUBBA RAO:—"May I know whether the Hon. Minister is aware that there is more demand for allopathic medicines than for Indian medicines in the rural parts?"

BEGUM SULTAN MIR AMIRUDDIN:—"May I know why such a small number as 10 this year and even a less number, viz., 9 next year of primary centres are opened?"

THE HON. DR. T. S. S. RAJAN:—"It is only a question of finance."

SRI V. I. MUNISWAMI PILLAI:—"After receiving the report of the Surgeon-General and the Director of Public Health as to the location of the new centres, will the Government take the Members of this Legislature into confidence before they finally locate the centres?"

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THE HON. DR. T. S. S. RAJAN :—“ This location of the site is not a matter to be debated in the Assembly. Certainly the Government have got to choose such a place and appoint an Officer. That is all. When the Government get ready with their plans, I will submit it to the House.”

SRI A. VEDARATNAM PILLAI :—“ May I know whether the Government will consider the desirability of helping financially the Kastur Ba Gandhi Memorial Trust who are opening Maternity Hospitals in rural areas? ”

THE HON. DR. T. S. S. RAJAN :—“ We have selected the centres for this year. We cannot include another centre in that scheme.”

Development of Minor Ports.

* 320 Q.—SRI B. S. MURTHY : Will the Hon. the Minister for Public Works be pleased to state whether Kothapatnam near Ongole is included in the scheme of developing the Minor Ports?

THE HON. SRI M. BHAKTAVATSALAM :—“ No.”

SRI S. NAGAPPA :—“ In view of the importance of developing and improving the ship-building industry and navigation, is it not necessary that we should develop all such minor ports in the Province? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ This port was opened for coastal trade and also foreign trade. But since 1924 and 1925 there were no exports nor imports. Therefore this port was ordered to be closed in 1928. Since then we have ordered the opening of the Nizampatnam port in the same district and we have addressed the Government of India in the matter.”

Murders that took place in this Province during first half year of 1948 and 1949.

* 321 Q.—JANAB S. MUHAMMAD ISMAIL : Will the Hon. the Minister for Education be pleased to state the number of murders that took place in the Province during the first half year of 1948 and also of 1949?

THE HON. SRI K. MADHAVA MENON :—“ Six hundred and thirty-five murder cases were reported in the first half of 1948 and 587 in the first half of 1949.”

JANAB S. MUHAMMAD ISMAIL :—“ May I know what are the general causes that lead to these murders.”

THE HON. SRI K. MADHAVA MENON :—“ No particular general causes led to murders. It is only individual causes that have led to murders.”

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Annual income derived from Sandur and Banganapalle forests.

* 322 Q.—SRI P. VENKATASUBBIAH : Will the Hon. the Minister for Prohibition be pleased to state—

(a) the annual income derived from the forests in Sandur and Banganapalle States; and

(b) whether any representation has been made to disreserve some of the forest areas in Banganapalle and if so, what the Government propose to do in the matter?

THE HON. SRI N. SANJEEVA REDDI :—“ (a) The average annual income for the last five years :—

	RS.
Sandur	3,19,736.
Banganapalle	28,235.

“ (b) Yes, Sir. A representation was received from the General Secretary, Banganapalle Taluk Congress Committee suggesting the disreservation of certain areas around the villages of Belum, Mirsapalle, Singavaram and Giddalur in the Banganapalle State Forests. The Chief Conservator of Forests has informed the General Secretary that the question of disreservation would be considered along with the proposal for the reservation and management of the Banganapalle State Forests.”

SRI S. NAGAPPA :—“ Is it not a fact that the income derived from Banganapalle State is Rs. 28,600 and moreover the food situation in the district is acute? Will the Government consider the desirability of disreserving the forests in this area as early as possible and form collective co-operative societies in order to increase food production in the district? ”

THE HON. SRI N. SANJEEVA REDDI :—“ The development of forests is not dependent upon the incomes only. That is not the only consideration. There are various other reasons for it.”

Reason for the increase of crime and pick-pocketing in the City.

* 323 Q.—SRI A. RAYAPPA : Will the Hon. the Premier be pleased to State—

(a) the reason for the increase of crimes and pick-pocketing in the City for the last one year; and

(b) what steps the Government intend taking to put down these crimes?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier) :—“ (a) Crime in general was at the normal level throughout the year but there was a slight increase in pick-pocketing. This is due to influx of population into the City and the prevailing acute economic conditions.

“ (b) The percentage of detection is maintained at a high level. Systematic drives conducted by experienced officers

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and none of the detective staff of the Madras City Police against pick-pockets have resulted in the arrest of notorious pick-pockets and these arrests have had a salutary effect in checking the activities of pickpockets in general."

SRI A. RAYAPPA:—"May I know the number of cases of pickpockets detected last year?"

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

SRI G. NARASIMHA RAO:—"Is it a fact whether these pick-pockets have become quite common in the Madras City only after the nationalization of the bus transport in the City?"

THE HON. SRI B. GOPALA REDDI:—"I do not see the relevancy between nationalization of motor transport and pick-pocketing in this City."

SRI L. N. GOPALASWAMI:—"May I ask whether the increase in pick-pockets is due to the increase in the number of pockets that have come into Madras?"

THE HON. SRI B. GOPALA REDDI:—"Not necessarily, Sir. Of late, even women who do not have any pockets are subjected to pick-pocketing."

BEGUM SULTAN MIR AMIRUDDIN:—"May I know whether the Government have any proposal to send some Police officers to Scotland Yard and America to refresh themselves with modern knowledge with reference to detection of crimes?"

THE HON. SRI B. GOPALA REDDI:—"Even the Scotland Yard do not know the conditions prevailing in the City of Madras. So no useful purpose will be served by sending our Officers there."

JANAB M. S. ABDUL MAJID:—"Is it not a fact that this increase in crimes is due to the increase in poverty among the people in the Province and may I know what effective steps the Government have taken to liquidate poverty in this country?"

THE HON. SRI B. GOPALA REDDI:—"I have said that the increase in crime is due to the acute economic conditions that are prevailing in Madras. But I do not know whether any short-term programme and projects can alleviate the distress of the people or whether a long range policy is needed."

SRI S. NAGARAJA MANIGAR:—"Is it a fact that some members of the Police are hand in glove with these pick-pocketers and the increase in crimes is due to their joining the pick-pocketers?"

THE HON. SRI B. GOPALA REDDI:—"I repudiate the suggestion that police are hand in glove with pick-pocketers."

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Occurrence of night blindness in an epidemic form.

* 324 Q.—JANAB M. S. ABDUL MAJID: Will the Hon. the Minister for Public Health be pleased to state whether night blindness is assuming epidemic form in the Province and if so, whether the Government have investigated into the matter?

THE HON. DR. T. S. S. RAJAN:—"No. A report however appeared in the Hindu, dated 1st December 1949, about the prevalence of night blindness in an almost epidemic form in Rayapuram, hamlet of Mahendravadi in Sankaran-kovil taluk of the Tirunelveli district. This report is exaggerated and is not based on facts. There have no doubt been a few cases which are largely due to lack of vitamin 'A' in the diet and this deficiency can be made good by the consumption of Agathim murungai and other green leafy vegetables. The Regional Nutrition Health Officer, Tiruchirappalli has investigated the matter and steps have been taken to encourage the residents of the area to consume leafy vegetables."

JANAB M. S. ABDUL MAJID:—"May I know whether the Government have examined any other method of curing this apart from the one suggested by the Hon. Minister?"

THE HON. DR. T. S. S. RAJAN:—"The method suggested by me was the best and easy one available to all people in the country."

Training centres for adult education.

* 325 Q.—SRI S. NAGAPPA (on behalf of Sri B. S. Murthi): Will the Hon. the Minister for Education be pleased to state—

(a) the number of training centres for the workers engaged in adult education;

(b) the period of training;

(c) the number of trainees and the subjects taught; and

(d) the area allotted to each trainee after the completion of training?

THE HON. SRI K. MADHAVA MENON:—" (a) Sixteen courses will be organized in different centres for training teachers in adult education in the current year.

" (b) Six weeks.

" (c) Forty teachers will be admitted for training for each course. The candidates will be given training in adult psychology and in the preparation and use of slides, charts and reading sheets. They will be given training in the use of magic lanterns and in the principles of organizing village libraries and clubs.

" (d) The candidates after training should open adult schools in localities which will command the attendance required."

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12 noon. SRI S. NAGAPPA:—"May I know, Sir, the minimum educational or other qualifications prescribed for selecting candidates for training?"

THE HON. SRI K. MADHAVA MENON:—"Teachers employed in secondary and elementary schools are the persons who are selected."

SRI S. NAGAPPA:—"May I know, Sir, whether these persons get any stipends during the period of training?"

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

MR. SPEAKER:—"I shall allot five minutes for the next two questions."

Availability of chemical fertilizers.

* 326 Q.—SRI S. NAGAPPA (on behalf of Sri B. S. Murthi: Will the Hon. the Minister for Agriculture be pleased to state—

(a) the total quantity of chemical fertilizers which were made available to our ryots during 1948-49; and

(b) whether the Government have any scheme to secure adequate quantities of fertilizers in the future?

THE HON. SRI A. B. SHETTY:—" (a) The following allotments were made by the Government of India during 1948-49:—

	TONS.
Ammonium sulphate	52,700
Ammonium phosphate	400
Di-Ammonium phosphate	1,250
Super phosphate	6,500
Granular ammonium phosphate	9,500

In addition to the imported sulphate of ammonia, a quantity of 12,250 tons of sulphate of ammonia has been arranged for supply from Messrs. The Fertilizers and Chemicals, Travancore, Limited, Alwaye, to Manure Mixing Firms and Sugar Factories.

" (b) The Government of India have allotted 50,000 tons of ammonium sulphate to this Province for the current fertilizer year 1949-50.

As regards super phosphate the Government of India have allotted 41,000 tons so far, as against the original estimated requirement of 50,000 tons during the year.

According to an agreement entered into with Messrs. The Fertilizers and Chemicals, Travancore Limited, the Government are now getting 40 per cent of ammonium sulphate and 25 per cent of super phosphate, of the total production by this factory. A proposal is under consideration of the Government for taking additional shares in the Company and getting more supplies of ammonium sulphate and super

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phosphate. The Government would also arrange to get some quantity of ammonium sulphate from Sindri factory, proposed to be started by the Government of India in one or two years."

SRI S. NAGAPPA:—"May I know, Sir, whether our Province is self-sufficient in the matter of chemical fertilizers and if not, whether any attempts are being made to produce the same in our Province in order to stop imports from abroad or from outside this Province?"

THE HON. SRI A. B. SHETTY:—"I have already answered that question. Probably, my hon. Friend did not follow when I read out the answer."

Representation regarding construction of houses for houseless people.

* 327 Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether the Government have received any representation on 5th November 1949 from the Union of the Houseless, Kulittalai, Tiruchirappalli district, regarding house sites for 300 houseless people; and

(b) if so, what action the Government propose to take in the matter?

THE HON. SRI N. SANJEEVA REDDI:—" (a) No, Sir.

" (b) The question does not arise."

UNSTARRED QUESTIONS.

Tenders for the supply of Ammonium Sulphate.

16 Q.—SRI T. VISWANATHAM: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether tenders for the supply of ammonium sulphate were called for, for the years 1948-49 and 1949-50;

(b) if so, the names of the tenderers and if they are companies incorporated in this Province, the names of the Managing Agents and Directors for the years 1947-48; 1948-49 and 1949-50;

(c) what the rates tendered were; and

(d) the persons or firms whose tenders have been accepted?

A.—(a) Tenders were called for by Government for the distribution of ammonium sulphate in this Province for the years 1947-48 and 1948-49. No tenders have yet been invited for the period from 1st January 1950.

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(b) & (d) The following firms were selected by Government for the years 1947-48 and 1948-49:—

1947-48.	1948-49.
1 Messrs. Lloyds Commercial Corporation, Madras.	1 Messrs. Lloyds Commercial Corporation, Madras (five districts).
2 Messrs. Sri Ranga Vilas Ginning and Oil Mills, Limited, Coimbatore.	2 Messrs. Indian Tobacco Corporation, Guntur (five districts).
3 Messrs. The Imperial Chemical Industries (India), Limited, Madras.	3 Messrs. Rao and Reddy, Madras (three districts).
	4 Messrs. Sri Ranga Vilas Ginning and Oil Mills, Limited, Coimbatore (six districts).
	5 Sri A. Velayudha Raja, Sankaranainarkoil (two districts).
	6 Sri P. Pavanasa Nadar, Sivakasi (two districts).
	7 Sri Rama Agricultural Implements Manufacturing Works, Kumbakonam (one district).
	Details of incorporation and management of these firms are given in the Appendix.

(c) For handling and commission charge the rates tendered and accepted by Government for 1947-48 were Rs. 16 in the case of Messrs. Lloyds Commercial Corporation, Rs. 15 for Messrs. Sri Ranga Vilas Ginning and Oil Mills and Rs. 17-8-0 for Messrs. the Imperial Chemical Industries (India), Limited, Madras. A flat rate of Rs. 15 per ton was accepted in the case of the firms selected for 1948-49.

Minor Irrigation Works in Tirunelveli district.

17 Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the surveying and taking of levels for the Minor Irrigation Works in Tirunelveli district have been done; and

(b) if not, why not?

A.—(a) & (b) Maintenance of and, repairs to, Minor Irrigation Works in the Tirunelveli district is already being attended to by the Minor Irrigation staff in that district. No surveying and recording of levels is generally necessary for such maintenance and repair work.

Tank restoration party for Tirunelveli district.

18 Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have appointed a tank restoration party for the Tirunelveli district; and

(b) if not, why not?

* Printed as Appendix on pages 795-796 infra.

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A.—(a) A subdivision under the Superintending Engineer (Food Production) and another under the Superintending Engineer, Public Works Department, Tiruchirappalli Circle, have been sanctioned for carrying out tank improvement works in the Tirunelveli district. The staff will carry out the following works:—

- Repairs to river channels having direct ayacut.
- Repairs to spring ponds, kasams and spring channels.
- Sinking of wells in the ayacuts of tanks.
- Repairs to tanks depending on regular sources of supply like canals and rivers and to supply-channels and anicuts connected with them.
- Repairs to tanks which are rain-fed and which depend on the surplus of upper tanks.

(b) Does not arise.

Construction of the Unjalur Project.

19 Q.—SRI R. NATESAN: Will the Hon. the Minister for Public Works be pleased to state whether the Government propose to take immediate steps for the construction of the Unjalur Project for Pudukkottai territory?

A.—The proposal for excavating a channel from Unjalur to Pudukkottai area has been examined several times and found not feasible.

Exemption of a building under the Madras Buildings (Lease and Rent Control) Act, 1946.

20 Q.—JANAB B. POCKER: Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether the Government have exempted building No. 7, East Avenue Road, Akbarabad, Kodambakkam, Madras from all the provisions of Madras Buildings (Lease and Rent Control) Act, 1946 (Madras Act XV of 1946);

(b) if the answer to (a) is in the affirmative, what the reasons for the exemption are;

(c) whether the Government have laid down any principle under which the Government may exercise their powers for exemption under section 13 of the said Act;

(d) whether the building referred to in (a) is a building intended to be used only for private residence or for any public purpose;

(e) the name and occupation of the owner (landlord) of the said building; and how long the present tenant has been in occupation of the said building;

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(f) whether the landlord has taken legal proceedings against the tenant to eject him from the said premises on the ground that he required the same for his own residence and how many times he has taken proceedings and with what result; and

(g) in how many cases the Government have exercised their power under section 13 of the said Act in respect of (1) individual building; and (2) particular class of building and on what grounds the powers were exercised in each case?

A.—(a) Yes.

(b) The house owner, on whose account exemption was given, was suffering from T.B. He was residing in a house with some other tenants in a congested locality in the City. As it was imperative that he should shift from that house in his own interests and in the interests of others, the Government exempted the building in order to enable him to live in it.

(c) No definite principle has been laid down. Each case is decided on its merits.

(d) The Government have no information.

(e) The name of the house owner is T. S. Vasudeva Iyengar. The Government have no information what his occupation is and how long the present tenant has been in occupation of the building.

(f) The Government have no information.

(g) The Government consider that the time and labour involved in collecting the information will not be commensurate with the public interests served thereby."

Separation of the Andhra Province.

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

(a) whether the Madras Government have received any communication recently from the Central Government regarding the steps to be taken for the separation of the Andhra Province;

(b) if so, whether a copy of it will be placed on the table of the House; and

(c) what reply, if any, has been sent by the Madras Government?

A.—(a) Yes, Sir.

(b) & (c) The Government must, in the public interest, decline to place on the table of the House copies of the correspondence on this subject between them and the Central Government.

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Inam villages in Kurnool district coming under the purview of the Zamindari Abolition Act.

22 Q.—SRI N. VENKATASUBBAYYA: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether there are any whole inam villages in Kurnool district which come under the purview of the Zamindari Abolition Act; and

(b) if so, what they are and when they will be taken up by the Government?

A.—(a) & (b) Under section 9 of the Abolition Act the Settlement Officer has to enquire and determine whether any inam village in his jurisdiction, is an inam estate or not. The Settlement Officer, Chittoor, who has jurisdiction over the Kurnool district is conducting his enquiries and until he concludes his work, it will not be possible to say which of the whole inam villages in that district are inam estates coming under the scope of the Abolition Act. The question of taking over the inam estates in the Kurnool district will be considered after a list of these estates has been compiled.

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

III.—SITTINGS OF THE HOUSE.

SRI L. N. GOPALASWAMI:—"On a point of information, Sir. Most of the Members are anxious to leave for Bhogi for their respective places. May I know the programme of this House so that we can arrange to be in our places in time for Pongal and Bhogi?"

MR. SPEAKER:—"Bhogi is on Friday?"

SRI L. N. GOPALASWAMI:—"Sir, unless we leave to-day we cannot be in our places in time, that is those Members who come from Mathurai and beyond."

MR. SPEAKER:—"What has the Hon. the Leader of the House got to say?"

THE HON. SRI B. GOPALA REDDI:—"We are sitting to-morrow also Sir and I suppose the Members will be able to participate in the Bhogi and Sankarandhi festivals even if they leave Madras to-morrow night."

SRI L. N. GOPALASWAMI:—"Members who come from Mathurai and beyond will reach their places only after 12 midnight."

MR. SPEAKER:—"If hon. Members experience any difficulty about the programme of the House, it would be better if they go to the chamber of the Hon. the Leader of the House and represent things to him. I have no objection to adjourn the House to-day."

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THE HON. SRI B. GOPALA REDDI:—"Sir, if the Panchayat Bill is passed to-day we can adjourn to-day itself. If not, we will have to sit to-morrow." (Laughter.)

JANAB MOHAMED ABDUL SALAM:—"No, Sir. May I know whether the Hon. the Leader of the House is aware of the special anxiety of this House and the anxiety of the people of the entire Province regarding the health of the Hon. the Minister for Industries who has been absent from this House for a long time? We would like to know how he is now, whether he has improved and when he is likely to attend this House."

THE HON. SRI B. GOPALA REDDI:—"My Hon. Colleague is making very rapid progress and he will be discharged from the Hospital on the 15th of this month."

IV.—MESSAGE FROM THE COUNCIL.

MR. SPEAKER:—"I have to announce to the House that I have received a message from the Hon. the President of the Madras Legislative Council, dated 10th January 1950:

'In accordance with rule 108 of the Madras Council Rules, I transmit a copy of the Madras Estates (Abolition and Conversion into Ryotwari) amendment Bill, 1949 (L.A. Bill No. 1 of 1951), as agreed to by the Council without any amendment and signed by me.'

V.—GOVERNMENT BILL.

THE MADRAS VILLAGE PANCHAYATS BILL, 1949—cont.

MR. SPEAKER:—"We are now discussing the hon. Mr. Hameed Khan's amendment to clause 22."

* SRI S. NAGAPPA:—"Mr. Speaker, Sir, I rise to congratulate the Hon. the Minister in charge of this Bill on the democratic way in which he has provided for the President being elected by the whole village. In other words, the Hon. the Minister has given political rights to every one of the villagers in two ways. One is the villager can elect a panchayatdar to represent his ward and the other is that he can also elect the President of the entire panchayat. The President has, therefore, to approach each and every villager to get elected to that office. There is also another point here. The President need not hereafter be at the mercy of the members who have been elected by each ward. I have seen in the case of panchayats and municipalities that during the time of the election of President, all kinds of undesirable activities are brought into play. People used to be coerced, compelled and troubled in a hundred ways to vote for a particular candidate. All these troubles will now be avoided by the provision introduced by the Hon. the Minister in the matter of election of the President. Sir, speaking from the point of view of the Harijans who form a fourth or fifth of the population of the villages, I feel that there is a greater chance for a Harijan to become President. Most of the caste Hindus, Sir, are quarrelsome people and are fond of friction and faction. This factor will also help to give the Harijans in the villages to aspire to the Presidentship."

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I have found that the panchayats in the United Provinces are working wonderfully well. They have what are called village adalaths, or panchayat courts and I hope that the Hon. the Minister will persuade his colleague, the Hon. the Minister for Law to have similar courts installed in the villages, as early as possible, in order to see that the sovereignty of the people rests with them. This Bill no doubt gives the villagers executive authority but the delegation of judicial powers will make the reform complete. The villagers hereafter need not go in search of the Government officials to represent their grievances and the responsibility for administering their affairs will devolve on their own shoulders.

"Sir, there is another point on which I would like to say a few words. I find that there is no age-limit fixed for the President . . ."

MR. SPEAKER:—"We are now discussing the amendment moved by the hon. Mr. Hameed Khan. But the hon. Member is referring to the age-limit in his speech. He will, therefore, resume his seat as the discussion is on election of President."

* SRI L. N. GOPALASWAMI:—"Mr. Speaker, Sir, I rise to support the amendment moved by the hon. Gentleman Friend, Mr. Hameed Khan. The Bill makes an innovation as is admitted by every one here. But to my mind, it seems to be a very dangerous innovation. As my hon. Friend, Mr. Nagappa has already pointed out, we have lots of faction amongst ourselves—amongst caste Hindus and others in the villages. This provision if accepted will create further trouble and there will be an eternal split between one group and another. Sir, the very name of this Bill is 'Panchayats Bill'. Panchayat denotes not one person but more than one. In our general parlance, it is constituted by five persons and the principle behind this proviso is that the brain of one man, however great and eminent he may be, is not equal to that of four or five persons put together. It is only to give weight to the opinions of the other people that he is asked to consult four or five people who are there as panchayatdars. On the other hand, here the institution of this system is quite contrary to the environment of our people who have been accustomed to only a group of people sitting and functioning. The Government are creating a lot of difficulty for them. As I pointed out when the Bill was first introduced here, such innovations will become a great stumbling-block to the progress of the village panchayats. Sir, the panchayatdars are the representatives of the people. If the President also is elected by the entire village this may lead to a situation when the President may claim to be the sole representative of the people and defy what the panchayatdars suggest or recommend. In that way, one man will claim superiority over the others and the result will be a permanent faction and no progress at all. In this connection, I may quote the Hon. the Minister himself against him. While my hon. Friend, Mr. Keti Reddi moved an amendment in respect of class II panchayats that they should not be divided into wards and that the entire population in such panchayats should elect the panchayatdars, the Hon. the

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Minister observed that that was not healthy since only one party would come to power and dominate, and that such a prospect should, therefore, be avoided. But here, on the contrary, he says the entire village has to elect the President. How does it stand to reason? My hon. Friend, Sri Nagappa, said that the Harijan can get his entrance through the division amongst the caste Hindus. Is it going to happen, I ask. Never will it happen. There will be no chance of minorities coming to power. The member of the majority community will always be the President and he will never agree with the other smaller communities that are part and parcel of the village.

* Sir, there is another point I want to refer to. My hon. Friend, Sri D. V. Ramaswami cited the constitution of the Congress as an example when he spoke on the election of President. Of course, the President of the Congress is elected by the entire Congress members. But there the President chooses his panchayatdars unlike in this case. Here we have got a dual system by which a set of people elect the panchayatdars and the same set elects the President also. Sir, I am sure this will make for eternal clash between all classes of people. I, therefore, submit, Sir, that unless the Hon. the Minister has made up his mind otherwise and thinks that this system should be tried, we should wait and see how this system works with regard to the smaller panchayats and based on the experience of its working there, it should be taken up to the panchayats at the topmost level. With these words, Sir, I support the amendment."

MR. SPEAKER:—"I must tell hon. Members that this has been discussed threadbare already, and still many more want to speak on it. I shall, therefore, allot three minutes for each hon. Member."

SRI K. KOTI REDDI:—"Mr. Speaker, Sir, I am now in that unfortunate position to decide whether to support or oppose this amendment. I was one of those who during the general discussion said a good deal about the method of electing the President. Sir, though I feel that the President should be elected by the entire village as such, I also feel it is not only the President but every member of a panchayat—at any rate panchayat which has a population of less than 4,000 or 5,000,—should also be elected by the entire people. The election of only the President by the whole village is bound to lead to a lot of factions in many villages. It is true that the President should feel that he is not elected by a few panchayatdars only but that the whole village is behind him. If the President should feel like that, then the other panchayatdars also should have a feeling that they are also elected by the whole village."

MR. SPEAKER:—"The hon. Member himself has given notice of an amendment."

SRI K. KOTI REDDI:—"But my amendment does not cover the present point. I would request the Hon. Minister for Local Administration to see whether in small villages with a population

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of three or four or five thousand people, he could not revive the old system of election of members. Let us see what has happened in this Assembly when two people have to contest for a seat. When in a place like this where there are highly educated people with a full sense of responsibility, there is an election and it results in a sort of division, what will it be in a small village where most people are illiterate and do not know much of the affairs of the world beyond what happens in their village? In the nature of things it will lead to a faction. If a candidate who wants to be the president happens to be an influential man, there is absolutely no chance of anyone else contesting against him. Though we confer the franchise on these people and safeguard it by ensuring secrecy of ballot, it will be of no use when there is no contest. If all the panchayatdars including the president and the vice-president are elected at the same time, in one single ballot, the chances of factious feeling will be considerably reduced. The voters will have a chance of exercising their free vote which they may not have under the system as proposed."

SRI A. KALESWARA RAO:—"Mr. Speaker, Sir, I rise to support the clause as it has emerged from the Select Committee. It is an excellent thing that the president of the panchayat should be elected by all the voters of the village. It is a good change. The panchayatdars will be elected by certain portions of the village; they need not be elected by the whole village. A number of panchayatdars being elected by the whole village will only lead to confusion in the election. The president who is the representative of all the wards in the village must really represent the whole population of the village. Then intrigues in the groups of the panchayatdars will vanish. It is easy to influence a small number of people, but not so to influence all the voters. Then a really representative man, a really influential man, a most popular man and a man possessing the confidence of the whole village will become the president. Therefore I support the original proposition and oppose the amendment of the hon. Gentleman, Mr. Hameed Khan."

JANAB MOHAMED RAFEEUDIN AHMAD ANSARI:—"Mr. Speaker, Sir, I support the amendment moved by Mr. Hameed Khan. I have been listening to the speeches of hon. Members yesterday and to-day who have spoken in support of the original clause. I have also listened to the speech of the Hon. Minister both when he moved the Bill and when he moved the clause. I am not at all convinced about the justification for the innovation with regard to the election of the president. What are the powers of the president? Are the powers of the president different from the powers of the panchayat members? Is the direct election of the president justified under such circumstances? Where is the justification for the difference between the election of the president and the election of the panchayat members? From a reading of the Act one will find that there are no powers for the president apart from the powers of the panchayat members. He is simply a presiding officer and he is not an executive officer. He

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does not have the powers of the president of the district board as in the matter of transfer of teachers and control over employees. Therefore what is the necessity for the innovation? On the other hand there is a danger. The Hon. Minister has said that the president should feel that he is elected by the whole village and that he has to approach the whole village. Suppose one section of the village votes against him. He will always have a feeling of grudge against that section of the population which has voted against him. Therefore while on the one hand there is no justification for this difference in the election of the president, on the other hand there is likelihood of this danger. If the Hon. Minister feels that a separate election of the president will divert the minds of the people from other matters, I quite agree. But if he is serious and if he wants that the president should be elected on a different footing altogether, we must know the justification for it. In the absence of such a justification, I am afraid I cannot support the original clause. I must support the amendment."

SRI V. RAGHAVAYYA:—"Sir, next to the clause conferring adult suffrage, this is the most democratic clause and it will help the poor man at least to have a chance of dictating his terms to the propertied classes and the vested interests who dominate the village. In the struggle between the ryot versus the landholder and the capitalist versus the labourer, this is a golden ray of light in the dark clouds for the poor man. I congratulate the Hon. Minister for having provided this safeguard. The panchayat members may be elected by the divisional system. It is good so far as it goes. But unless provision is made for the election of the president by the entire body of the adult public, there is no chance for real democracy to survive in the villages. This may prove in the long run to be a means of putting an end to many of the factions in the villages. Factions are created and nurtured by small bodies of people. A few panchayatdars can be influenced this way or that by money or by other ways. But the whole village cannot be influenced like that. In every village where one-third of the population happens to be Harijans and another one-third happens to be landless labourers making up two-thirds of the lowliest, oppressed and down-trodden people, there will be greater chances of democracy and Gandhian principles surviving if we adopt this system of direct election. I congratulate the Hon. Minister once again on having introduced this wholesome clause which is going to vouchsafe to the poor man all the rights that have been vouchsafed to him under the new Constitution."

JANAB M. S. ATAULLAH:—"Mr. Speaker, Sir, I rise to support the amendment of Mr. Hameed Khan. As has been pointed out by hon. Members on this side of the House and also on the other side, this is an innovation which the Minister has brought forward. Even in the New Constitution of India, it has been decided that the election of the President should not be by the whole people. Why then this innovation in regard to the villages? The present system has been working satisfactorily for the last 30 years. I

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have been the president of a panchayat board for the last 18 years and I know that the system has been working quite satisfactorily. If this innovation is made, there will not be any harmony, and there will be quarrels between the president on one side and the members on the other side. There is very little justification for this. If the Hon. Minister wants it, let him have it to begin with in regard to the minor panchayats with a population of 1,000 or 500. Let us see how it works there and then let us proceed further. Let him go slow and let him not take this hasty step and falter."

SRI K. A. NACHIAPPA GOUNDAR:—"Mr. Speaker, Sir, to my mind it appears that much can be said on both sides, that is, with regard to the provision in the clause as well as for the amendment. If the rules and regulations are as they are, I think the provision in the clause will create a deadlock. In the administration of a panchayat, every small thing will have to be sanctioned by the board. Even a small expenditure of eight annas or one rupee will have to be sanctioned by the board. Otherwise it cannot be incurred. If it is incurred in anticipation of sanction, the president is liable to be surcharged. Every estimate will have to be sanctioned by the board. Deviation from the estimate will also have to be sanctioned by the board. If the president has not got the backing of the majority, he cannot run the administration and the whole thing will end in a deadlock. Under the present constitution of the panchayat boards, the president is elected by the members. We find that members of their own accord incur expenditure in elections. Often-times they make a demand on the president to compensate them for this. Naturally, if the president wants to come to power, he will have to oblige them and keep a section with him. In that way the administration also is interfered with. As far as the present change is concerned, I have no objection. But if the Government want to make the working of the panchayats quite easy and simple, a large amount of powers should be given to the president. The panchayat is there simply to lay down the policy and if the president is empowered to carry on the administration without getting formal sanction for anything and everything, I think direct election will be helpful to some extent. If this experiment is to be tried and if it is to be made successful, I would suggest that the present rules and regulations will have to be thoroughly modified and the president will have to be given large powers to carry on the panchayat administration without going to the board for every small thing. At the same time, if the board is not to have any hand in the election of the president, a good deal of obstruction may be caused, and it is very necessary that we will have to clear this question in regard to a measure like this. After all, direct election has been taken from the American model and it cannot be put through so far as a small panchayat is concerned; my doubt is whether it will work. I would suggest that the Hon. Minister should reconsider the whole question and try to see if the panchayat administration could be carried on without obstruction, if this provision is allowed to be here."

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SRI P. KANDASWAMI PILLAI:—“ Sir, I oppose the amendment of the hon. Mr. Hameed Khan. This measure particularly the direct election of the chairman, is very essential in the interests of the welfare of the village panchayat. In local boards—very many members of this House might have good experience of them—internal dissensions and cleavage between the councillors of the district board and union board members come up when the election of chairman takes place; among the members, one member may like to occupy the presidential chair himself and he works for it and so the cleavage comes when there is competition. The Hon. Minister has very good experience of the local boards and he has probably carefully considered the matter and then introduced this provision. Every one who welcomes the idea that there should be no dissension in the panchayat board should like this clause. It is very necessary that the president of the panchayat must be elected by all the people; then only the ward allotment and all other things will be impartially done and the president will look to the convenience of the whole village. Therefore, I entirely support the Government Bill and oppose the amendment.”

* **THE HON. SRI K. CHANDRAMOULI:—**“ Sir, I am very glad that the House has discussed this question threadbare once again. Several arguments have been brought in, both in favour and against the clause; and some of the arguments were in favour of the amendment. I am not at all convinced by all the arguments adduced, for a very very simple reason which I have placed before the House. The crux of the problem is: hitherto the president is being elected by the members; so, all the hon. Members think there would not be any faction, there would not be any parties and there won't be any friction at all. Is it the experience of the hon. Members, I ask in all seriousness? So long as there is democracy and so long as we have elections, there will always be several candidates standing and there will be opposition and competition. I do not know how Mr. Gopalaswami thought it fit to raise the question of the division of the majority community at all, if it makes up its mind to elect its own man. Therefore, the argument is irrelevant; it is not at all an argument. Why I have brought in this provision I shall tell the House. Let not the House go with the false impression that this is a novel experiment, that this is an unknown experiment, that it has no parallel at all in the whole world, that it has been brought from America, etc. This is a very good principle to be introduced in the village administration, and I have several times placed my arguments before the House, that particularly in the interests of the several minority communities, this clause has been brought forward. If at all there is any chance for the election of the president from the minority communities, if all of them combine together, they will have a better chance, than under present circumstances. Even the few members who are there now, by tinkering this way and that way, are able to create deadlocks in the administration. There is also another point. Mr. Nachiyappa Gounder stated that the administration would come to a standstill. I cannot understand how administration can come to a standstill, because whatever the panchayat board passes,

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the president is there to execute; it is only in the case of bigger panchayats that there will be executive officers; but in the case of most of the panchayats, the elected president will be the executive authority. Let hon. Members understand this point clearly. I take it that the intention of the House is that the executive must be free from the day-to-day politics of the panchayat board. From that point of view—and it is a healthy view—the president should not be involved in the every day quarrels of the members and should not be wavering from one side to the other. All these complications could be avoided and that is why I thought this simple provision can be brought in. The hon. Members by their own arguments have made the whole issue complicated and made it look as if it is a grave thing we have brought before the House, so that we may create factions and parties. It is not at all so. On the other hand, if the president is elected by all the people, there will be a healthy atmosphere in the village. If, however the president is to be elected by three or four members, then one member may manoeuvre to come to that place and he may be supported by another—and all these things will happen. I think this is one of the best clauses that have been incorporated in the Bill.

“ I may also refer hon. Members to clause 3f where it is clearly stated that the president should carry out whatever the panchayat passes except where he considers that a resolution has not been legally passed or that the resolution is in excess of the powers conferred by this Act or that, if carried out, it is likely to endanger human life or health or the public safety. Even in this case, he will only refer the matter to the Government for orders and he cannot take the initiative. So, in almost all the matters, it is the members who lay down the policy and it is the president who carries it out. The president should be an impartial man, he should sit there not for one party or another but for the whole village and should conduct the proceedings in an impartial manner and be the executive authority of the Board. That is why I think this is one of the most vital clauses; it gives health and wealth to the villages, and I therefore request the hon. Member who moved the amendment to withdraw it.”

JANAB ABDUL HAMEED KHAN:—“ Sir, since the Hon. Minister has made up his mind and has given us some reasons for his doing so, I do not think I will be doing any good by insisting upon changing his mind so far as this subject is concerned. At the same time we would rather give him a chance to try this experiment, so that we shall see whether it will be really useful to the people in the province. I, therefore, beg leave of the House to withdraw my amendment.”

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

SRI K. KOTI REDDI:—“ Sir, I move—

‘ that the provisos under clause 22 (1) be omitted ’.

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"I have not been able to understand why these provisos which, I think, were not in the original Bill, have been introduced now. After all, the president of the panchayat can be there only after securing the majority of votes; and why should he, if he fails, be later on prevented from standing as a member? Conversely, why should a member who secures a majority of votes from a particular ward not stand for election to the presidentship? It is laid down here that 'the election of the president may be held at the same time and in the same places as the ordinary elections of the members of the panchayat'. I think the president may be elected first and the candidate who fails may stand for election as member, and similarly a member elected from a particular ward may be allowed to contest for the presidentship. I cannot understand these provisos. The great president of a village republic who probably feels annoyed or incensed at not being elected by the voters for that post may not probably consider it worthwhile for him to contest an ordinary membership. Is that the idea? A man may fail to secure 37 votes out of 740 votes for the presidentship; but if he is able to secure 250 votes in some ward, why should he be deprived of the right of being elected as a member of the panchayat board, I cannot understand. I hope the Hon. Minister will enlighten me on this point. It is quite possible—and there may be only a few cases like that—that a man who tries for the presidentship and fails to get the required number of votes, may afterwards feel it beneath his dignity to contest for an ordinary membership of the Board; there will be very rare cases of that type. If you will excuse me, Sir, I will bring to your notice in this connexion a fact which occurred in the year 1926 in regard to the Swaraj party. For the presidentship of the Swaraj party, Mr. Sami Venkatachalam Chetti was elected and the other contestant for that place was the late Mr. S. Satyamurthi. Immediately after the election was over, Mr. Satyamurthi was requested to accept the place of a Deputy Presidentship of the party, but he did not accept the offer. Probably he thought that the members were not sensible enough in choosing their president; but whatever it was, when the Deputy Presidentship was offered to him, he refused it. But what happened later was this: in the course of another three or four days the late Mr. Satyamurthi thought otherwise. People approached him and he was willing to accept the Deputy Presidentship. Of course for a day or two there was some trouble because two of my colleagues who were Deputy Presidents, when approached, were not prepared to resign; I came to know of that and I voluntarily resigned and Mr. Satyamurthi was elected as Deputy President in my place. That is an instance of a case where the presidentship of the big Swaraj party of the Madras Province was involved. Similarly, there may be cases where a candidate who has failed to secure the presidentship may change his mind later or immediately afterwards and agree to contest for the ordinary membership; is there anything wrong in that? I do not think so. I really believe, Sir, that these provisos are not at all necessary. If the man who contests the presidentship and loses it is prepared to accept a membership, he must be allowed to do that. If I failed to secure

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the majority of votes in a panchayat area, I may still be the confident man of a particular ward. For my part, as I said, I cannot understand these provisos; and I hope the Hon. Minister will enlighten me."

SRI V. RAGHAVAYYA:—"I second this amendment."

MR. SPEAKER:—"Amendment moved—

"that the provisos under clause 22 (1) be omitted."

THE HON. SRI K. CHANDRAMOULI:—"Sir, the proviso clearly states that the candidate who stands for the presidentship cannot stand for membership. It is because the elections are contested simultaneously. It is to avoid all that that these provisos have been put in. For instance, if a candidate is not successful at an election he may stand either for presidentship or membership, but at the same time he cannot stand for both. That is why, I think, the amendment of my hon. Friend, Mr. Koti Reddi, cannot be accepted."

* SRI K. KOTI REDDI:—"Sir, the Hon. Minister said that the election is to be held at the same time, so some difficulty may arise. But, Sir, in any ordinary village, when an officer goes and conducts an election, is it likely to take hours or days to count the votes and declare which candidate for the presidentship has won? Probably the Hon. Minister has much more knowledge of the villages than I can claim to have. I am withdrawing my amendment."

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

Clause 22 was put and carried.

Clauses 23, 24, 25, 26, 27 and 28 were put and carried.

Clause 29.

MR. SPEAKER:—"The motion is—

"that clause 29 do stand part of the Bill."

SRI K. KOTI REDDI:—"Sir, I move—

"that clause 29 be omitted."

MR. SPEAKER:—"I find the hon. Member has given notice of another amendment to the same clause. May I know which amendment he is moving?"

SRI K. KOTI REDDI:—"I am moving both, Sir."

MR. SPEAKER:—"He cannot move the two amendments simultaneously, but he can move the second one only after the first amendment is disposed of."

* SRI K. KOTI REDDI:—"Sir, I am against the appointment of executive officers. If this is disposed off, I mean, if it is not accepted, I will move my other amendment, because it is confined to Class I panchayats only and I will deal with it later. Sir, for a very long time, both in the municipalities, district boards and

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panchayat boards, we were able to get on without executive officers. I know of many panchayat boards where the non-official presidents were able to perform their duties quite satisfactorily. Even to-day the revenues of the panchayats are not such as to need a whole-time officer for spending them. My experience—perhaps there may be a few exceptions—unfortunately, not only in municipalities, but in panchayat boards also, has not been satisfactory. I think, that is also the opinion of the Hon. Minister. Whatever that may be, I feel that unless we are in a position to pay quite a decent salary to these executive officers, whether they are appointed to local boards or temples, it would be safer to leave things to the non-official president who has the confidence of the majority of the voters. In an ordinary village, if he is not able to discharge his duties properly and if he is not able to execute the resolutions of the panchayat board, what can an ordinary executive officer who is paid a salary of Rs. 20, Rs. 30 or even Rs. 100 do? If the executive officer is paid only a pittance, he may be excused in resorting to methods by which he can make more money out of the panchayat. After all even a panchayat board president may at times be suspected of malpractices if he makes money out of the panchayat. Sir, in any case, I feel that in the case of small panchayats whose finances are not more than Rs. 5,000 or Rs. 6,000—I am only giving a general idea—there is no need to have an executive officer. His functions can as well be performed by a non-official president. I, therefore, do not see any justification for this clause. It may perhaps be said that the presidents elected in villages have no proper administrative experience. I ask, what is the administrative experience that is required? I may tell you, for example, in my own village there is a man who knows only his own regional language and does not know English but still he has been able to conduct the affairs of the panchayat board much better than many of the highly educated graduates. I know it to my experience that many of these presidents of panchayat boards who are not educationally qualified from the point of view of culture, are still in a position to conduct the affairs of the panchayats quite well merely from their experience and knowledge of things in villages. My amendment covers not only small panchayats whose finances do not permit of employing executive officers, but it covers all panchayats. Perhaps there may be some justification for executive officers being appointed in municipalities whose finances may run to one lakh or more, but in the case of panchayats whose finances are slender, unless the Hon. Minister promises to provide them with a lot of funds, I see there is no need and it will merely be a waste of money if executive officers are to be appointed to them."

SRI V. RAGHAVAYYA:—"Sir, I am seconding the amendment because the evils of diarchy have to be avoided in village panchayats at least. The very purpose of the Government in bringing forward the Panchayat Bill will be spoiled by making the panchayats the cock-pits of troubles. It has been our experience that the executive officer of the panchayat has been at loggerheads with the president and other members. Therefore, why import

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this conflict into the village panchayat also where the problems are quite so simple and free? I think, the object of the Government will be better served by leaving them alone without these executive officers. Neither sub-clause (1) nor sub-clause (2) of clause 29 says under what circumstances an executive officer can be appointed. If the idea of the Government is that an executive officer can be appointed if there should be non-co-operation, I can understand it. There is such a provision elsewhere for such a contingency, but to import it simply for the luxury of it or from the revenue point, is not warranted. It may be that the panchayat exists for the executive officer, whereas the executive officer should exist for the panchayat. So far as the incidence of taxation is concerned, it may be very burdensome and heavy. Simply because they want to import some Government officer who is employed elsewhere, it should not be done, but they should also take into consideration the financial position of the panchayats. I therefore second the amendment."

MR. SPEAKER:—"Amendment moved—
'that clause 29 be omitted'."

* SRI L. N. GOPALASWAMI:—"Sir, I rise to support the amendment for the simple reason that the clause goes against the very principle of democracy that our Minister has been so loudly proclaiming before us. The president of the panchayat board is supposed to be the representative of the village, but he is not entrusted with this small job of executing what the panchayat-dars ask him to do. On the other hand, the Government seem to have confidence in a petty clerk, who will be according to the stand-point of the panchayat getting Rs. 34 or Rs. 35, a lower division clerk, who will be entrusted with the work of carrying on the administration of the panchayat board in preference to an experienced man of that village. Sir, I ask, is this democracy for which we are introducing this Panchayat Bill?"

"Then, Sir, these panchayats are going to be the training grounds of our politicians. From their experience of village administration, they will be transferred to a higher sphere, for instance, to a municipality, or a district board and then to the Provincial Government and the Indian Government. If, at this stage, a person is not made to stand on his own legs and if the Government do not want to give the chance to any other man it is not proper. If really the panchayats ought to be the training ground of real administrators whom we are badly in need of in this country at present, these executive officers should not be placed in between to curb the powers of these presidents. The Hon. Minister waxed eloquent over this omnibus man who will be impartial to village factions and would act in the best interests of the village. But if he is not going to be trusted and some other man is to be imposed on him to carry out the orders of the panchayat, I really submit, Sir, this is not democracy in the strict sense of the term."

* SRI S. NAGAPPA:—"Mr. Speaker, Sir, I support the original clause and oppose the amendment moved by my hon. Friend Sri Koti Reddi and the arguments of my hon. Friends 1 p.m.

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Sri Raghavayya and Sri Gopalaswami. Now you have provided that one voter out of the entire village is to be elected president of the panchayat. You have not fixed any age limit; he may be even illiterate and he may be inexperienced and he may not know how to draft a resolution. So, what is the good of entrusting him with powers instead of having an executive officer who is subject to the control of the Inspector of Local Boards? Suppose the president of the panchayat goes wrong, who is to guide him? It is something like a Minister without a Secretary. The executive officer is there to work under the president of the panchayat; to obey the president. Why should the president of the panchayat take the burden of writing accounts and issuing notices while such things might be as well done by the executive officer; after all he is going to carry out the wishes of the elected representatives of the people of the village. Incidentally, Sir, this will give wider chance to people who have talents for public service. So, Sir, I support the original clause and oppose the amendment."

* SRI B. VENKATARATNAM:—"Mr. Speaker, Sir, I support the amendment of my hon. Friend Sri Koti Reddi. It is a fundamental principle that has been expressed by the Hon. the Minister for Local Administration for a long time that we are going to create village republics. Village republic means that we have got complete trust in the wisdom, the capacity and the ability of the villagers to look to their own affairs and manage them efficiently. The appointment of an executive officer with all powers of execution will take away all those powers from the elected president of the panchayat, a man elected by the adult people of the village and it clearly shows that the Government entertain some mistrust and misapprehension regarding the capacity of the villagers to run their village administration. After all, I do not find that any great powers are going to be given to the village panchayats as was told many a time. But even within the limited powers given to the panchayats, if the person elected by the entire people of the village is not to be entrusted with executive powers to do things which he wants to be done in the interests of the village, that simply to pass resolutions or sanction some estimates, and walk out leaving the other things to be done by the executive officer, it means that the Government want to control the administration of the village affairs and not to decentralize it and leave it to the people to manage their own affairs. I will not very much mind if the executive officer is under the direct control of the president but that is not so; as we see to-day the fate of the executive officers, they are under the control of the Madras Government and so, it means the Government want not to leave them to the people and trust to their intelligence, their capacity and their interest in the improvement of the village. I say, Sir, this is not democracy but is sheer centralizing administration, the whole village administration, all the while saying that they are going to create village republics—big words to say nowadays. It will in actual effect, create unnecessary rub between the elected president of the panchayat and the person appointed by the Government to do the functions that have been sanctioned by the board. We have some experience of the

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village executive officers now appointed. It is not guaranteed that he will stay in the same village for a sufficient length of time; there are a number of transfers, almost three transfers in a week and in such circumstances what interest will such a person evince in the improvement of the village, as he comes from outside under the orders of an outside authority? He looks up to others and he does not identify himself with village and its improvement whereas he must be a man who is completely interested in that village and its improvement. I feel, Sir, that the appointment of the executive officer will take away all the powers that are given to the panchayats, the village republics, under the Bill and therefore, I support the amendment."

SRI A. KALESWARA RAO:—"I also rise to support the amendment moved by my hon. Friend Sri Koti Reddi. The appointment of executive officers by the Government for the village republics is a negation of the principles of village swaraj, grama swaraj or village republics of which the Minister has spoken so much. The real intention of the Bill ought to be that the people of the village through their elected representatives should be able to manage their own affairs and that is the thing that was in existence for centuries in this country till the East India Company Government which was not interested in it, disrupted the village autonomy. And now, Sir, instead of giving complete powers to the elected representatives of the people to manage their own affairs, to think for themselves and to adjust things themselves, executive officers are being imposed upon them from above. What sort of an officer will he be? He is not interested in the welfare of the people of the village; he feels that he is a bird of passage and he is brought in there and he will look always not to the people, not to the elected representatives of the people but to the Government, to the Inspector of Local Boards. I feel, Sir, that these officers have been really doing much mischief even in municipalities; they create factions where factions never existed. I was a Chairman of the Bezwada municipality when there was no executive officer and there was not so much trouble and confusion. Now things have deteriorated, intrigues have increased; these people are neither responsible to the Chairman nor to the Council; they want to support one faction and they look to the Government at Fort St. George. Such things happen in municipalities where there is public opinion, where the people know things and are educated and where we have huge funds and if they are put in small places, what will happen? If people are appointed on small scales of pay to these small places, they will get corrupt and if on the contrary they are given decent salaries, they will devour all the revenue of the village. After all, what is the purpose of appointing him? What is the purpose of appointing him when he becomes the master of the village, the master of the panchayat and not the servant of the panchayat or the elected representative of the panchayat? The president is elected by the entire adult population of the village and naturally, he must be a popular man, a good man and a pious man; whereas this man will possibly be a nuisance to him; he will not be helpful to him but on the other

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hand, he might disobey him and might be a hindrance to him. In that way the idea of the village republic, the idea of the village swaraj principle is being destroyed by the introduction of the executive officer from above. Mr. Nagappa asked what could be done if the president of the panchayat is not a highly educated man. I wish to point out to him that there will be clerks, there will be establishment to carry on the office; I have no objection if he avails himself of the services of a secretary to the president, and if clerks are appointed and others are appointed who will be in charge of sanitation, education and other things. It does not mean that the president of the panchayat should want the services of a man from above, from the Government or from somewhere else; there is mischief in that and that is objectionable. It cuts at the very root of the principles of the Bill of which my Hon. Friend, the Hon. Sri Chandramouli has spoken so much. I am thankful to him for doing other things but this is a thing which is very bad and I want him to reconsider it."

JANAB MAHBOOB ALI BAIG:—"Mr. Speaker, Sir, during the first reading of the Bill, I had occasion to submit to the House that the time has not yet come for us to inaugurate these institutions which are called grama panchayats. The reason that I adduced at that time was that ignorance is still rampant in the villages and I had my own doubts as to the efficacy of investing the panchayats with many powers. When the Bill went before the Select Committee and it is placed before us now, two divergent views have been expressed. The Minister in charge of the Bill says that there should be executive officers for the village panchayats who should guide the deliberations of the panchayat and also carry out the resolutions of the panchayat and on the other hand, there are other hon. Members including the ex-Minister for Agriculture who takes a lot of interest in these panchayats and also my hon. Friend Sri Kaleswara Rao who thinks that this is a negation of the principles of panchayat swaraj. I entirely agree with the principles enunciated by these gentlemen. I feel that if really the Government want the panchayats to work and that they should have autonomy, there should be no interference from an executive officer. I for my part am very much opposed to any executive officer interfering in these matters. We think that such institutions ought to be developed which will be self-governing and which should be a training ground for the people to look after the affairs of the panchayat. It may, however, be said that the executive officer will only carry out the behests and the resolutions passed by the panchayat. But many of us who had anything to do with local bodies know from experience how these gentlemen are not at all responsible to the local body but look to some outside authority, to the Minister or to some Secretary and who have a nodding sympathy with many of the things in which the panchayatdars are vitally concerned. They always receive orders from above. Thus he has no place at all there. It is opposed to all principles of democratic panchayat raj. My apprehension has always been that in a country which has not yet got sufficient education where there are still factions

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—there are factions even in political parties, factions even within the same party—it is always very difficult for any person to settle differences and much more so, is it to settle differences in a village. If there are two big landlords there will be two parties in the village. My apprehension has always been, as I said in the beginning of the discussion of this Bill, that the time is not ripe for us to establish panchayat raj in the village. But since the Select Committee has approved of the Bill with certain modifications, I think we shall make a beginning of it now, and during the interregnum there must be some executive officers to work out the resolutions of the panchayat. I think we should adopt that policy of going slow. No doubt it is a negation of democratic principle; but we cannot but adopt it, because of the circumstances in which we are placed to-day. There is wisdom in that step. So I think we shall have the clause as it is. After gaining experience, after we have trained people, after we have spread education and dispelled ignorance, after we have made the people public-spirited and civic-minded, then it will be time for us to do away with executive officers. I find there are signs in this direction; for the Hon. Minister for Local Administration has given expression to this view in his public utterances. He has said that henceforth chairmen of municipal councils and presidents of district boards will have more executive powers. That seems to be the tendency of the present Ministry; and I hope that similarly the executive powers of the panchayat president will be expanded. Sir, it is with that hope I support the original clause."

* JANAB M. S. ABDUL MAJID:—"Mr. Speaker, Sir, I rise to support the amendment moved by the hon. Gentleman, Sri Koti Reddi. The very provision of the clause for which the amendment is given is a contradiction in terms to the provision which relates to the election of the president. I really do not understand how the Hon. Minister could be a party to such a provision in the Bill, because, you are aware, that he has been speaking in highest terms about the direct election of the president, and that by this experiment he was going to create a real republic in the village. So it is rather surprising to find a provision in the Bill which is almost an insult to the dignity and status of the president of the panchayat. Again, Sir, the appointment of executive officers is not going to help the proper administration of the village republic. For these executive officers are the representatives of the Government; in other words they are Government operating in the villages, and so there would not be any community of interest between the executive officers and the people of the village. Therefore, I say, the appointment of executive officers is almost a negation of the very creation of this republic. Again, Sir, has the Hon. Minister calculated what huge expenditure will have to be incurred by way of appointment of executive officers? There are tens of thousands of villages in this province, and for them there will have to be tens of thousands of executive officers. So I submit Government would be doing a service to the village panchayats if they omit this clause. Sir, the Hon. Minister has

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been talking about democracy and freedom. Where is that democracy and where is that freedom when Government are going to appoint executive officers almost to curb the very freedom of the president?"

SRI K. A. NACHIAPPA GOUNDER:—"Mr. Speaker, Sir, I find there seems to be a good deal of misconception in the matter of appointment of executive officers. If the previous history that necessitated the appointment of executive officers is gone into, I feel, there may not be much objection in that direction. After all, executive officers are there simply to execute what has been ordered by the panchayat board. When that is the case, I do not see why there should be so much opposition on this subject. After all, the panchayat president is an honorary man, and he has got his job to do; and it is too much to expect of him to do inspection work and measurement work and other sundry work. For, experience has shown that such duties are not attended to properly and promptly by the president, and that is why the appointment of executive officers has come in. If only the history of this subject is studied there would not be all this objection that we see here to-day. There has been much talk of democracy being in danger if we pass this clause. I may say to those who hold such a view that what is sought to be given to the executive officer is only execution of orders passed by the panchayat board. If only those who are interested in this matter study how the system works in municipalities and district boards they will see that very often these executive officers are warned by the chairmen or presidents, as the case may be, when they exceed their power. I think in the Bill itself, we can say, that for all Class I panchayats, executive officers shall be appointed and with regard to Class II panchayats, they may be left the option to decide whether they require executive officers or not."

JANAB MOHAMED ABDUL SALAM:—"Mr. Speaker, Sir, as Sri Nachiappa Gounder has said in connexion with an earlier clause, much might be said on both sides on this matter. Sir, the language of the section is as follows:—

"A whole-time executive officer shall be appointed by the Government for any panchayat which may be notified by them in this behalf.

Sir, when I read this, I am reminded of the days of the Justice Party regime, when they used to appoint commissioners to municipalities wherever they wanted and whenever they wanted to please an M.L.C. or a section of the public. I do not know why Government want to court trouble by having this clause. Let it not be said that every panchayat should have an executive officer; for this Government have been notorious for asking for vast powers, and the exercise of that power by them is well known to all. This clause looks very innocent indeed. It says wherever Government feel an executive officer is necessary they may notify for it. By rules and regulations they may invoke dictatorial powers. I do not think even in the countries ruled by dictators such vast powers have been assumed by them. One may imagine what will happen at the time of elections. Sir, I am

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not speaking from my imagination when I say this. I am speaking of what happened in the days of the Justice Party. I know where commissioners of municipalities were appointed and where they were not appointed. So long as the Raja of Bobbili was in power, I know no commissioner was appointed to the Nellore municipal council, because Mr. Yahya Ali, his party man, happened to be the chairman there. Perhaps he might have just reasons for his action; but all the same we cannot overlook that fact. Similarly, Sir, to-morrow the Hon. Minister will be pestered by his partymen that such and such a panchayat should not have an executive officer as so and so, the president, is his brother-in-law. Then, Sir, the ground of finance is a good reason against the appointment of executive officers. But all the same it may not be stuck to always, for, some reason may be manufactured by the Secretariat for the appointment of an executive officer to a particular panchayat. So we have no idea as to what will be the basis on which the Hon. Minister will appoint executive officers. I do not know how far his sweet will and pleasure will be influenced by other considerations. Sir, I was for some time a member of a district board, as also a member of a municipality; and I know how the executive officers have been functioning. Even though the Britishers have left our land, the official mentality is still there, and we know how these officers have been behaving towards the representatives of the public. The Hon. Ministers are also aware how these officers who have been under a foreign government, were treating the public during the days of the foreign rule. These officers have been there in service all through these years and it is very difficult for them to change their official mentality. In fact most of them have been in service for the last twenty, twenty-five and thirty years, and they are mostly men risen from the lowest rungs of the official ladder. Every official thinks he is Heaven-born and he is specially born to rule over the people; he thinks he is not responsible to the public, but only responsible to the Government. Such being the case, I do not know how the Hon. Minister expects to execute orders correctly."

MR. SPEAKER:—"The hon. Member may take a few minutes more if necessary to finish his speech and then we shall adjourn for lunch."

JANAB MOHAMED ABDUL SALAM:—"No, Sir, I shall continue my speech after lunch."

MR. SPEAKER:—"No, the hon. Member may take a few minutes more even now and finish his speech."

JANAB MOHAMED ABDUL SALAM:—"For the last one and half years, since the Hon. Minister assumed his present portfolio, the Press have not been tired of saying that this Minister is very anxious to enhance the powers of the president, or the Mayor or the chairman, as the case may be, of local boards. In fact he has been pleased to issue a statement the other day and I think he also said in a public meeting that he was not in favour

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of vast powers being given to the commissioners of municipalities, the executive officers of local boards and the Commissioner of the Corporation of Madras. Sir, he has personally stated to members of this House many times that the Mayor of Madras should have more powers, since he is elected by the entire City. In pursuance of that, he has also appointed a committee to frame a scheme by which the powers of the Commissioner may be reduced and the powers of the Mayor enhanced. When such is the case, contrary to that intention, here, in this Bill, we have a clause giving powers to, and to be exercised by, the executive officers of panchayats. All these days, an impression has been created in the public mind and hope has been aroused in them by the statement and utterance of the Hon. Minister made heretofore, and if he is to go contrary to that, people will lose confidence in him. Sir, under the existing law the commissioner of a municipality can appoint anybody to a post whose salary is less than Rs. 80 a month. The chairman has no such right. The only power the chairman has is that he can include any special item in the agenda of the municipal meeting. I, as a member of the municipal council, cannot go to the municipal office and get any information from the office direct. I have to approach the commissioner first and contact the office through him only. Even the chairman or the vice-chairman has not such right. There were questions raised before Government as to why the chairman or the vice-chairman of a municipality cannot go direct to the manager or the clerk concerned and get the information he wants, and the answer has been always that he should approach the commissioner first and through him ask the office to furnish the information. So, considering all these matters, I think it is better that the clause in the present Bill is modified and that an executive officer to a panchayat shall be appointed only if it has the necessary finance and the policy of the Government necessitates it. I hope Government will seriously consider the points I have urged."

MR. SPEAKER:—"Before I adjourn the House for lunch I have to announce to the House that the House may have to sit till seven o'clock to-night."

SEVERAL HON. MEMBERS:—"What about the Tea Party this evening; what about to-morrow's sitting?"

MR. SPEAKER:—"I don't know anything about the Tea Party. To-morrow also the Assembly sits. The Hon. Minister in charge of the Bill had a talk with Mr. Ismail and Mr. Hamid Khan and has come to the conclusion that the House should sit till seven o'clock to-night. I now adjourn the House till 2-30 p.m."

(After lunch—2-30 p.m.)

SRI M. NAGESWARA RAO:—"అధ్యక్షా, గౌరవనీయులగు స్థానిక శాఖా మాన్యులు ప్రోచంద్రమూర్తిగారు ప్రతిపాదించిన ఈ గ్రామ పంచాయితీ బిల్లు శాసన మైన తరువాత గ్రామములలోని ప్రజలు పనులను అవసరములేమో గుర్తించుకొని రాక

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సౌకర్యములను తమంతట తాము కలుగజేసుకొనుటకు ఎన్నో అవకాశములు ఏర్పడ గలవు. ఈ బిల్లులో గ్రామములకు కొన్ని విషయములలో విస్తృతాధికారములను కలుగజేయుటకుగాను ప్రభుత్వమువారు కొన్ని ఉపయుక్తమగు నైక్యములను కాపాడుచు చేర్చియున్నారు. ఇట్టి హక్కులను అధికారములను ప్రజలకు దఖలు పరచవలెనని ఈ ప్రజా ప్రభుత్వమువారు భావించుట అత్యంత ముదాహమైన విషయము. భారత దేశము ఈనాడు సంపూర్ణ స్వతంత్రమైనది. భారతీయులకు ఈనాడు స్వరాజ్యము వస్తగతమైనది. దేశములోని అసంఖ్యాకులగు పల్లెటూరి పౌరులు ఈ విషయములను గుర్తించినారు. గ్రామములలో తమకు ఎట్టి సౌకర్యములుండవలెనో వాటిని వారే ఏర్పరచుకొనుటకు అధికారములు వారికొండవలెనని గ్రామీణులు ఆతురపడుతున్నారు. ప్రజలలో కలిగిన ఈ రాజకీయ చైతన్యమును గుర్తించి ప్రభుత్వమువారు ఈ పంచాయితీ శాసనము చేయదలచినారు. ఇట్టి పరిస్థితులలో, పంచాయితీ పరిపాలనను ప్రజలు, ప్రభుత్వోద్యోగుల సహాయము మోస్త్రముగా నిర్వహించగలరునుటలో ఎట్టి సందేహములేదు. కొందరు గౌ. సభ్యులు పంచాయితీలకు executive officer లను వేసినట్లుంటే, ప్రజలు తమ పనులను సరిగాచేసుకొనలేరని, ఈ అధికారుల చేతులలో పంచాయితీ అధ్యక్షుడు, సభ్యులు ఉండవలసి వస్తుందని, ప్రజలు వారికి సంక్రమించిన హక్కులకు సక్రమంగా వినియోగించుకొనుటకు ఈ executive officer లు అటంకంగా ఉంటారని, కాబట్టి executive officer లు అవసరం ఎంతమాత్రము లేదని వాదించినారు. వారి వాదన చాలా విచిత్రముగా ఉన్నది. ఇటీవలమన భారత రాజ్యాంగ వరిత్ర, భారత రాజ్యాంగ ప్రణాళిక తయారైన తరువాత వాటివై తమ అభిప్రాయము నిచ్చిన ప్రపంచ విఖ్యాత రచయితయగు జార్జి బెర్నార్డ్ షా గారిని అడిగినప్పుడు, వారు 'In India, any clever rogue will be able to become a ruler' అని చెప్పియున్నారు.

"ఈ నాడు, గ్రామములలోని ప్రజలకు విద్యాసౌకర్యములు తక్కువగా యున్న వనియు, విద్యావంతులు బహు కొద్ది మంది ఉన్నారనియు, చదువుకొన్నవారిలో చాలా మంది గ్రామములవారైనను, వారు గ్రామములను వదలి పట్టణ వాసమునకు పోవుచున్నారనియు, అందరకు తెలిసిన విషయమే. అసలీ గ్రామములలో స్థిరవాసము ఏర్పరచుకొని ఉండెడివారలలో అధిక విద్యావంతులు తక్కువ. కాని ప్రజలలో తమ పనులను తాము నిర్వహించుటకు కావలసిన విజ్ఞానము, వికాసము ముత్రము లుపించలేదు. గ్రామీణులు అధిక విద్యావంతులు కాని కారణంచేత పంచాయితీ కార్య కలాపాలను సక్రమంగా అమలు జరుపుటకు విద్యావంతులైన కొందరు ప్రభుత్వోద్యోగుల సహాయము ఎంతో అవసరము. పంచాయితీలకు అధ్యక్షుని ఎన్నుకొనే సరిదర్శములో ప్రజలు ఆ అధ్యక్షుని స్థానానికి నిలబడుచున్న అతడు అధిక విద్యావంతుడా అని చూడరు. కాని అతడు ఎటువంటి వాడు, పనులబడి గలవాడా, మంచివాడా అనే విషయాలను గుర్తించి తమ ఆమోదాన్ని తెలియజేస్తారు. గ్రామాలలో ప్రజామోదాన్ని కలిగినటువంటి ప్రతివారు కూడ అధిక విద్యావంతులై యుండరు. అటువంటివారు అధ్యక్షులైనపుడు, వారికి సహాయపడటానికి ప్రభుత్వోద్యోగుల అవసరము ఎంతైన కావలసివస్తుంది. ఈ executive officer లను నియమించవలసినపుడే, వారి విధులేమో ప్రభుత్వమువారు వారికి తెలియజేస్తారు. వారు పంచాయితీవారియొక్క అభిప్రాయానుగుణంగా కార్య కలాపాలను జరుపవలసి ఉంటుంది అనుటలో ఎంతమాత్రము అనుమానము ఉండదు. కాబట్టి executive officer లను వేయుటవలన పంచాయితీవారి అధికారము తగ్గుతుందని పంచాయితీవారి తీర్మానము executive officer లు వ్యతిరేకించవచ్చునని భయపడ నవసరములేదు.

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“ కొంతమంది సోదర సభ్యులు ఈ executive officer లను నియమించడంపై, పంచాయితీ వచ్చేది అదాయములూ హక్కు భాగము వారి నేతనాలకే సరిపోతుందని, గ్రామాలలోని ప్రజలకు సౌకర్యములను గలగ జేయుటకు అవ్వరమగు డబ్బు పంచాయితీ వారికి ఉండదని అభ్యంతరము తెలియజేసినారు. ఈ సందర్భంలో ఒక ముఖ్యమైన విషయమును వారు గమనించ గోరుతాను. ప్రభుత్వంవారు క్రమి చిన్న గ్రామానికిని executive officer ను నియమించరు. వివిధ పంచాయితీయొక్క పరిమాణము ఎంతెంత పెక్కువో గమనించి, ఎటువంటివాటికి executive officer లను ఉంచుకొనగల ఆర్థిక సౌమ్యత ఉండుందో వాటికే ఈ ఉద్యోగులను నియమిస్తారు. పంచాయితీల అదాయములూ వాటి భాగము executive officer లకు ఖచ్చితము ప్రభుత్వమువారు ఎన్నడు అంగీకరింపరు. ఈ ముఖ్య విషయాన్ని సోదరసభ్యులు గమనించ గోరుతాను. కాబట్టి executive officer లను వేసినంత మాత్రము చేత పంచాయితీవారియొక్క అధికారాలు తగ్గుతాయని పంచాయితీల అదాయము పూర్తిగా ప్రజలలోనరనై విని యాగింపలేకపోతామని భావించవద్దని కోరుచున్నాను. పంచాయితీ పరిపాలన స్వక్రమంగా కొనసాగింపబడటానికి executive officer ల అవసరము ఎంతేని ఉందని గమనించి ఈ క్లాజును omit చేయవద్దని దానిని యథాప్రకారంగా ఉంచవలసిందని మంచి చేస్తున్నాను.”

SRI S. NAGARAJA MANIGAR:—“ Mr. Speaker, Sir, I also wish to state that clause 29, which provides for the appointment of executive officers, should remain as it is. At one stage I objected to the appointment of executive officers to Class I panchayats and I was of opinion that Class II panchayats alone required the services of such officers. I wrote a letter to the Hon. Minister for Local Administration to that effect. The Select Committee has done away with the classification of panchayats but has given to the Government the power to notify the panchayats to which executive officers should be appointed. It would have been better if specific provision had been made that executive officers should be appointed only to panchayats falling under Class II under the original Bill. Class II panchayats correspond to our present minor panchayats. Within their areas, there may not be sufficient educated people to work the panchayats. It has often been said that for working democracy, we need not always think of education. At the same time, it cannot be forgotten that education, whether it be of the present kind or of some other kind, has got a lot to do. Class I panchayats correspond to the present major panchayats, and within their areas there will be sufficient educated and honest men to work the panchayats.

“ We have made a radical change in the election of the president. We say that he must be a gentleman of excellent behaviour, capacity, reputation and honesty and above party politics and therefore we have provided that he should be elected directly by the entire electorate. At the same time we doubt his capacity to administer and appoint an executive officer. One is a contradiction of the other. I am sure that a directly elected president of a Class I panchayat will have the capacity to administer without the assistance of an executive officer. If at all an executive officer is to be appointed, he must have less power

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than what he has at present. Executive officers of panchayats cannot stand comparison with municipal commissioners. There are executive officers of panchayats who work at times in utter disregard of the board and there are boards which do not co-operate with the executive officer. There are cases both ways. When we want to give power to the people to elect a president, why should we distrust the capacity of the elected representative of the people and appoint an executive officer? We want the best man to be elected and we must give him a chance. If at all the Government want to appoint executive officers, as I said, let them have less powers than at present.

“ Under this Bill, the president will be elected directly by the entire electorate, but the vice-president will be elected by the members from among themselves. The vice-president will have some influence over the members. Under such circumstances, whatever resolutions have to be passed by the board will have to get the support of the vice-president, and there may not be harmony between him and the president. It is said that the function of the president is only to preside. If that be so, where is the necessity for appointing executive officers in Class I panchayats especially when the president is directly elected by the people?

“ In conclusion, I say that if at all the Government want to appoint executive officers, let them appoint a common officer for a group of Class II panchayats so that the burden of bearing his salary may not fall heavily on one panchayat only, and let them not at all appoint executive officers to Class I panchayats. I request the Hon. Minister to consider this suggestion. With these words, I support the clause as it is.”

JANAB MUHAMMAD RAZA KHAN:—“ Mr. Speaker, Sir, many arguments are not required on this clause if only the Hon. Minister for Local Administration is in a frame of mind to appreciate our point of view though he may differ from it. The point urged by my Friend Mr. Majid and others who spoke against the retention of this clause and in support of the amendment of my esteemed Friend Mr. Reddi is this. The Hon. Minister for Local Administration feels that, by passing this Bill, he is going to usher in village republics. Time and again, he told us that only urban people did not have confidence in the villagers and that the villagers, given the necessary power, encouragement and help, could manage their affairs well. When he was so sure, we thought we could allow him to go ahead with implementing the scheme. His statement that the villagers could run the panchayats well and his inclusion of this clause to provide for the appointment of executive officers is, as has been rightly pointed out by my Friend Mr. Majid and others, a contradiction in terms. Let the Hon. Minister stick to one point and be consistent in maintaining it. When he wants to give power to the people, let him allow their elected representative, the president, to have complete power without the assistance or obstruction of an executive officer.

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"I feel that the passing of this clause will create a triangular contest in all these village panchayats. On the one side, there is the president elected directly by the people, on the other there are the members elected from different wards, and on the third side, there is the executive officer. The inclusion of clauses 29 to 32 shows that the Hon. Minister for Local Administration does not feel quite sanguine that the panchayats will really work well, and that that is the reason why he is taking all possible precautions.

"Clause 32 of the Bill which is to come later, says—

2.45 p.m. "The executive authority may, in cases of emergency, direct the execution of any work or the doing of any act which requires the sanction of the panchayat and the immediate execution or doing of which is, in his opinion, necessary for the safety of the public, and may direct that the expenses of executing such work or doing such act shall be paid from the panchayat fund."

"Therefore, Sir, the Hon. Minister for Local Administration having assured that these panchayats will have full freedom to manage their own affairs, now comes forward and says that he is going to appoint executive officers to be in charge of them. I want to know what is the difficulty of the Hon. Minister to allow the presidents of the panchayats to administer the affairs of their panchayats. Why should he feel that the executive officers alone are capable of carrying on the work of the panchayats and not the presidents. That shows that the Government have really no confidence in the ability of these panchayat board presidents. Sir, it is never my habit to attack officials, but when I find that even in the village administration, the Government are attempting to introduce an official element into it and want to control the panchayats, I am afraid, Sir, I cannot keep quiet. We have repeatedly been pointing out to the Hon. Minister the huge expenditure involved in such a proposition. We have been asking him about the financial implication of this proposal. On a modest estimate, we are going to get about 5,000 to 10,000 panchayat boards throughout the Province. I am not sure about this figure, but I am subject to correction. That means, that the Government are going to appoint so many executive officers. How much will come to? That information has not been furnished to the House.

"There is also another aspect of the question which should be made clear to the House and which has not yet been clearly stated. As soon as this Bill is passed, a number of things will have to be done and a number of appointments will have to be made. What are you going to do? Are you going to leave it to the Services Commission or to the local authorities or are the Ministers themselves going to make those appointments, in which case it will be very irksome for them to do so. Whatever that be, Sir, to say that you are going to constitute village panchayats to administer the villages and that you are going to give all the powers to them and make them autonomous bodies, and at the same time now to say that you will appoint executive officers over them to see that they properly do their functions, seems to me to be contradiction in terms. Either you say that

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you do not believe in them and in their ability to administer their own affairs, or that you are going to do something halfway between giving them full autonomy and retaining some important powers with the executive officer. In either case, the Hon. Minister for Local Self-Government should take up a definite stand in regard to this matter and should amend this provision in such a way as to be in keeping with the main purpose of this Bill, namely, to provide full autonomy to the panchayat boards in the matter of village administration. With these words, Sir, I support the amendment."

* THE HON. SRI K. CHANDRAMOULI:—"Mr. Speaker, Sir, I have heard the hon. Members talking about idealism and democracy. I will not lag behind any of the hon. Members in their zeal for democracy and in their idealism and the sentiments pertaining to it. I will be one with them in that respect. But there is one thing that I must point out. When hon. Members talk about idealism, democracy and full autonomy and all that, if they refer to their previous speeches, they will find that they are contradicting themselves in many respects. That will naturally be so, because so long as we keep some doubts in our minds or go astray from certain points which are fundamental to this Bill, naturally we will find ourselves very difficult to understand the real purport of this measure. Let me illustrate what I mean. Suppose there is a Government elected by the people who had assumed office, like the present Government. Are we not having the same departments and the same executive and administrative officers and are we not allowing them to get on with their work? Are we asking them to go away or removing them from service, because we have been elected by the people and because we have got democracy and full powers to do as we like in regard to the administration of this Province? Because these officers are not elected by the people, and because we have got powers to do whatever we like, we cannot simply drive them away. We must remember that so long as there is a democratic form of Government functioning, so long must there be an administrative machinery to carry out their policies and programmes. That is the point that we must bear in mind in working out any form of democratic institution.

"Secondly, Sir, it is not the intention of this Government and particularly it is not the intention of this legislation to appoint an executive officer for every village panchayat in the Province. It is only in exceptional cases, where the work is heavy or where the panchayats have got enough finance and could afford to have an executive officer, or where the panchayats are found to be really incompetent to manage their officers or for some other strong reasons, that we want to put an executive officer over them. If all the people are good, if all the people are honest and if all the people are able to do things for themselves, then there will be no necessity for a Government, or for a legislature for Mr. Hameed Khan or Mr. Salam to be here and myself to be here as Minister. So, when we say that these village panchayats will be autonomous bodies that they have got full

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powers to administer their own affairs, it does not mean that there will be no lapses in their administration, or that all of them will be very honest and straightforward or that there will not be any misappropriation of funds, etc. These lapses are common in all institutions, and it is to safeguard against such lapses and against misappropriations of funds of the panchayat and to prevent miscarriage of justice that we want to appoint these executive officers in such of the panchayats in which there are these defects. We are not going to appoint executive officers for all panchayats. As I have already said, we are going to appoint executive officers only in the case of panchayats where the work is very heavy and where the help of an executive officer is very necessary. Several hon. Members opposite talked about autonomy, self-rule, independence and things of that sort and advised us to leave these panchayats completely free to manage their own affairs and not to interfere with them. In that case, they should not ask for any grants from the Government and should be able to find the necessary finance to run the administration themselves. If that stand is taken by hon. Members, I can understand the force of their arguments. But some hon. Members urged that there should be some sort of co-ordination between the village panchayats and the taluk boards and district boards and the Government and that the Government should give financial assistance to them. You cannot have it both ways. I submit, Sir, that so long as the Government give them grants and assistance and help in some form or other, so long is it necessary that they should have some control over them, to see that the funds are not mismanaged or misappropriated and that the panchayats conduct their administration on proper and efficient lines. After all what are we? We are also the elected representatives of the people. The Provincial Government is a Government elected by the people and therefore, should we not have some sort of co-ordination and co-operation and combined action with regard to these panchayats? Should the Government be indifferent to whatever that happens in the villages? Do you want the Government to allow the funds of the panchayat to be wasted or misappropriated? Certainly not. The Government should have that power to step in and put matters right. That is why they have made this provision for the appointment of executive officers. At the same time, I can assure hon. Members that these executive officers will be appointed very very cautiously and only where they are needed in the interests of the village administration. This provision will not affect the democratic character of the panchayat board and its administration of the village. It will not injure the village autonomy. It is not possible for the Minister or for the Government to go into the working of every panchayat board in the Province. There must be some executive officer to see that the panchayat board carries on the administration of the village properly and efficiently. After all, these executive officers are not autocrats or dictators. They are only servants of the Government and so there is no question of their assuming dictatorial powers and doing whatever they like. They will only be carrying out the orders of the

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Government and they are subordinates to the presidents of the panchayat boards. Simply because in one or two places, these executive officers have abused their position, it should not be concluded that all these officers are mischievous people and that they would abuse their powers and all that. If you go in arguing in that strain, it will be impossible to have a perfect body in any organization and everybody will become an autocrat and the whole administration will become an autocracy. As I have already said, the Government will exercise the greatest caution in the appointment of these executive officers and they will put them in charge of the panchayats only where they are absolutely necessary. And so long as the Government give huge grants to these panchayats, they cannot keep out but will have their hand in them. Therefore, Sir, I am very sorry I cannot accept the hon. Member's amendment and I only request him to withdraw the same."

SRI K. KOTI REDDI:—"Mr. Speaker, Sir, it is not possible for me to reply to the Minister's speech without making reference to my next amendment, which more or less circumscribes the present one and when I speak on it, I shall have something to say in reply to the arguments of the Hon. Minister. For the present, I do not press my first amendment, in view of the assurance given by the Hon. Minister that these executive officers will be appointed only for panchayat boards where they are absolutely necessary and in view of the fact that Government are giving grants to the panchayats, and I therefore withdraw it, Sir."

MR. SPEAKER:—"The amendment was, by leave of the House, withdrawn. Let Sri Koti Reddi now move his next amendment."

"Now the difference between the first amendment and the second one is very little. In the first amendment, he does not want any executive officer to be appointed for any of the panchayat boards. In this amendment, he wants executive officers only for Class I panchayats. So let him not take up much of the time of the House on this amendment."

SRI K. KOTI REDDI—"Mr. Speaker, Sir, I move—

'that in clause 29 (1) between the word "any" and the word "panchayat" the words "Class I" be inserted.'

"Now, Sir, the clause as amended will read thus—

'A wholetime executive officer shall be appointed by the Government for any Class I panchayat which may be notified by them in this behalf.'

"Sir, in the first place, I must say that I have not been able to understand the arguments of my Hon. Friend, the Minister for Local Administration, when he defended the necessity for the executive officers for these panchayat boards. He said that so long as administration is there, there should be executive officers. If that is the opinion of the Hon. Minister, then I am very sorry

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for him. If he wants to be consistent in his argument, let him appoint executive officers for all villages consisting a population of even 600. Does he do so? No. He has simply said that in the case of small panchayats, he was not going to appoint executive officers. He said, 'I shall be very very careful to choose the panchayats for which I am going to appoint executive officers.' If he believes that there is no need for executive officers for small panchayats, let him say so.

"Sir, some hon. Friends said that executive officers were necessary for the purpose of drafting resolutions and for sending out notices. Probably he is confusing the work of a clerk with the functions of an executive officer. He does not seem to understand the powers and functions of an executive officer and the duties of a clerk. They think that the executive officer is to do the work of a clerk only. That is not so. The work of a clerk is usually to be done by the President of the panchayat in case where it cannot afford to have a separate clerk attending to its scriptory work. I have no objection to the appointment of clerks for all panchayats or in any panchayat where the clerical work is heavy and where there is a need. But I do object to the appointment of an executive officer as such, because there are a lot of implications in that appointment. An officer is an officer and he has immense powers to do mischief. He thinks that he can ride over the presidents and members of the panchayat. He thinks he must have a peon under him; he thinks that he must have a table, a chair and all the paraphernalia of an officer. He thinks that the members of the panchayat are his subordinates and all that. But if he is only a clerk, that is different. As one hon. Friend suggested, if it is necessary to appoint a person to help an illiterate panchayat president, and to help him in drafting resolutions, or in sending out notices or attending to correspondence, then you can as well call him a guide, but certainly not an executive officer. An executive officer of a panchayat board is different from a clerk or a guide.

"Sir, we had a discussion on this subject on the first amendment, but my present amendment is confined only to Class I panchayats. In the case of Class II panchayats, I do not want the Government to appoint executive officers. I did not understand my Hon. Friend, the Minister for Local Administration, when he asked the question: 'If there is any misappropriation of funds, do you want the Government to keep aloof?'

3 p.m. "Is there no provision in the law of this country to deal with misappropriation? Are you not going to deal with those who misappropriate money? You have the power and you will deal with the persons who misappropriate money.' But it is not by appointing executive officers alone you can proceed against misappropriation. Is that the only remedy for the Government? I am really not in a position to understand that. I would request the Hon. Minister that at least in the case of small panchayats with a population of 500 and less than 5,000 and with an annual income of about Rs. 200 more and less than Rs. 5,000 not to insist upon having an executive officer. The Hon. Minister may say

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that he will be careful in appointing executive officers to panchayats. But I ask the Government whether it is necessary to appoint executive officers even for small panchayats which consist of 500 to 5,000 people, and whose income will not come to more than a few hundreds or thousands. I feel that there is no necessity for an executive officer in these cases. I hope the Hon. Minister will agree with me in this matter, and accept my amendment which only says that executive officers may be appointed to any Class I panchayat which may be notified by the Government, and that there is absolutely no necessity for appointing executive officers in the case of other panchayats."

JANAB MOHAMED ABDUL SALAM:—"Sir, I rise to second the amendment. Sir, there must be a method even in madness. This amendment attempts to give some method to the proposals of the Government. In the reply given by the Hon. Minister, he has stated that he will consider which panchayat boards require executive officers. That was exactly the fear which was expressed by this side of the House. Perhaps this Government and the Hon. Minister think that people should come and dance attendance here to see that executive officers are appointed. Is it not better, Sir, that some rules are made under this clause to help the Government to appoint executive officers? But that is not the case. The Hon. Minister was saying that he would go into all matters, hear representations and then only appoint executive officers to such places where there was a necessity—and that too according to his whims and fancies. That was exactly the fear felt on this side of the House. It is a sad thing that we do not have the views of the Hon. the Finance Minister who was the Minister in charge of Local Administration in the 1937 Ministry. I do not know why he is not able to come forward to say something on this Bill. Perhaps he is tired of these panchayats."

MR. SPEAKER:—"He would have considered this Bill in the Cabinet."

JANAB MOHAMED ABDUL SALAM:—"Perhaps he is tired of these panchayats, and therefore he has avoided this portfolio. The analogy given here by the Hon. Minister is entirely misplaced. He gave as an instance that though there was the people's Government here, there existed the Secretariat. But the Hon. Minister forgot that the Secretariat here was subordinate to him. He forgets it. In the panchayat, the executive officer is not subordinate to the president, who has been elected by the people. That is the point in question. If the Hon. Minister has got faith in the elected president, let the executive officer be subordinate to him. In the case of emergencies mentioned in clause 31, the executive officer is given powers over and above the powers of the President. The executive authority may create a thousand and one emergencies. There will be no end to it. Can the Hon. Minister give us a situation where the Secretariat can pass orders over the head of Ministers. It is not

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possible. But an executive officer in a panchayat can create situations and see that the resolutions passed by the panchayat become null and void. He can simply do things as he liked. This is not the case in the Secretariat. The Clause gives us some idea of the condition that is going to be created, and it is that for all Class I panchayats there will be executive officers."

MR. SPEAKER:—"Amendment moved—

'that in clause 29 (1) between the word "any" and the word "panchayat", the words "Class I" be inserted'."

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, I would not have participated in this discussion but for the fact that the Hon. Minister while replying to the last amendment stated that Government had been very cautious in appointing executive officers to panchayats. It is a very mistaken attitude to adopt. I am sorry I must correct him, standing as I do, in the belief that the appointment of executive officers will do good to all panchayats. But the point that I wish to make is this. We should not start with the assumption that distrust in the president makes the executive officer necessary. It is not the distrust in the Hon. Minister that makes the Secretary of the Local Administration Department necessary under this Government. So long as we are not able to take an impersonal view of things, and so long as our political consciousness does not admit of work on an impersonal basis, there must be a certain amount of safeguard for continuity of administration and for proper administration as such. It is for the panchayat to lay down the policy and to say what amenities it will have, and then leave it to the executive officer to follow that policy and to give the amenities that are needed for the panchayat. The necessary routine and all the other detailed work can be left to a full-time officer. It is argued that the appointment of executive officers may not be feasible in the case of small panchayats. But I would suggest to the Hon. Minister that in the first instance, let him group small villages together and give them a single executive officer, so that he may have enough work on hand and also he may be weaned away from the temptation to mix in any particular faction in any one village. It would be the best arrangement to start with the executive officers. Then, on a review of the administration of all the panchayats, the executive officers may be removed in cases where such removal is safely warranted. It would be very good to begin with executive officers, and then after a year or two of work, and after a review of the progress during these one or two years, to remove the executive officers wherever it is found that the president and the other members are taking a genuine interest in the work and are able to take an impersonal view that is necessary for the smooth running of the administration."

MR. SPEAKER:—"The amendment is for appointing executive officers for Class I panchayats. The hon. Member should speak only on the amendment."

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* SRI N. S. VARADACHARI:—"Yes, Sir, I am speaking only on the amendment. If executive officers are said to be necessary only for Class I panchayats, I am entitled to oppose the amendment. I am not amending the clause, but I want the Government to realize that it is not good to begin with a prejudice against the executive officers, and proceed cautiously in the matter. On the other hand, the Government should start with the assumption in favour of the executive officers, and make it possible for them to secure continuity and purity in administration. Then, if possible, and after a review of the progress made from time to time, they may make the executive officer and the president one and the same man, in such areas where progress is continuous, and can be had, even without the assistance of a separate executive officer. That is my point. I want the Hon. Minister to start not with this assumption that democracy does not necessarily mean

MR. SPEAKER:—"The hon. Member should speak only on the amendment. He goes out of the way and speaks on some other thing which is not in the amendment."

* SRI N. S. VARADACHARI:—"While I certainly bow to your ruling, Sir, I must point out that I am speaking on the amendment. The amendment is not a mere string of words; the amendment has a meaning and a plan behind it. The plan should not, in my opinion, involve this assumption, at the very beginning, that executive officers are not necessary, and that the Government can proceed cautiously in the matter of appointing executive officers if and when it becomes necessary. On the other hand the process should be reversed. We should have executive officers in the first instance for all panchayats whether they are Class I or Class II. I would plead with the Hon. Minister to take this point of view, and then, after a review of the progress in each and every panchayat (or a group of panchayats), take away the executive officer. I would also strongly urge on the Government not to appoint honorary officers. Let them not make that fatal decision. For assuring good work, a whole-time officer is necessary. The Government may take my own example." When I felt that I was unable to put in full-time work to an association to which I was pledged to work, I told Mahatmaji that very minute that he must accept my resignation and relieve me of that job. The Government may take my example and be guided by that."

SRI V. I. MUNISWAMI PILLAY:—"Mr. Speaker, Sir, after hearing the answer of the Hon. Minister making clear what is democracy and administration, I thought my hon. Friend would not move his amendment. This amendment, if accepted, would take away the elasticity or the discretion given to the Government as to which of these panchayats must have an executive officer. It is clear from the amendment that for all Class I panchayats there should be executive officers. But all Class I panchayats need not necessarily have executive officers. My hon. Friend Sri Varadachari pointed out that there might be people with lot of leisure who might be able to function or carry on the panchayat

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affairs without any assistance. In that case, if we accept this amendment, it will force the Government to appoint executive officers for all Class I panchayats. I do not think it will be feasible at all. Secondly my hon. Friend Sri Varadachari suggested the appointment of an executive officer for a group of panchayats. There I feel that we are mixing up things. We have started well with the various provisions of this Bill—constituting a panchayat and giving them a certain amount of power to consolidate their work. It will be making the matter worse if we appoint an executive officer for a group of panchayats which ultimately, without success, may fail. So, I oppose the amendment."

* THE HON. SRI K. CHANDRAMOULI:—"Sir, I am sorry I cannot accept the argument of my hon. Friend Sri Varadachari. It cuts at the very root of the principle of democracy. We said that we would first allow these panchayats to work. Only when there is a flaw or some defect or some necessity, the appointment of an executive officer will be necessary. Then only we will have to appoint executive officers. Suppose, these panchayats work healthily and properly, where is the necessity to appoint executive officers? This is the idea of the Government. I cannot accept the idea of starting the panchayats with the appointment of these executive officers and then removing them one by one on suspicion or for other reasons. In democracy we must allow people to work. Where the panchayats are not working satisfactorily, we must appoint executive officers."

"As regards the amendment, I say that it is better to leave it to the Government instead of specifying in the Bill that for all Class I panchayats there should be executive officers. I cannot understand the argument of my hon. Friend Sri Koti Reddi, who stated in the first instance that executive officers were not necessary, and then again came forward with the amendment that Class I panchayats should have executive officers. I oppose the amendment, and I request my hon. Friend Sri Koti Reddi to withdraw his amendment."

3-15 p.m. SRI K. KOTI REDDI:—"Sir, I am sorry that the Hon. Minister has attributed to me words and ideas which I did not express. What does my amendment say? It only says that a whole-time executive officer shall be appointed by the Government for any Class I panchayat which may be notified by them in this behalf. The Minister wanted to appoint an executive officer for any panchayat which might be notified. I wanted to confine it to Class I panchayats, but even in that case there is the word 'notified'. Did I say that every Class I panchayat ought to have a panchayat officer?"

THE HON. SRI K. CHANDRAMOULI:—"May I say a word, Sir? Even the Government will not appoint executive officers without notifying."

SRI K. KOTI REDDI:—"In any case I never meant it. It is not my idea. I would rather ask you not to appoint executive

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officers. However, I know the mentality and the spirit behind. I beg the leave of the House to withdraw my amendment."

MR. SPEAKER:—"I hope the House gives him permission to withdraw the amendment."

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

Clause 29 was put and carried.

Clauses 30 and 31 were put and carried.

Clause 30 was put and carried and formed part of the Bill.

Clause 32.

MR. SPEAKER:—"The motion is—
'that clause 32 do stand part of the Bill'."

JANAB MOHAMED ABDUL SALAM:—"Sir, this clause gives very wide powers to the executive officers. Under this clause, the executive authority may in cases of emergency direct the execution of any work or the doing of any act which otherwise requires the sanction of the panchayat. So, any work which requires a resolution of the panchayat and which requires the consent of all the members and the president or a majority of them can be done by the executive officer without any reference to the panchayat provided he in his discretion feels that there is an emergency, for which there is no analogy and also there are no rules under which he can decide that there is an emergency. This is giving very wide powers to the executive officer and this is exactly the case of which I request the Hon. Minister to take an example to show that the executive officer is not much above the panchayat board. The executive officer is not a subordinate here. If the panchayat is going to decide a matter in a particular way, the executive officer can simply alter it by deciding earlier that there is an emergency, by simply writing to the Government that there is an emergency, and do anything he likes. It is entirely unnecessary. It may be provided that the executive officer, if he thinks that the panchayat is not likely to act, may refer to the Government and after getting the consent of the Government, may do anything he likes."

* THE HON. SRI K. CHANDRAMOULI:—"Sir, I do not agree with the hon. Gentleman. Supposing suddenly there is cholera then are we not to spend some money and take action? Then, the whole matter will be reported to the panchayat board for ratification. If there are not proper reasons, we will take action against him and he will be surcharged. That is all the idea of the Government. It is not giving wide powers. I request the House to accept the clause."

Clause 32 was put and carried.

Clause 33 was put and carried.

Clause 34.

MR. SPEAKER:—"The motion is—
'that clause 34 do stand part of the Bill'."

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SRI M. S. PATTABHIRAMIAH:—"Sir, I think that this clause which has been put in by the Select Committee need not have been there but even if it is permitted, a portion of it should be deleted. Unfortunately, Sir, I had not been able to table an amendment. But still I appeal to the good sense and the accommodating spirit and the moral statute of Mr. Chandramouli to listen to my humble submission and if he thinks it relevant or sensible, I expect him to be responsive; if not, I simply pass on with my remarks.

"The delegation of functions of executive authority is unnecessary. The executive authority here generally means also the president who has no executive officer by his side and also the executive officer of a panchayat. It may be natural for the president to delegate his powers to the vice-president, i.e., from a higher authority to a subordinate authority. That is quite natural and we can have no objection to it. But in sub-clause (ii) it is said 'if he is not the president, to the president'. Who is the executive authority here? The executive authority is the executive officer who is a subordinate of the president or a servant of the panchayat board. How is it possible for a subordinate to delegate his authority or his powers to a higher authority? I find in the Oxford dictionary the word 'delegate' to mean 'to send or commission a person as a deputy or representative with power to act for another' or 'to depute' or 'to entrust or commit an authority, etc., to another as an agent or deputy'. Now you are reversing the order. Water flows from the upper portion to the lower portion. You push it from down to above by pumping. Not only that. Also the last paragraph of the clause has that string which will kill any democracy, at least the self-respect of any democratic panchayat in our village. I am reading that portion, the last paragraph of clause 34."

MR. SPEAKER:—"The idea of the hon. Member is to omit the clause. There is no amendment."

SRI M. S. PATTABHIRAMIAH:—"I only give expression to my view. I only appeal to the good sense and the accommodating spirit of our great Minister and, therefore, I hope to succeed and, if I do not succeed, it is enough I record my protest. The paragraph reads:—

'The exercise or discharge of any functions so delegated shall be subject to such restrictions and conditions as may be laid down by the executive authority and shall also be subject to his control and revision.'

Why delegating the power of the authority? Does it not look absurd? The Government can, through the Inspector, panchayat officer or deputy panchayat officer, have sufficient control, even if delegated. The word 'delegation' should be taken away. I simply request the Hon. Minister, if he cannot delete the full paragraph, to delete at least the last portion 'and shall also be subject to his control and revision'. This is all I appeal to him and it is left to him to do what he likes."

* THE HON. SRI K. CHANDRAMOULI:—"Sir, I am sorry my hon. Friend has not understood the clause properly. Firstly,

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in several cases the president himself is the executive officer. That is why it has been put in 'if he is the president, he will delegate to the vice-president or to any other member in the absence of the vice-president'. Secondly, the executive officer has got certain powers. Supposing he is going out for a few days; he can delegate his powers. It is only delegation to facilitate the work. When the delegating authority is responsible, it is for him to delegate all or any of the powers according to his convenience. I am sorry I cannot accept his argument."

Clause 34 was put and carried.

Clauses 35 to 49 were put and carried.

Clause 50.

MR. SPEAKER:—"The motion is—

'that clause 50 do stand part of the Bill'."

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

'that for the words "by panchayat or its officers or servants", the words "by the panchayat or its officers or servants" be substituted'."

This is only a verbal amendment. I request this may be accepted."

The amendment was put and carried.

Clause 50, as amended, was put and carried.

Clauses 51 to 62 were put and carried.

Clause 63.

MR. SPEAKER:—"The motion is—

'that clause 63 do stand part of the Bill'."

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

'that in clause 63, after the words "by this Act", the words "or any rules made thereunder" be inserted'."

"Sir, this amendment is a simple one and it needs no explanation. So, I hope it will be accepted."

The amendment was put and carried.

Clause 63, as amended, was put and carried.

Clause 64.

MR. SPEAKER:—"The motion is—

'that clause 64 do stand part of the Bill'."

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

'that in clause 64, at the end of sub-clause (3), the following be added, namely:—

"(c) fees on any commercial crop bought and sold in the village, not being a crop on which fees are levied in the village by a market committee under section 11 of the Madras Commercial Crops Markets Act, 1933.

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p.m.

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Explanation.—For the purposes of this clause, ‘commercial crop’ shall have the same meaning as in section 2 (i-a) of the Madras Commercial Crops Markets Act, 1933.”

“At the time of the discussion of the Bill, in the Select Committee, it was suggested that the panchayats might be empowered to levy fees instead of a cess on the entry of goods into the village. That is why this amendment has been brought and I request that this may be accepted.”

The amendment was put and carried.

SRI K. KOTI REDDI:—“Sir, I am not moving my first amendment. But, I am moving my second amendment, namely:—
‘that sub-clause (3) (b) of clause 64 be omitted’.

“Sir, I am afraid that this provision is likely to be abused in the villages. This tax on agricultural land is likely to be abused and there will be much trouble, especially in villages where there is a lot of factions. So, giving power to the village panchayat to tax on agricultural land is rather dangerous. After all the value of land can be estimated by different persons in different ways. The majority in the village panchayats may really use that power to the disadvantage of some people who are not liked. If the Hon. Minister is keen to help the village panchayats, I think, he ought to accept this amendment. In fact, I have another amendment to give more land revenue to the panchayats. If he agrees to that, I think, there is no necessity for the tax on agricultural land. As there is a possibility and a probability that this power is likely to be abused, I hope, the Hon. Minister will agree to accept this amendment.”

The amendment was duly seconded.

MR. SPEAKER:—“Amendment moved—

‘that sub-clause (3) (b) of clause 64 be omitted’.”

* THE HON. SRI K. CHANDRAMOULI:—“Sir, this tax is intended only for a specific purpose and automatically it goes away. Suppose the village wants to execute a bridge, and if it has not sufficient funds, it may tax, say quarter-anna in the rupee, and pass a resolution, and get the sanction and spend the money for the specific work. Then there will be no further taxation. This is only a specific taxation for a specific purpose. That is why the provision is there. So, I request the hon. Member not to press his amendment.”

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

Clause 64, as amended, was put and carried.

Clause 65 was put and carried.

Clause 66.

MR. SPEAKER:—“The motion is—

‘that clause 66 do stand part of the Bill’.”

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* THE HON. SRI K. CHANDRAMOULI:—“Sir, I move—
‘that in clause 66, for sub-clause 1 (ii) (a), the following be substituted, namely:—

“(a) exercises a profession, art or calling or transacts business or holds any appointment public or private—

(i) within such village for not less than sixty days in the aggregate, or

(ii) without such village, but who resides in it for not less than sixty days in the aggregate, or”.

“Sir, this amendment has been necessitated because of a mistake in printing. In the original Bill it was all right. But in the subsequent printing there was some mistake. This amendment is intended to correct that mistake. That is all.”

The amendment was put and carried.

Clause 66, as amended, was put and carried.

Clauses 67, 68, 69 and 70 were put and carried.

Clause 71.

MR. SPEAKER:—“The motion is—

‘that clause 71 do stand part of the Bill’.”

* THE HON. SRI K. CHANDRAMOULI:—“Sir, I move—
‘that in clause 71 (2)—

(a) in sub-clause (i), after the words “or any cess”, insert the words “or fee”, and

(b) renumber sub-clauses (v) to (xxi) as sub-clause (vi) to (xxii) respectively, and insert the following as sub-clause (v), namely:—

“(v) any payments made to the panchayat by a market committee in pursuance of section 11, sub-section (3), of the Madras Commercial Crops Markets Act, 1933”.

“Sir, this is only a consequential amendment and hence this may be accepted.”

The amendment was put and carried.

SRI S. CHIDAMBARA AYYAR:—“Mr. Speaker, Sir, I move the amendment standing in my name, viz.—

‘that at the end of clause 71, sub-clause (2), item (xii) the words “and long grass and other similar produce grown in the bed of ponds, water courses and tanks inclusive of irrigation tanks” be added’.”

SRI M. DORAikanNU:—“I second the amendment.”

MR. SPEAKER:—“Amendment moved—

‘In the clause, income derived from fisheries is already included. In some of the tank and pond beds lot of korai is grown which is converted into mats. Similarly long grass is also grown

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which is used for thatching of roofs in villages. My submission is that it is better to include income derived from these also and add on to the village fund. This will augment the resources of the Government. This is a good amendment which is intended to augment the resources of the village fund. So I suggest that this amendment may be accepted."

THE HON. SRI K. CHANDRAMOULI:—"I appreciate the view point of the hon. Member. Already there is a provision that on the basis of rental value of five years average, all these things will be given to the panchayats. So I think it is not worthwhile to have this amendment. I request the hon. Member to withdraw his amendment."

SRI S. CHIDAMBARA AYYAR:—"Sir, this amendment is in the good interests of the villages. There is already clause 59 which says, 'Any property or income which by custom belongs to or has been administered for the benefit of, the villagers in common, or the holders, in common of village land generally or of lands of a particular description or of lands under a particular source of irrigation shall vest in the panchayat and be administered by it for the benefit of the villagers or holders aforesaid'. Therefore what I want to include by this amendment comes under that. And, I want to amplify it. Therefore my submission is that as this amendment is in the interests of administration, it may be accepted."

MR. SPEAKER:—"What does the Hon. Minister say in the matter?"

THE HON. SRI K. CHANDRAMOULI:—"I oppose the amendment, Sir."

MR. SPEAKER:—"Then, does the hon. Member want me to take the sense of the House?"

SRI S. CHIDAMBARA AYYAR:—"I will withdraw my amendment."

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

Clause 71 as amended was put and carried.

Clause 72.

MR. SPEAKER:—"The motion is—

'that clause 72 do stand part of the Bill'."

SRI K. KOTI REDDI:—"Sir, I move—

'that in clause 72 for the words "twelve and a half per cent" the words "twenty-five per cent" be substituted'."

MR. SPEAKER:—"Even at the outset, I must point out that as this amendment involves an increase in the grant to be made

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by the Government, previous permission of His Excellency the Governor ought to have been obtained. So the amendment is out of order. We must follow certain rules. This is clearly out of order."

Clause 72 was put and carried.

Clauses 73, 74, 75, 76, 77 and 78 were put and carried.

Clause 79.

MR. SPEAKER:—"The motion is—

'that clause 79 do stand part of the Bill'."

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

'that in clause 79, for the words "for other like purpose" the words "for other like purposes" be substituted'.

"This is only a verbal amendment intended to correct a mistake in printing."

The amendment was put and carried.

Clause 79 as amended was put and carried.

Clauses 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111 and 112 were put and carried.

Clause 113.

MR. SPEAKER:—"The motion is—

'that clause 113 do stand part of the Bill'."

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

'that in clause 113, sub-clause (2), the items (xxxiv) to (xli) be renumbered as items (xxxv) to (xlii) respectively and the following inserted as item (xxxiv):—

"(xxxiv) as to the disposal of household and farmyard waste in the village, the acquisition of land by the panchayat for laying out plots for digging pits in which such waste may be thrown, the assignment of any of those plots to persons in the village and the conditions subject to which such assignment may be made, including the rent to be charged'."

This is an amendment intended to enlarge the rule-making powers of the Government and commend it for the acceptance of the House."

The amendment was put and carried.

Clause 113 as amended was put and carried.

MR. SPEAKER:—"I may inform hon. Members that as soon as we finish the second reading we shall adjourn and have the third

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reading tomorrow. There are so many verbal amendments to the Bill and the office wants time to check whether all the amendments have been moved and nothing is omitted."

Clauses 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124 and 125 were put and carried.

Clause 126.

MR. SPEAKER:—"The motion is—

'that clause 126 do stand part of the Bill'."

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

'that for clause 126, the following be substituted, namely:—

"126. (1) *The Inspector may, whether at the request of the panchayat or otherwise, by notification, declare that any of the provisions of the Madras District Municipalities Act, 1920, or of any rules made thereunder, shall be extended to, and be in force in, the village or any specified area therein.*

(2) *The provisions so notified shall be construed with such alterations not affecting the substance as may be necessary or proper for the purpose of adapting them to the village or specified area therein.*

(3) *Without prejudice to the generality of the foregoing provision, all references to a municipal council or the chairman or the executive authority thereof shall be construed as references to the panchayat or the president or the executive authority thereof, all references to any officer or servant of a municipal council as references to the corresponding officer or servant of the panchayat, and all references to the municipal limits as references to the limits of the village or specified area therein, as the case may be."*

Sir, the Advocate-General has recently expressed the opinion that an authority other than the Legislature will not be competent to extend an enactment or a part thereof to a local area with modifications to that enactment. Clause 126 of the Bill as it now stands is open to objection as that clause provides for extension by the Inspector to any area in the village by notification any of the provisions of the Madras District Municipalities Act, 1920, or of any rules made thereunder subject to such restrictions and modifications as he thinks fit. Hence, to get over this difficulty it is proposed now to amend this clause omitting all reference to the power of the Inspector to modify or restrict the provisions of the Madras District Municipalities Act while extending them to any village, and specifying therein certain rules of construction in extending the provisions of the Madras District Municipalities Act to the village. This amendment is intended to give effect to this proposal."

The amendment was put and carried.

Clause 126 as amended was put and carried.

Clauses 127, 128, 129, 130, 131, 132, 133 and 134 were put and carried.

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Clause 135.

MR. SPEAKER:—"The motion is—

'that clause 135 do stand part of the Bill'."

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

'that clauses 135 to 138 be renumbered as clauses 136 to 139 respectively and the following be inserted as clause 135, namely:—

Madras Act II of 1933. "135. In section 11 of the Madras Commercial Crops Markets Act, 1933, after sub-section (2), the following sub-section shall be added, namely:—

Amendment of the Madras Commercial Crops Markets Act, 1933.

(3) *Out of the fees levied under sub-section (1) on the commercial crop or crops bought and sold in any part of the notified area which constitutes a village as defined in section 2 of the Madras Village Panchayats Act, 1949, such proportion as may be prescribed shall be paid by the market committee to the panchayat concerned."*

"Sir, under the arrangement proposed in respect of the levy of fees by panchayats on commercial crops, the market committee has to realize and credit to the panchayat, a proportion of the fees levied by it, in areas notified under the Madras Commercial Crops Markets Act. To give effect to this decision, it is necessary to amend section 11 of the Madras Commercial Crops Markets Act, 1933."

The amendment was put and carried.

Clause 135 as newly introduced was put and carried.

Clause 136.

MR. SPEAKER:—"The motion is—

'that clause 136 (as renumbered)'."

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

'that in clause 136 as so renumbered, in sub-clause (y), for the words "of the word", the words "the word" be substituted'."

There is a mistake in print and this amendment seeks to rectify that mistake."

The amendment was put and carried.

Clause 136 as renumbered and amended was put and carried.

Clauses 137, 138 and 139 as renumbered were put and carried.

Schedules I and II were put and carried.

Schedule III.

MR. SPEAKER:—"The motion is—

'that Schedule III do stand part of the Bill'."

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

(1) that in rule 4, for sub-rule (3), the following sub-rule be substituted, namely:—

" (3) a village headman who is a member of the panchayat at the commencement of this Act shall cease to hold office as such member; "

(2) that in rule 6, sub-rule (3) for the words " of the Act " the words ' of this Act ' be substituted; and

(3) in the Explanation to rule 8—

(i) in clause (1), the words " he is holding office as president of the panchayat at the commencement of this Act and " be omitted;

(ii) clause (2) be renumbered as clause (3) and the following inserted as clause (2), namely:—

" (2) the seat of a village headman holding office as a member of a panchayat, at the commencement of this Act shall be deemed to have become vacant at such commencement " ; "

The amendment was put and carried.

Schedule III as amended was put and carried.

Schedule IV.

4 p.m. MR. SPEAKER:—"The motion is—

" that Schedule IV do stand part of the Bill " . "

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

" that in Schedule IV—

(i) for the entry " (see section 136) " occurring below the heading, substitute the entry " (see section 137) . " ;

(ii) in paragraphs 16, 17, 31, 34, 43, 61, 96, 103 and 105, omit the words " of the said Act " ;

(iii) for paragraph 26, substitute the following paragraph, namely:—

" 26. In section 45-B, the words, figures and letter ' or a panchayat is superseded under section 45-A ' , the words ' or panchayat ' , in the two places where they occur, and the words ' or supersession ' shall be omitted. " ;

(iv) for paragraph 50, substitute the following, namely:—

" 50. In sub-section (1) of section 93, for the words ' local area ' , wherever they occur, the words ' non-panchayat area ' shall be substituted and for the words, brackets, letter and figures ' clause (b) of sub-section (1) of section 77 ' the words, brackets and figures ' sub-section (2) of section 77 ' shall be substituted " ;

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[Sri K. Chandramouli]

(v) renumber paragraphs 51 to 121 as paragraphs 52 to 122 respectively and insert the following as paragraph 51, namely:—

" 51. In sub-section (F) of section 94-A, for the words ' local area ' wherever they occur, the words ' non-panchayat area ' shall be substituted " ;

(vi) in paragraph 101 as renumbered—

(a) in clause (iii), for the words, brackets and figures " in clause (ii) of the same sub-section, " substitute the words, brackets and figures " in clause (ii) of sub-section (2) " ;

(b) add the following as clause (ix), namely:—

" (iv) in clause (a) of sub-section (4), for the words ' in the village ' , the words ' in the non-panchayat area ' shall be substituted " ;

(vii) in paragraph 118 as renumbered, add the following as clause (v), namely:—

" (v) in rule 11 as renumbered, for the words, brackets and figures ' sub-section (1) of section 37 ' , the word ' and figures ' section 37 ' shall be substituted " ;

(viii) in paragraph 119 as renumbered—

(a) renumber clauses (i) to (xviii) as clauses (ii) to (xix) respectively and insert the following as clause (i), namely:—

" (i) in the heading, for the words, figures and brackets ' see sections 92, 93, 95, 98 and 104 ' the words, figures and brackets ' (see sections 92 and 93) ' shall be substituted " ;

(b) in clause (vi) as renumbered, for the words, brackets and figure " in sub-rule (2) of the same rule " , substitute the words, brackets and figures " in sub-rules (2) and (3) of the same rule " ;

(c) for clause (xvii) as renumbered, substitute the following clause, namely:—

" (xvii) in sub-rule (1) or rule 33, for the words ' any tax ' , the words ' the tax ' shall be substituted, and the words, letter, figures and brackets ' or bill or the giving of the direction referred to in rule 24-A (2) shall be omitted. " ;

These are the amendments to Schedule IV which deals with the amendments to the Madras Local Boards Act, 1920. These amendments are purely consequential on account of the Madras Village Panchayats Bill. Hence they may be accepted."

The amendment was put and carried.

Amendment moved.

Schedule IV as amended was put and carried.

The Preamble was put and carried.

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MR. SPEAKER:—"Instead of moving the main motion that the Bill be passed into law, I would request the Hon. Minister"

* THE HON. SRI K. CHANDRAMOULI:—"We have dropped clause 8 and we have to renumber the other clauses. There are also one or two consequential amendments. All these things may be taken up tomorrow at the third reading stage."

MR. SPEAKER:—"The consequential amendments will come up tomorrow."

THE HON. SRI K. CHANDRAMOULI:—"That is why I request you to give me time till tomorrow for this."

MR. SPEAKER:—"After question hour we shall take it up. As desired by the House, I now adjourn the House at 4 p.m. The House will now adjourn and meet again at 11 a.m. tomorrow."

The House adjourned.

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APPENDIX.

[Vide answer to unstarred question No. 16 asked by Sri T. Viswanatham at the meeting of the Legislative Assembly, held on 11th January 1950, page 748 supra.]

Clause (d)—

Required particulars about the incorporation and management of the eight tender firms are given below:—

(i) Messrs. Imperial Chemical Industries (India), Limited, Springhaven Road (South), The Harbour, Madras.

This is a Registered Company, incorporated under the Indian Companies Act, 1913, with its registered office at 18, Strand Road, Calcutta.

The Company is managed by a Board of Directors, the constitution of which is as follows:—

Mr. W. A. Bell, Chairman and Managing Director.

„ W. H. Grice, Managing Director.

„ N. D. Hariss.

„ T. Fletcher.

„ F. S. Binnie.

„ J. McIntyre.

„ E. W. Oakley.

„ A. R. Foster.

(ii) Messrs. Lloyds Commercial Corporation, 21/35, Mount Road, Madras.

This firm has been registered in this Province on 30th May 1946, under the seal of the Registrar of Firms, Madras, and under the Indian Partnership Act, 1932.

The names of the two partners are—

(1) Mr. A. L. B. Lloyd, and

(2) Sri N. Subramanyam.

(iii) Messrs. Sri Ranga Vilas Ginning and Oil Mills, Pappannaickenpalayam, Coimbatore.

This is only a private concern and not a Joint Stock Limited company.

The partners of the firm are—

(1) Sri G. R. Damodaraswami Naidu.

(2) „ G. R. Govindarajulu Naidu.

(3) „ G. R. Venkatesalu Naidu.

(4) „ G. R. Varatharajulu Naidu.

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(iv) Messrs. Indian Tobacco Corporation, 2/115, Dr. Guruswamy Mudaliar Road, Kilpauk, Madras.

This is a company registered under the Indian Partnership Act of 1932 in this Province.

The names of the partners are as follows:—

(1) Sri Meka Rangayya Appa Rao (Kumar Zamindar of Vuyyuru, Nuzvid).

(2) Sri Malraju Venkataramakrishna Kondala Rao (Zamindar of Narasaraepet).

(3) Sri N. Krishnaswamy (Merchant, Chetpat).

(4) Sri E. Sivaramaiah (Merchant, Chilakalurpet).

(v) Messrs. Rao and Reddy, Limited, 70, Sullivan's Garden Street, Mylapore, Madras.

This firm has been registered in this Province under the Indian Companies Act, 1913, on 22nd August 1946 (No. 134 of 1946-47).

At the time of incorporation there were only two Directors, namely, Sri M. K. V. Reddy and Sri B. Hanumantha Rao. Recently Sri M. K. V. Reddy has ceased to be a Director and at present the Board of Directors consists of the following members:—

(1) Sri B. Hanumantha Rao.

(2) „ P. S. Reddy.

(3) „ T. Pattabirama Reddy.

(4) „ Ch. Subba Rao.

Sri P. S. Reddy is the Managing Director.

(vi) Messrs. P. Pavanasa Nadar and Company, 17, North Avanimoola Street, Mathurrai.

This is a private partnership concern. The following are the names of the partners of this company:—

(1) Sri P. Pavanasa Nadar.

(2) Srimathi Seethalakshmi Ammal.

(3) Sri Thiagarajan.

(4) „ G. Guruswamy Naidu.

(vii) Sri A. Velayudha Raja, Bank Road, Rajapalayam.

The business of this firm is in the individual name of Sri A. Velayudha Raja.

(viii) Messrs. Sri Rama Agricultural Implements Manufacturing Works, 22, Sarangapani Koil East Street, Kumbakonam.

This is an unregistered concern. There were originally four partners in the business, of whom the following three retired recently from the company:—

(1) Sri R. Adaikkalam Pillai.

(2) „ T. V. Kamalaswamy.

(3) „ S. K. Muthu.

The fourth partner, Sri R. Rama Sarma, is now the sole proprietor of the company.

THE MADRAS LEGISLATIVE ASSEMBLY.

Thursday, the 12th January 1950.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Treatment afforded to Sri P. Venkateswarlu, M.L.A., in Central Jail, Cuddalore.

* 327-D Q.—

MR. SPEAKER:—“The office had no time to roneo the short notice question of Janab Mohamed Abdal Salam and circulate it to the hon. Members. So, I will read the question. The question is this:

“Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the Jail authorities of the Central Jail, Cuddalore, are not giving proper treatment to Sri P. Venkateswarlu, M.L.A., who is a detenu; and

(b) whether it is a fact that the above detenu has resorted to hunger-strike since 20th December 1949?”

THE HON. SRI K. MADHAVA MENON:—“(a) No, it is not a fact that proper treatment is not being afforded to Sri P. Venkateswarlu, M.L.A.

“As Sri Venkateswarlu is an accused for a specific offence in a criminal case pending in Cuddalore, he is being treated as a class I under-trial and his privileges as a detenu have been suspended for the present.

“(b) Sri P. Venkateswarlu resorted to a hunger-strike on 20th December 1949 but gave it up on 4th January 1950.”

JANAB MUHAMMAD RAZA KHAN:—“May I ask whether the privileges and rights enjoyed by these political detenus are the same which the Congressmen were demanding when they were in similar circumstances?”

THE HON. SRI K. MADHAVA MENON:—“I do not know whether the hon. Gentleman knows what the Congressmen were demanding then; if he will tell me that, I will then say whether the present rights are more or less.”

JANAB MOHAMED ABDUL SALAM:—“May I know what the demands of Sri P. Venkateswarlu were when he undertook this fast?”

[12th January 1950]

THE HON. SRI K. MADHAVA MENON:—"Sri Venkateswarlu's contention was that he cannot be treated as an under-trial, but should be treated as a detenu."

SRI S. NAGAPPA:—"As the fast is going on inside the jail, may I ask the Government how this news about what happens within the four walls of the jail has passed to the hon. Gentleman who has put this question?"

THE HON. SRI K. MADHAVA MENON:—"That obviously shows that the information is wrong, because he is being treated quite well."

Deputation for solving the problem of Indians in Ceylon.

* 327-A Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Public Works be pleased to state whether the Government have received any reply from the Prime Minister of India about the resolution to send a deputation to solve the problem of Indians in Ceylon?

THE HON. SRI M. BHAKTAVATSALAM:—"The Government of India have replied stating that the occasion of the Foreign Ministers' Conference at Colombo is not suitable for a discussion of the question of Indians with the Hon. the Prime Minister of Ceylon but that if circumstances permit, the question will be kept in view and in any case delegations are not necessary for the purpose."

JANAB MUHAMMAD RAZA KHAN:—"Is it not a fact that the Government of Madras without having a proper perspective of Pandit Nehru's visit to Ceylon simply committed this Assembly and wanted him to do some things which he was not prepared to do?"

MR. SPEAKER:—"That means that the hon. Member thinks the Assembly was blindly being led by the Ministers; as a matter of fact, the hon. Member himself took part in the debate. I do not think this question can be put."

JANAB MUHAMMAD RAZA KHAN:—"I opposed it."

JANAB M. S. ABDUL MAJID:—"May I know whether the Hon. Minister has read the reported speech of the Hon. Mr. Senanayake, the Prime Minister of Ceylon, that there does not exist any Indo-Ceylon problem?"

THE HON. SRI M. BHAKTAVATSALAM:—"I have read a report of that speech."

SRI K. T. KOSALRAM:—"May I know from the Hon. Minister for Public Works the talk he had with the Prime Minister of India regarding the Indo-Ceylon problem at the Meenambakam aerodrome on his way to Ceylon?"

[12th January 1950]

THE HON. SRI M. BHAKTAVATSALAM:—"The Hon. Prime Minister of India was at the aerodrome only for a few minutes and there was only a casual mention of this subject in the course of the talk we had."

SRI V. M. RAMASWAMI MUDALIYAR:—"Has the attention of the Government been invited to the statement of the Hon. Prime Minister of Ceylon? May I ask whether in view of the established facts in the possession of the Madras Government and in view of the debate in this Honourable House, this Government will issue a communiqué placing their case, in the press?"

THE HON. SRI M. BHAKTAVATSALAM:—"The Government of India and the Hon. the Prime Minister are fully alive to the difficulties of this question and they will deal with the matter in the best manner possible."

SRI K. T. KOSALRAM:—"After the arrival of the Hon. Prime Minister of India back from Ceylon, will the Government take steps to explain to him the conditions of Indians in Ceylon by sending a deputation to Delhi in view of the Ceylon Prime Minister's statement that the problem of Indians in Ceylon is settled once for all?"

THE HON. SRI M. BHAKTAVATSALAM:—"From the report which had appeared in the newspapers to-day, the hon. Member would have seen that the Prime Minister has already discussed the matter with the Indians in Ceylon and he should have fully acquainted himself with the problem of Indians there."

SRI S. NAGAPPA:—"In view of the fact that the representatives of the Madras Province, i.e., the M.Ps. will be there in India's provisional Parliament, is it necessary that a separate deputation should be led all the way from Madras to Delhi when the Madras Government can request men to take up the question and fight out the case there?"

THE HON. SRI M. BHAKTAVATSALAM:—"The M.Ps. of this Province are not necessarily representatives of the Ceylon Indians' interests."

SRI V. RAGHAVAYYA:—"Beyond telling us that this Government was not favoured with a reply from the India Government and beyond stating that they had no time to discuss the matter with the Prime Minister of India at the Meenambakam aerodrome, may I know what exactly this Government have done to secure the necessary relief?"

THE HON. SRI M. BHAKTAVATSALAM:—"I am sorry my hon. Friend has not listened to the answer I gave. It is not that this Government have not been favoured with a reply from the Government of India; we have received a reply. So far as this Government are concerned, I have already assured the House that we are already doing what we can, and it is now for the Government of India to take up the matter with the Government of Ceylon."

[12th January 1950]

Murders, etc., committed by the Communists in Krishna, West and East Godavari districts since 1st December 1949.

* 327-B Q.—SRI V. RAGHAVAYYA: Will the Hon. the Premier be pleased to state—

(a) whether there had been any murders and cases of arson since the 1st December 1949 committed by the Communists in Krishna, West and East Godavari districts;

(b) if so, how many; and

(c) what steps have been taken by the Government to meet the situation?

THE HON. SRI K. MADHAVA MENON:—“(a) & (b) Two serious cases of murder have been reported from the Krishna district. In the first, which was committed on the night of 21st December 1949, seven persons are reported to have been killed; in the second, committed on 30th December 1949, 8 persons are reported to have been killed. There was only one other case of murder suspected to be the work of Communists which took place in West Godavari district on 15th December 1949 and one person was killed. All these three incidents are suspected to be the work of Communists from the Hyderabad State.

“(c) The Government have taken adequate steps to meet the situation and it is not in the public interest to give details of the security measures undertaken.”

SRI V. RAGHAVAYYA:—“In view of the very prolonged nature and continuance of these troubles and disturbances on the border of Andhra and in Andhra, may I know if the Government have discussed and considered the possibility of combining police operations with the military to put an end to these disturbances?”

THE HON. SRI K. MADHAVA MENON:—“I do not at all agree that it is a prolonged and continuous action. These two actions were within a week of each other, i.e., 21st December and 30th December. For two or three months prior to that and subsequent to that, there has been no incident at all. As for the suggestion of my hon. Friend as to what action is to be taken or has been taken, I shall certainly not disclose it, because we will be giving notice to the miscreants about the action that we propose to take.”

SRI V. RAGHAVAYYA:—“Is it a fact that the Hyderabad Government has not been able to put down these disturbances mainly because the police chiefs who have been appointed there are from retired officials of the Madras Government who retired long ago, and they are not able to visit the places and comb the areas?”

THE HON. SRI K. MADHAVA MENON:—“I am not aware of the Hyderabad Government employing retired Madras officials in their Police department, and I do not at all accept the allegation of my hon. Friend that it is all due to any negligence on the part of the officers there.”

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JANAB MUHAMMAD RAZA KHAN:—“Is it not a fact that two or three months prior to this, the Hon. Minister for Law made an extensive tour in the Krishna district and other areas and proclaimed openly that he and his Government have made all necessary arrangements to fight this menace and that such things would never happen in the future? And yet now is it that things are happening now in this continuing process?”

THE HON. SRI K. MADHAVA MENON:—“I do not know where the continuing process is. If I have said anything like that three months ago, it has certainly been proved right by nothing having taken place for three months; and if some marauders from the neighbouring State come and cause trouble, that is a contingency which one cannot expect.”

JANAB MOHAMED ABDUL SALAM:—“Is the Hon. Minister aware that there is a tendency, especially in the Krishna district that people are dubbed as Communists by different factions of the Congress Party and any incident of murder that takes place there is foisted on the Communists, and if so, whether he will take steps to satisfy whether there is really the Communists menace there?”

THE HON. SRI K. MADHAVA MENON:—“I am aware that is the usual trick employed by certain people, to say that they are dubbed Communists and charges are foisted upon them, though actually they are doing such things.”

SRI V. RAGHAVAYYA:—“May I know, Sir, whether the 11-15 Government admit or not, inasmuch as nearly 200 people have a.m. been killed in cold blood in this part of the country, they are willing to employ amphibious operations by moving patrol units to other affected areas and bringing this impasse to an end?”

THE HON. SRI K. MADHAVA MENON:—“I do not think my hon. Friend is doing any help by asking the Government to disclose all the methods they are employing to stop this evil.”

SRI B. S. MURTHI:—“Sir, is the Hon. Minister aware that as a result of the Communists menace, not the real Communists are brought to book, but it is the Harijans in cherries that are being persecuted and subjected to repressive measures by interested caste Hindus in villages because all these people are agricultural labourers?”

THE HON. SRI K. MADHAVA MENON:—“I am very sorry, it is a most unfortunate insinuation.”

SRI S. NAGAPPA:—“Arising out of the answer given by the Hon. Minister that so many murders have taken place in this area, may I know whether the Government brought to book all the people responsible for these murders and whether the Government assured the people of the localities concerned safety and protection, especially the peace-loving citizens of the area?”

THE HON. SRI K. MADHAVA MENON:—“I have already stated that murder was suspected to have been committed

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by certain people who came from Hyderabad and all steps are being taken to apprehend them and bring them to book. In regard to the question of assuring the people of protection, they have been already assured and only unnecessary fear is being created by my hon. Friend's question."

SRI B. S. MURTHI:—"Arising out of the answer given by the Hon. Minister that it is an unfortunate insinuation, is the Hon. Minister prepared to go to the mufassal where I will also come and show him what is happening there, and will he then be prepared to take action against the police officers who are responsible for excesses?"

THE HON. SRI K. MADHAVA MENON:—"Sir, there is no necessity for the Minister concerned to visit the places and find out first hand what has been done. If, on the other hand, excesses have been committed, they will be dealt with. My hon. Friend presumes that there are no communists and helpers among the Harijans."

SRI V. RAGHAVAYYA:—"Will the Hon. Minister for Law give the pleasure to the concerned suffering people by camping in the affected areas for some time in order to inspire the people of the locality with sufficient confidence, so that the communists also may have an idea of the realization of the prowess and powers of the Madras Government to put an end to these things?"

THE HON. SRI K. MADHAVA MENON:—"We are not particular of bandying our prowess."

Present position of foodgrains stock in Tirunelveli district.

* 327-C Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Food be pleased to state—

(a) whether it is a fact that the present stock of foodgrains in Tirunelveli district is sufficient only to cover the requirements up to the 14th January 1950;

(b) whether it is a fact that even at present only three or four days' ration for the week is distributed; and

(c) the arrangements that have been made for the speedy supply?

THE HON. SRI J. L. P. ROCHE VICTORIA:—" (a) The present stocks of rice in the district will last up to 14th January 1950 and with the imports of 5,900 tons allotted from Tanjore the stocks will last till 9th February 1950. The stocks of other foodgrains will be sufficient till 4th March 1950.

" (b) No. There was no breakdown of rationing anywhere in the district. It was only in Tiruchendur taluk it was found necessary to issue less rice as there was delay in the receipt of the December quota from Tanjore but sufficient quantity of other foodgrains were supplied.

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" (c) 5,900 tons of rice have been allotted to Tirunelveli district from Tanjore and necessary instructions have been issued to the local officers to arrange for immediate despatch of the stocks on top priority. The Director of Civil Supplies has gone to Tanjore on 8th January 1950 and he would see to the immediate movement of this quantity. Out of 5,439 tons of broken rice allotted to this Province and arrived at Cochin port on 7th January 1950, 1,000 tons has been allotted to Tirunelveli district. The clearing agents have been instructed to send 1,000 tons on top priority and to see that at least 600 tons are despatched to Tirunelveli on 9th January 1950. In view of these arrangements there is no cause for any anxiety."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, in view of the failure of the monsoon and the consequent famine conditions prevailing in this district and other districts also, will the Government take up immediately the question of creating buffer stocks in many centres of the district at least in one or two places in each taluk of the Tirunelveli district?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"It is only after meeting the immediate wants, the question of creating buffer stocks can arise and the Government are devoting their attention to supply the immediate wants of this district. When surpluses come in, the question of buffer stock can be considered."

SRI K. T. KOSALRAM:—"May I know, Sir, the exact stock at present held, or to-day, in the district?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"I have already stated in my answer to clause (a) of this question that the stocks on hand are supposed to last till 14th January 1950 and as stocks move from Tanjore the position will improve."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Would the Hon. Minister agree with me that this district as well as the whole Province will have to face difficult months somewhere after April next?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Yes, Sir, that depends upon the result of the crop being procured at present."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"As a matter of policy, will the Government give us an assurance that they will tackle the question of creating buffer stocks which will become a necessity later on?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"That will be considered, Sir."

SRI K. T. KOSALRAM:—"Sir, the official statement contained in the Hon. Minister's reply is not correct and so, will the Government constitute a Committee before whom I am prepared

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to prove that even three days' ration was not supplied, but only two days ration was supplied in the Nanguneri, Tiruchendur and Koilpatti taluks?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"I have already stated that there is no complete breakdown of rationing, but less rice was supplied owing to short supply and late arrival of supplies."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Will the Hon. Minister for Food, in consultation with the Hon. the Leader of the House, be able to tell us whether it will not be advisable for him to take the House into confidence and have a full-dress debate on the food situation before the end of this month or on the first day of the next session of the House?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Yes, Sir, if sufficient notice is given, we are prepared to have a discussion."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"It is not a question of notice, Sir. I am asking the Hon. Minister whether he would not be good enough to come before the House with a statement as regards the food position in the Tamil districts."

MR. SPEAKER:—"Only for the Tamil area?"

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I am sorry, Sir, for the entire Province."

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Yes, Sir, that will be considered."

SRI K. T. KOSALRAM:—"May I know, Sir, whether the Government have taken any steps to give top priority, even in regard to railway facilities, for food being sent to Tirunelveli district from Tanjore and Cochin?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"The very fact that a matter is given top priority shows that everything will be treated including railway priority, as top priority."

JANAB MOHAMED ABDUL SALAM:—"May I know whether the attention of the Hon. Minister for Food has been drawn to the news item that appeared in this morning papers wherein the ex-Premier of this Province, Sri O. P. Ramaswami Reddiar, taking advantage of the situation in Tirunelveli, has gone there and has been inciting people to rebel against the Government if the grievances of the ryots are not complied with?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"I have not seen that report."

SRI S. NAGAPPA:—"May I know, Sir, whether the breakdown in Tirunelveli which is expected to be after the 14th January, will affect only the statutory rationing areas or the whole district including informal rationing areas?"

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THE HON. SRI J. L. P. ROCHE VICTORIA:—"My reply deals with the district as a whole and so, it affects not only the statutory rationing areas but also the informal rationing areas."

JANAB ABDUL HAMEED KHAN:—"Sir, in view of the failure of the monsoon generally and on account of the cyclone havoc caused to the northern districts of Madras, may I ask what the Government have done in order to augment our reserve by making representations to the Government of India that they should give special consideration to our Province so far as food is concerned?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Representations have been already made and we are expecting further supplies from other provinces also. Next week there is going to be a Food Conference in Delhi with a view to making arrangements for our supplies."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"May I know, Sir, how many lakhs of tons that the Madras Government demanded from the Government of India during the coming year and how much they have promised so far?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Immediately after the cyclone havoc in the Circars, we found we were short of three lakhs of tons and asked the Government of India to make arrangements for meeting the situation. Though they have not given any definite reply, they are making arrangements to move all the surplus stocks from other provinces and they are beginning to arrive here."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, in view of the fact that besides the cyclone-affected areas, there are also other districts which have been affected by the failure of the monsoon, which are short of food-stuff, will not the Government revise their demand made originally to the Government of India?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"The three lakhs of tons, I have stated, represents the loss we expected from the cyclone and with regard to the deficit owing to the failure of monsoon; further representations are being made to the Government of India."

SRI P. VENKATASUBBAYYA:—"Sir, in view of the fact that there is sufficient surplus quantity of millets in Rayalaseema, will the Hon. Minister consider the desirability of moving those stocks to the deficit areas?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Arrangements have already been made to move them to deficit areas."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I ask, Sir, whether the Government have made any calculations with regard to the amount of foodgrains which is likely to be deficit in respect of the districts where the monsoon has been an utter failure, particularly in the Tamil districts?"

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THE HON. SRI J. L. P. ROCHE VICTORIA:—"Yes, Sir. The Government are proposing to send certain members from the Revenue Department to go and assess these losses, and make a report as to how to meet the situation."

Reference to caste or religion in Government records.

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

(a) whether the Government of India have given any direction or instruction with regard to the mentioning of caste or religion in the Government records;

(b) whether any exemption is given to any communities, and if so, what communities are exempted and for how long; and

(c) what the attitude of the Madras Government in this regard is?

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

" (b) & (c) Do not arise."

SRI B. S. MURTHI:—"Sir, am I to understand that the present communal Government Order will continue for some time without any change?"

THE HON. SRI B. GOPALA REDDI:—"Until contrary orders are issued it will continue."

JANAB MOHAMED ABDUL SALAM:—"Sir, would it not be better for the administration of the Province, even though there is no direction to this Government from the Central Government, to omit suffixes like 'Chowdary', 'Reddi', etc., from proper names, in our official records?"

THE HON. SRI B. GOPALA REDDI:—"I think it is desirable but along with these I do not know whether it will also be necessary to omit 'Janab', 'Khan Bahadur', etc., but this cannot be done in the immediate future."

Appointment of Honorary Surgeon in the Ophthalmic section of the Government Hospital, Kozhikode.

* 329 Q.—JANAB MUHAMMAD RAZA KHAN (on behalf of Janab B. Pocker): Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the present Honorary Surgeon in the Ophthalmic section of the Government Hospital, Kozhikode, was appointed after calling for applications as required by rules;

(b) if the answer is in the negative, why he was appointed without calling for applications;

(c) the date of his application;

(d) how long he has been in the said hospital as Honorary Ophthalmic doctor;

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(e) what the special reasons are for having an Honorary Ophthalmic Surgeon in the said hospital and not an Honorary Assistant;

(f) whether it is a fact that the said Ophthalmic Surgeon was appointed when there was already an Assistant Ophthalmic Surgeon; and

(g) why an Honorary Surgeon was found necessary in addition to an Assistant Surgeon?

THE HON. DR. T. S. S. RAJAN:—" (a) The present Honorary Surgeon in the Ophthalmic department of the Government Headquarters Hospital, Kozhikode, is Dr. P. Balakrishna Menon, M.B.B.S., L.O. He was appointed in December 1948 without calling for applications.

" (b) The appointment was made purely on temporary basis pending advertisement and selection of a suitable candidate. The rules provided for making such temporary appointments in cases of urgency. The post has since been advertised and Dr. Balakrishna Menon is the only applicant.

" (c) 7th November 1947 originally.

" (d) For over 14 years.

" (e) to (g) There was already a post of Honorary Assistant Medical Officer in the Ophthalmic department of the Hospital. As this hospital is a District Headquarters Hospital and as there was need for an additional post of Honorary Surgeon it was sanctioned by Government."

Supply of Jog electric current to Hospet town.

* 330 Q.—SRI A. RAYAPPA: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Jog Electric Current has been supplied to Hospet town; and

(b) when it is expected to be supplied to Guntakal and Adoni?

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

" (b) Extension to these places may not be before June 1950."

SRI A. RAYAPPA:—"Is it a fact, Sir, that the work has been slowed down for want of insulators?" 11.30 a.m.

THE HON. SRI M. BHAKTAVATSALAM:—"It is not a question of slowing down the work; our work is held up for want of insulators."

SRI S. NAGAPPA:—"What was the time that was estimated when this was taken up and why longer time has been taken than was originally expected?"

THE HON. SRI M. BHAKTAVATSALAM:—"I have already answered the question, Sir. The work is held up on account of shortage of insulators. We had ordered them from a certain firm but we have not been able to get them; we have pulled them up from the other systems and with that, we

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have been able to bring electricity to Hospet and again we have ordered from another firm and we are waiting for them."

SRI N. VENKATASUBBAYYA:—" May I know, Sir, if it is a permanent supply of electric energy from Jog and may I know what other areas apart from those that are mentioned in the question will have supply? "

THE HON. SRI M. BHAKTAVATSALAM:—" We are taking power from Jog under contract and regarding the other areas, I would like to have notice, Sir."

SRI P. VENKATASUBBAYYA:—" In view of the fact that the people of Sandur made representations to the Hon. the Finance Minister when he was there that the people of Sandur may have the benefit of extended power from Jog, will the Hon. the Minister for Public Works be pleased to state whether electric current will be extended to Sandur State also? "

THE HON. SRI M. BHAKTAVATSALAM:—" I shall look into it."

SRI S. NAGAPPA:—" Regarding the supply of electric energy to Hospet, may I know whether it would be only for lighting purposes or agricultural purposes also? "

THE HON. SRI M. BHAKTAVATSALAM:—" Power will be available for all purposes, not only for lighting and agriculture but also for industrial and other purposes."

SRI N. VENKATASUBBAYYA:—" May I know, Sir, whether the supply of power from Jog will form finally a part of the Tungabhadra Hydro-Electric Grid? "

THE HON. SRI M. BHAKTAVATSALAM:—" When we take power from the Tungabhadra Grid, it may not be necessary to get it from Jog."

Installation of automatic machines for the issue of tickets in buses.

* 351 Q.—SRI A. RAYAPPA: Will the Hon. the Minister for Finance be pleased to state whether there is any proposal before the Government—

(i) to install automatic machines for issuing bus tickets in the City; and

(ii) to abolish standing accommodation for passengers in the City Bus Service?

THE HON. SRI B. GOPALA REDDI:—" (i) & (ii) The answers are in the negative."

SRI A. RAYAPPA:—" In view of the fact that there are more and more instances of pickpocketing while getting into and also coming out of the buses, is it not desirable, Sir, in the interests of the safety of the passengers to abolish standing accommodation? "

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THE HON. SRI B. GOPALA REDDI:—" But the difficulty is that the traffic cannot be cleared without this; so, necessarily for one or two hours in the peak hours, we will have to permit standing accommodation."

SRI R. V. SWAMINATHAN:—" In view of the fact, Sir, that still the present number of buses is not sufficient to meet the requirements of the public, may I know, Sir, whether the Government will increase the number of buses? "

THE HON. SRI B. GOPALA REDDI:—" That is being done; the Road Traffic Board is making recommendation to the Transport Commissioner and he is looking into the matter and wherever it is needed, fresh buses are sanctioned."

JANAB MUHAMMAD RAZA KHAN:—" May I know whether the attention of the Hon. Minister has been drawn to an editorial in a leading Madras paper and letters to the editor expressing dissatisfaction with the way in which bus service is being conducted in the City of Madras? "

THE HON. SRI B. GOPALA REDDI:—" Only letters expressing dissatisfaction will be written and published but letters expressing satisfaction never find a place anywhere."

BEGUM SULTAN MIR AMIRUDDIN:—" With reference to the installation of an automatic machine, may I know whether any attempt was made to procure it as the answer is merely in the negative."

THE HON. SRI B. GOPALA REDDI:—" A demonstration was made to me but I find that it is very costly."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" Arising out of the answer of the Hon. Minister regarding the increase in the number of buses in the mufassal, may I remind him that in reply to my question put some months back to him whether in view of the easy position in railway traffic, the Government will consider the desirability of cutting down the buses on long routes going along the railway lines so that the passenger traffic might be diverted to the railway and thereby conserve petrol, he replied that the matter will be looked into; may I know where it stands and what has been done in that direction? "

THE HON. SRI B. GOPALA REDDI:—" All these facts have been taken into account when we issued a Government Order to the effect that it should go before the Central Road Traffic Board and if it is necessary, it will allow it; the previous rule was that the Regional Transport Authority could sanction fresh permits but we are now controlling and it will go to the Central Road Traffic Board who will see that unnecessary buses are not put on the roads in the districts."

JANAB M. MUHAMMAD ISMAIL:—" In view of the fact that standing passengers have become a permanent feature in many of the buses in the City and on several routes, are not the Government taking any steps to increase the number of buses? "

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THE HON. SRI B. GOPALA REDDI:—"Even in big cities like London there are standing passengers and I think it is not possible to avoid it in the peak traffic hours."

SRI B. S. MURTHI:—"Will the Government consider the desirability of introducing double-deckers in order to relieve congestion?"

THE HON. SRI B. GOPALA REDDI:—"Our overhead lines, both electric and tramway, may not permit double-deckers in most of the routes; perhaps ultimately, we will have to take to trailers to our diesel buses in order to relieve peak hour congestion."

SRI GUNTUR NARASIMHA RAO:—"What are the amenities that the passengers get seeing that even before the introduction of nationalization of bus services, there was this system of standing passengers and it has continued even now after the Government have taken it up?"

THE HON. SRI B. GOPALA REDDI:—"A large number of new routes have been opened up after nationalisation and the seating capacity has been increased to over 40 per cent than what it was previous to nationalisation and the passengers, except for the peak hours of the day, can have a joy ride in the buses."

SRIMATHI V. LAKSHMI AMMAL:—"Is the Hon. Minister aware that in Bombay there is no standing accommodation and seating accommodation only is provided?"

THE HON. SRI B. GOPALA REDDI:—"I am told that recently in Bombay they have stopped standing passengers and I do not know anything more about it."

JANAB ABDUL HAMEED KHAN:—"Is it not advisable and also doing some sort of service and justice to the passengers on routes where buses come at intervals of an hour to scrap that route altogether rather than to keep it as a disgrace to the service?"

THE HON. SRI B. GOPALA REDDI:—"It is really a very difficult question to answer. To scrap it altogether or have a service at one hour interval is a thing which is to be decided by the people of the locality and if you ask the people of the locality about it, they would prefer the existing system rather than have no buses at all; something is better than nothing."

JANAB ABDUL HAMEED KHAN:—"Does the Hon. Minister realize that inasmuch as the bus is provided on that route though at intervals of one hour, people of the locality stop on the road for hours for it but if the bus route is removed, the people will not put themselves to that necessity?"

THE HON. SRI B. GOPALA REDDI:—"As I said, Sir, it is a matter of opinion; perhaps nothing can be said without examining the question; it is a hypothetical question and each question will have to be considered on its merits."

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SRI GUNTUR NARASIMHA RAO:—"May I know, Sir, why after nationalization our buses plying on the roads are more noisy and rickety?"

THE HON. SRI B. GOPALA REDDI:—"I do not accept the suggestion that they have become rickety or more noisy after nationalisation as even before nationalisation, these noises were there."

SRI V. I. MUNISWAMI PILLAY:—"Is the Hon. Minister aware that on account of traffic to the Khadi Exhibition many buses have been diverted to it from the regular routes and thereby people on those routes have to keep waiting for hours together for a bus? May I know what is the remedy?"

THE HON. SRI B. GOPALA REDDI:—"When a large number of people want to attend the Exhibition, some more buses have to be provided on that line and it is not as though a large number of buses from other routes have been diverted to that route just now we have a large number of buses on the road and so buses are very few and on the whole the position is quite satisfactory."

JANAB M. S. ABDUL MAJID:—"Forgetting for the moment editorial comments in a leading Madras paper and the letters published in it, may I know what are the several amenities that he has provided for the public from the nationalisation of transport and whether the increase of fares is one of such amenities?"

THE HON. SRI B. GOPALA REDDI:—"We could never have it both ways; you could not have more amenities and also keep to low fares; when compared with other cities like Bombay, Calcutta and Delhi our fares are the cheapest."

SRI V. M. RAMASWAMI MUDALIYAR:—"Is it not a fact, Sir, that after nationalisation our bus service is sound in every part?"

JANAB MUHAMMAD RAZA KHAN:—"Is it not very unfortunate that in spite of all that is done by the Hon. Minister and his Department, the dissatisfaction of the public with regard to the working of the bus service is daily increasing and may I know what the reasons are?"

THE HON. SRI B. GOPALA REDDI:—"I am quite satisfied that people will not be satisfied with whatever that is done in the Transport Department."

JANAB MOHAMED RAFEEUDIN AHMAD ANSARI:—"Will the Hon. Minister consider the desirability of abolishing standing accommodation at least during the hot months in the interests of public health?"

THE HON. SRI B. GOPALA REDDI:—"I cannot say anything offhand. The suggestion will, however, be considered; but it is during the hot months that people go about much and need the bus and difficulties of traffic will arise."

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SRI N. S. VARADACHARI:—“Are not the Government aware that the saturation point is to be determined in respect of the bus service not merely by taking into account the number of buses or routes or standing or sitting accommodation, but taking into effect the cumulative effect of all these various circumstances?”

THE HON. SRI B. GOPALA REDDI:—“Obviously the answer to that will be ‘yes’.”

JANAB ABDUL HAMEED KHAN:—“May I know what exactly the difficulty is in increasing the number of buses particularly on routes where buses do not run at shorter intervals?”

THE HON. SRI B. GOPALA REDDI:—“It is a question of pure economics and when we run more buses than the traffic warrants, we get naturally less returns and it would not satisfy our criteria.”

JANAB ABDUL HAMEED KHAN:—“Is it not a fact that nationalisation has been brought in more to give relief to the passengers than to make money and earn profits?”

THE HON. SRI B. GOPALA REDDI:—“Profit motive is not of course the sole criterion and the criteria by which the Transport Department is running are all factors that are being considered.”

Treatment by Streptomycin for tuberculosis.

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

(a) whether streptomycin is used for treating tuberculosis in the Government hospitals; and

(b) whether the attention of the Government has been drawn to the warning given by the British medical journal against its use; as it causes giddiness and deafness and may even upset a patient's sense of balance permanently and if so, what the Government propose to do in the matter?

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

“(b) The Government are advised that controlled and judicious use of streptomycin where the indications warrant its use is not dangerous to life and only a small percentage of cases show signs of giddiness, loss of balance or deafness. Even in such cases the effects are not permanent. Every care is being taken in the matter in Government institutions.”

11-45 P.M. SRI B. S. MURTHI:—“Is the Hon. Minister aware that an hon. Member of the Upper House has been administered streptomycin and as a result of it, he is to-day blind and deaf?”

THE HON. DR. T. S. S. RAJAN:—“I am not aware of it, Sir. But surely streptomycin does not produce such a permanent trouble as has been referred to by my hon. Friend.”

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BEGUM SULTAN MIR AMIRUDDIN:—“Is not streptomycin administered to tuberculosis patients in the Tambaram Sanatorium?”

THE HON. DR. T. S. S. RAJAN:—“It is given to those that need it both by private practitioners and by physicians in hospitals.”

BEGUM SULTAN MIR AMIRUDDIN:—“May I know from the Hon. Minister, who is a doctor, whether there is any other injection as efficacious as streptomycin, if so, why that should not be given to patients?”

THE HON. DR. T. S. S. RAJAN:—“It is a question of comparative merit about the effect, injection produces on a disease. But so far, streptomycin seems to have the best effect.”

SRI L. N. GOPALASWAMI:—“May I know from the Hon. Minister, Sir, whether streptomycin is a preventive or a cure?”

THE HON. DR. T. S. S. RAJAN:—“It is curative, Sir.”

Admission of pupils for training in basic education at Kuruvikulam.

* 333 Q.—SRIMATHI V. LAKSHMI AMMAL: Will the Hon. Minister for Education be pleased to state—

(a) the number of pupils admitted for training in basic education at Kuruvikulam in Tirunelveli district this year;

(b) the present number on the rolls of the institution; and

(c) the reasons for the change in strength?

THE HON. SRI K. MADHAVA MENON:—“(a) The particulars are as follows:—

In the senior section—39.

In the junior section—43.

“(b) The number on the rolls at present are as below:—

In the senior section—35.

In the junior section—38.

“(c) The figures do not reveal any fall which can be considered around.”

SRIMATHI V. LAKSHMI AMMAL:—“Sir, is it not a fact that many students have left the school and may I know what is the reason for it?”

THE HON. SRI K. MADHAVA MENON:—“Sir, only five students in one case and four in another case have left the school; the rest are all there in the school. In the case of senior grade students, out of the four who have left the school after admission, two left the school since they got appointment elsewhere, one due to an urgent call for management of his lands and the other on account of his inability

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to adjust himself to the new scheme of education. Out of the five candidates in the junior class who left the school, one left on account of continued illness, one for continuing his high school studies, and two left since they were not accustomed to manual labour and the kind of food prepared here with ragi and cholam. These reasons are given by the students themselves in their written statement."

SRIMATHI V. LAKSHMI AMMAL:—"Sir, is it a fact that the meals served there were not satisfactory to the students?"

THE HON. SRI K. MADHAVA MENON:—"Yes, Sir. I said that in the case of two students, they were not accustomed to manual labour and the food prepared out of ragi and cholam did not suit them."

JANAB MOHAMED ABDUL SALAM:—"Sir, whenever the question of basic education comes up is it not a proper thing for Hon. Minister for Education to consult his predecessor in office, who is an authority on basic education?" (Laughter.)

THE HON. SRI K. MADHAVA MENON:—"That is not a question arising out of the present question. Anyhow I shall reply it. I shall certainly consult the ex-Minister, whenever it is necessary, as it will be helpful to me."

Sri Kumaraswamy temple in Sandur.

* 334 Q.—SRI P. VENKATASUBBIAH: Will the Hon. the Minister for Public Health be pleased to state whether Sri Kumaraswamy temple in Sandur and its endowments have been taken over by the Government or whether the Hindu Religious Endowments Board has appointed a trustee or trustees for the temple?

THE HON. DR. T. S. S. RAJAN:—"The Government did not take over the administration of the temple. According to the Sandur State Temples Proclamation, 1948, the management of the temple with its endowments, entirely vests with the ruler."

SRI P. VENKATASUBBIAH:—"Is it not a fact, Sir, that the temple with its endowments is not the private property of the ruler of Sandur, but many lands to the temple were given to the temple by many philanthropic people of the State?"

THE HON. DR. T. S. S. RAJAN:—"According to the terms of the merger, the temples in the State are now under the control of the ruler."

SRI P. VENKATASUBBIAH:—"Is it a fact, Sir, that the temples of other States that are merged, like Pudukkottai and Banganapalle, have been taken over by the Hindu Religious Endowments Board, and if so, why this special concession shown to the Sandur State ruler?"

THE HON. DR. T. S. S. RAJAN:—"The Hindu Religious Endowments Board have taken over the temples that have

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been handed over to them. According to the terms of merger, the rulers of States have got some control over temples and hence it is they vest with them."

SRI R. V. SWAMINATHAN:—"May I request the Hon. Minister to write to the Central Government to reconsider this matter and ask them to hand over the temple to the Hindu Religious Endowments Board?"

SRI S. NAGAPPA:—"May I enquire, Sir, wherever the Government have taken charge of temples in States and appointed trustees whether they have appointed any Harijan as a trustee, since a Harijan is a better Hindu than other caste Hindus?" (Laughter.)

SRI P. VENKATASUBBIAH:—"Is it a fact that the Maharaja of Sandur has sold jewellery worth one and a half lakhs, and if it is so, may I know whether it has been debited into the temple account or his personal account?"

MR. SPEAKER:—"That does not arise out of the present question."

SRI R. V. SWAMINATHAN:—"May I ask whether the Hon. Minister is aware of the fact that quite recently one Harijan member has been appointed as a trustee to the Kunnakudi temple in Ramnad district?"

MR. SPEAKER:—"We are in Sri Kumaraswamy temple in Sandur State, and I do not know how the Kunnakudi temple can come in. So I disallow the question."

Extent of forests under the management of the Revenue Department.

* 335 Q.—JANAB S. MUHAMMAD ISMAIL: Will the Hon. the Minister for Prohibition be pleased to state—

(a) the extent of the forests still under the management of the Revenue Department; and

(b) whether the Government have any proposal to take these forest areas away from the Revenue Department?

THE HON. SRI N. SANJEEVA REDDI:—" (a) The area of panchayat forests under the management of the Revenue Department is 1,129 square miles.

" (b) Out of this area of 1,129 square miles which is still under the management of the Revenue Department, the Government have ordered the transfer of 54 square miles in South Arcot and 16 square miles in Visakhapatnam districts to the Forest department. Proposals for taking over a further extent of 898 square miles of panchayat forests from the control of the Revenue Department are under consideration."

JANAB S. MUHAMMAD ISMAIL:—"Sir, as the Revenue Department is already overworked and so as the management of

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the forests by them is quite unsatisfactory and inefficient, will the Government consider the desirability of taking over of all forest panchayats to the control of the Forest department ? ”

THE HON. SRI N. SANJEEVA REDDI:—“ Sir, the panchayat forests have been taken over by the Government not because they were not properly worked and not because the Revenue department has been overworked, but we have been taking them over to Forest department for the last so many years whenever we found proper staff to run.”

SRI V. RAGHAVAYYA:—“ May I know, Sir, on what basis, this bifurcation between the Revenue department and the Forest department made? Is it on the basis of unsuitability of the area, for regular forest coupes, or is it on the plea that local needs have to be satisfied through the Revenue department? ”

THE HON. SRI N. SANJEEVA REDDI:—“ I cannot say at this stage why they were handed over to village panchayats. Perhaps it was given to meet the needs of the village people for grazing cattle and supplying green manure. But we find to our regret they are very badly managed and so the Government is taking them over to the Forest department.”

SRI V. I. MUNISWAMI PILLAY:—“ Sir, apart from the forest panchayats being taken over by the Forest department, may I know whether the lands adjoining forests, where soil conservation rules have not been adhered to, will be taken over by the Government for cultivation ? ”

THE HON. SRI N. SANJEEVA REDDI:—“ In these days, when there is great clamour for cultivation, it is very difficult to take over private land also; but wherever it is necessary it will be considered.”

SRI V. I. MUNISWAMI PILLAY:—“ Sir, I am not talking of private land; I am talking of land belonging to the Government; will such lands be taken up for cultivation by the Government themselves ? ”

THE HON. SRI N. SANJEEVA REDDI:—“ If there are any such lands the Government will certainly consider them.”

SRI N. S. VARADACHARI:—“ Sir, will the Government consider the desirability of managing those forests which have been taken over, with the sole interest of producing green manure leaf, agricultural implements and the like which are needed by the local people, since the forests are mostly plain forests as distinct from hill forests ? ”

THE HON. SRI N. SANJEEVA REDDI:—“ The purpose is the same in maintaining both kinds of forests.”

SRI K. KOTI REDDI:—“ May I know, Sir, in what way the forest was mismanaged by the panchayats ? ”

THE HON. SRI N. SANJEEVA REDDI:—“ By not affording facilities for grazing cattle and supply of green manure and other similar things.”

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SRI S. NAGAPPA:—“ Sir, if, in the forest that is going to be taken away from the Revenue department, there is any forest area fit for cultivation, will the Government consider the desirability of deforestating it and giving it to agricultural labourers to cultivate it on a co-operative basis in order to produce more food ? ”

THE HON. SRI N. SANJEEVA REDDI:—“ I am afraid we are already cultivating very big areas in forest; and it has been to our ruin; for it is because of that, the scientists say, there is lack of rain in the land.”

SRI A. VEDARATNAM PILLAI:—“ May I know, what is the difficulty in taking over the entire area of forests now under the control of the Revenue department? ”

THE HON. SRI N. SANJEEVA REDDI:—“ We are understaffed, and so other arrangements have to be made before we take them over. We have appointed an officer for that, and slowly it is going on, for whenever we find we have trained men, as also other facilities, we take them over.”

JANAB H. S. HUSSAIN:—“ Sir, has the Government a definite policy or plan for the apportionment of forest areas throughout the Province between the Forest department and the Revenue department ? ”

THE HON. SRI N. SANJEEVA REDDI:—“ Evidently, Sir, the policy on which forest area was handed over to the panchayats was to afford facilities to agriculturists by way of green manure and grazing facilities to the cattle. I do not know whether there was a plan on which it was handed over to them. But to-day there is a plan on which we are taking over forest areas from the control of the panchayats.”

SRI G. KUMARASWAMI:—“ May I know the particular circumstances under which these forests were originally handed over and kept under the management of the Revenue department. ”

THE HON. SRI N. SANJEEVA REDDI:—“ That is exactly what I said in reply to a previous question. Perhaps on the ground of convenience, that is, nearness to the village, it was given.”

SRI V. RAGHAVAYYA:—“ Are the Government aware that when zamindari forests have been taken over, for instance in Venkatagiri estate, kanchas, which were grazing grounds before, are being put to auction now to the highest bidder, and this is causing a lot of inconvenience to the free grazing facilities of ryot population ? ”

THE HON. SRI N. SANJEEVA REDDI:—“ The Forest department has not taken over all the zamindari forests.”

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Bonus paid to the agriculturists.

* 336 Q.—JANAB M. S. ABDUL MAJID (on behalf of Janab M. A. Muhammad Ibrahim): Will the Hon. the Minister for Food be pleased to state—

(a) the total amount of bonus paid to the agriculturists for the surrender of their surplus foodgrains till 31st March 1949;

(b) the total amount of surcharge or administrative charges the Government have collected through their purchasing officers from October 1947 up to 31st March 1949;

(c) the percentage, the collection of surcharge or administrative charges bears to the actual bonus paid; and

(d) the total amount of food subsidy (contribution) the Madras Government have received from the Central Government from 1st April 1947 to 31st March 1949?

THE HON. SRI J. L. P. ROCHE VICTORIA:—“(a) Rs. 4,90,78,232 under the bonus scheme of 1947.

“(b) The total amount of bonus surcharge collected is Rs. 3,72,14,665. The administrative surcharge was ordered to be collected only from 1st July 1949.

“(c) The percentage which the bonus surcharge collected to the end of 31st March 1949 bears to the actual bonus paid to the end of 31st March 1949 works out to 83.71 including collections made prior to October 1947.

“(d) Subsidy has been granted by the Government of India to meet losses in disposal of foodgrains imported from outside India from 1st January 1948 only. The amount of subsidy so granted by them and adjusted in 1948-49 to the credit of this Government is Rs. 6,01,40,335. Besides this subsidy the Government of India have granted a procurement bonus on the quantities of rice procured from 1st November 1947 to 28th February 1949 amounting to Rs. 2,10,42,995.”

12 noon. SRI L. N. GOPALASWAMI:—“May I know whether a good portion of this bonus still remains unpaid and, if so, what the amount is?”

THE HON. SRI J. L. P. ROCHE VICTORIA:—“The bonus is still being paid and we are hurrying up to complete the payment as early as possible.”

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

II.—ADJOURNMENT MOTION *RE* PRIVILEGES OF MEMBER—DETENUS.

MR. SPEAKER:—“The hon. Member, Mr. Mohamed Abdul Salam, has given notice of the following adjournment motion:—

‘that the business of this House do stand adjourned to discuss a definite matter of urgent public importance, namely, the action of the Government in preventing Members of this House, who

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happen to be detenues, from sending questions, resolutions and amendments to the Hon. Speaker for the consideration of this House, thereby infringing on the privileges of hon. Members.’

“I need not tell the House that the privileges of Members are at present defined in section 71 of the Government of India Act, 1935. It runs as follows:—

‘Subject to the provisions of this Act and to rules and standing orders regulating the procedure of the Legislature, there shall be freedom of speech in every Provincial Legislature, and no Member of the Legislature shall be liable to any proceedings in any Court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a Chamber of such a Legislature of any report, paper, votes or proceedings.’

“In the constitution of India, which is coming into force from 26th January 1950, the privileges are enlarged. Article 194 of that constitution reads as follows:—

‘In other respects, the powers, privileges and immunities of a House of the Legislature of a State, and of the Members and the committees of a House of such Legislature, shall be such as may from time to time be defined by the Legislature by law, and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution.’

“In the House of Commons there is a special procedure laid down for the questions of privileges. We have no such thing in this Legislature. However, it is a very important question as it concerns the privileges of the Chair also. As far as I am concerned, I am going to take it up with the Government very seriously. In view of that, I think it is not necessary for the hon. Member to press the adjournment motion.”

JANAB MOHAMED ABDUL SALAM:—“Sir, we know that the Hon. Speaker always stands for the privileges of the Members.”

MR. SPEAKER:—“Certainly.”

JANAB MOHAMED ABDUL SALAM:—“I depend upon the assurance of the Hon. Speaker and do not press the adjournment motion.”

III.—GOVERNMENT MOTION.

MOTION UNDER RULE 17 OF THE MADRAS ASSEMBLY RULES.

THE HON. SRI B. GOPALA REDDI:—“Mr. Speaker, Sir, I move—

‘that rule 17 of the Madras Assembly Rules be suspended and the House do resolve to transact Government business on Thursday, the 12th January 1950.’

“For the last time under the existing Constitution, I am put to the painful necessity of moving this proposition for the acceptance of the House. I will not move similar motions any more under the existing Constitution and we shall see what happens when the new Constitution comes into force. We are on the third reading stage of the Village Panchayats Bill. Since the Members

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are anxious to finish the third reading stage and go to their respective places for Pongal holidays, I suppose the House will have no objection to accept the motion unanimously."

Janab Mohamed Abdul Salam rose to speak.

MR. SPEAKER:—"The leader of his party, Mr. Abdul Hameed Khan, has accepted the motion on behalf of the Party."

JANAB MOHAMED ABDUL SALAM:—"Sir, I entirely agree with my Leader. But I have to say that very unfortunately whenever this resolution comes up, it looks as if it is a fraud on the Constitution of this Province . . ."

MR. SPEAKER:—"Order, order. The Hon. Leader of the House has moved the motion on behalf of the Ministerialist Party and he has taken the consent of Mr. Hameed Khan, the leader of the Party to which Mr. Salam belongs. When the leader has agreed on behalf of the whole Party, I will not allow the hon. Member to speak."

SRI R. V. SWAMINATHAN:—"Sir, my submission is this. The third reading of the Panchayats Bill may not take up the time of the House beyond 1-30 p.m. Therefore in the afternoon the House can transact non-official business and I hope the Hon. Leader of the House will agree to this."

MR. SPEAKER:—"Hon. Members want to leave for their places as soon as possible on account of Bhogi and Pongal and so it is not possible to take up non-official business—"

The question is—

'that rule 17 of the Madras Assembly Rules be suspended and the House do resolve to transact Government business on Thursday, the 12th January 1950'."

The motion was carried.

SRI K. T. KOSALRAM:—"The hon. Gentleman, Janab Mohamed Abdul Salam, used the word 'fraud'. I want to have a ruling from the Chair on the point whether that word is parliamentary or unparliamentary."

MR. SPEAKER:—"The hon. Member should have raised the objection then and there. I have not allowed the hon. Member Mr. Salam to proceed. He just began to say something and I stopped him."

IV.—GOVERNMENT BILL.

THE MADRAS VILLAGE PANCHAYATS BILL, 1949—cont.

Clause 6.

THE HON. SRI K. CHANDRAMOULI:—"Sir, under rule 93 (3) of Madras Assembly Rules, I move certain verbal amendments, viz.—

'that in clause 6, sub-clause (1), the words "and other ex-officio members" be omitted.'

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This amendment is consequent on the deletion of clause 8 which provided for the village headman being an *ex-officio* member of the panchayat."

The amendment was put and carried.

Clause 7.

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

'that in clause 7, the words "exclusive of the ex-officio members" be omitted.'

"This also is a consequential amendment."

The amendment was put and carried.

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

'that the clauses of the Bill be renumbered in the numerical order and consequential changes made in the body of the Bill'."

The amendment was put and carried.

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

'that the Madras Village Panchayats Bill, 1949 (L.A. Bill No. 22 of 1949), as amended, be passed into law'."

MR. SPEAKER:—"Motion moved—

'that the Madras Village Panchayats Bill, 1949 (L.A. Bill No. 22 of 1949), as amended, be passed into law'."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, Sir, it gives me very great pleasure to offer my congratulations to the Hon. Gentleman the Minister for Local Administration on his perseverance in piloting this Bill. He has been very sincere in his attempt to do some good to the panchayat areas and he must have a sense of satisfaction by now that the House has agreed almost unanimously to most of the provisions of the Bill. I am very glad that he referred this Bill to a Select Committee. I believe that he was able to convince the members of that Committee regarding the innovations that he has introduced in the Bill. These innovations are to be tried only as an experiment and we all hope that the experiment will be a success. I was one of those who felt that the election of the president directly by the voters might not be advisable. Though I was not in the Assembly when the clause was considered, I read the proceedings and found that several Members felt like me. If there are no bickerings, direct election of president will conduce to smooth administration. If the president is elected directly by the voters, he will be an outstanding man who can run the panchayat well and the members will not be divided into camps over the election of president. To that extent, this innovation is a somewhat happy feature. It is these considerations that made the Hon. Minister put in this clause. Let me join him in the hope that the experiment will be a success and that the panchayats under this Bill will also be a success."

[Raja Muthiah Chettiyar of Chettinad] [12th January 1950]

"Let me also hope that it may not be necessary to have executive officers for all panchayats. I feel that executive officers generally, whether in panchayats, municipal councils or temples, are not justifying the confidence that the Government and the Legislature have put on their offices. Though I was myself responsible for drafting the Bill providing for the appointment of executive officers to municipal councils and the Government accepted and moved the Bill, on many occasions several persons like me have had occasion to criticize the conduct of many municipal commissioners. Even in the Hindu Religious Endowments Bill, the amendment to omit the clause providing for the appointment of executive officers for temples was keenly debated and lost six members voting for and nine against."

MR. SPEAKER:—"The hon. Member should not reveal what took place in the Select Committee."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I am sorry and I withdraw."

12-15 P.M. "Executive officers sometimes arrogate to themselves the position of masters, think that they are policemen and that the non-officials are mere nothings. That is a wrong approach to the duties of the posts which the executive officers are called upon to fill. The executive officers of these panchayat boards are certainly like the clerks of the Manchester and Birmingham County Councils and it is their primary duty to carry out the resolutions of the panchayat. If there is any mistake in the procedure or resolutions of these panchayat board meetings, it is their duty to point out those errors and mistakes and also to take action on those resolutions and to keep the Government in touch with their activities and working at the other end. Therefore, Sir, it is our hope that these executive officers will confine themselves to carrying out their duties in the proper spirit and not to think that they are the top-dogs in the panchayat area. I have no doubt that the new Panchayat Act will ensure a lot of success so far as the administration of the village panchayats is concerned."

"Let me once again offer my heartiest felicitations to the Hon. Minister for Local Administration for the successful way in which he has piloted this Bill through and let us wish this new enactment godspeed."

SRI V. I. MUNISWAMI PILLAY:—"Mr. Speaker, Sir, it is a happy augury that the Hon. Minister has had the foresight to bring in a legislation for the administration of the villages. Sir, when the New Constitution is ushered in, in this country, the people of this Province also will feel proud of the activities of the Hon. Minister for Local Administration. It is clearly stated in Article 40 of the New Constitution that will come into effect on the 26th January 1950 that the State shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government."

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"Sir this country has had a chequered career in the establishment of village panchayats so that the common man may have a say in the administration of his own village. It is for this that Mahatma Gandhi was, for many decades, urging on the administrators that something substantial must be done so that the villager can feel happy in his own home. I must congratulate the Hon. Minister for having taken such great efforts to bring this legislation to fruition and I am sure, Sir, that when this Bill is passed into law, it will come along with the inauguration of the republic of this great country."

"Sir, in this Bill I find that great responsibilities are thrown on the shoulders of the Inspector. He comes next to the Government and has to face many difficulties that will confront him in the successful management of the panchayats. Sir, it is in our knowledge that such a high office has been given to people who have had long experience not only of the administration of local bodies, but also who have had clear notions of village life. I am sure, Sir, that the Hon. Minister and the Cabinet will see that this important office of the Inspector is occupied by a man who has proved himself successful in the administration of villages and also who has the sympathy for the villager."

"Sir, during the discussion of this Bill at the second reading stage, many members have said that there were factions in the villages. I do not admit, Sir, that there is faction in every village. There may be some villages where there are factions, but the various provisions that are made in this Bill will surely find a way for reconciliation in respect of those matters which are thought of by the legislators of this country to-day."

"Sir, now I come to the clause wherein the Hon. Minister and the Joint Select Committee have thought it necessary to have reservation for the scheduled castes. Sir, the wording in the Constitution itself is compulsory reservation, but as regards the language used in the present Bill, I feel a bit doubtful. I know, as a matter of fact, the sympathy which the Hon. Minister has for the scheduled castes and for their uplift and I hope that in the rules which will be made under this Bill, he will make it definite that there is reservation for the scheduled castes in all panchayat boards. If this is not done, I do not think that we will have copied the spirit of the New Constitution in its entirety, because that very august body, the Constituent Assembly, has thought it necessary that there ought to be reservation for the scheduled classes. It is not because that the scheduled castes form a portion of the minority, but it is also admitted on all hands that the socio-economic status of the Harijans has gone to a stage from which they will have to be lifted up, if not to-day, at least tomorrow. I am sure, Sir, that the language of the Bill will be made clear so that there may be no doubt in the minds of the Harijans that the reservation has been made as a matter of fact."

"Sir, the hon. the Gentleman, the Raja Saheb of Chettinad, has mentioned about the executive officer. Those who have been in the municipalities and district boards feel that there ought to be an executive officer in panchayats where it is necessary and I

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think that the Rajah Saheb had made this point clear. But we should not make it a point of appointing executive officers for all the panchayats. This Bill should give a certain amount of democratic spirit and should see that those representatives chosen for the panchayats and also the presidents function as a democratic body, so that the people in the villages may feel that the affairs of the village are managed by themselves.

"Coming next to the function of the panchayats, I feel glad, Sir, that a provision has been made in this Bill for the promotion of cottage industries. Sir, if we go into the history of the villages we will find that in former years or in some decades back, the villages were self-sufficient in every respect and the villagers had avocation throughout the year to do all things for themselves to make them live happily and also to meet the needs of the village. But due to exploitation and the foreign rule, the villages have become rack and ruin and cottage industries which were so nobly envisaged by Mahatma Gandhi had been given a go-bye. I am proud that the Hon. Minister has made a regular provision in the Bill for the promotion of cottage industries.

"Another point, Sir—about the management of kudimaramath. Those who know what is happening in the villages about the kudimaramath work will admit that it is only the poor and unfortunate Harijans who are being asked to attend to the kudimaramath for a pittance. But now, Sir, I see from the Bill that the village community has been called upon to attend to kudimaramath. It is very essential in these days that this work must be shared by all, because there is a feeling that the Harijans as well as the caste Hindus must rise to the occasion and must manage their own affairs in the villages. There ought to be equality in the field of service and whether it is the Harijan or caste Hindu, both of them must come forward and share the responsibilities in the fulfilment of a job for the satisfaction of the village management.

"Another important thing in the matter of taxes is this. The motor vehicles are exempted from taxation under the Bill. When the Hon. Minister feels that there are so many important items of work to be done to make the village self-sufficient and the panchayat boards to work satisfactorily, he must see that the funds required for all these things are not curbed. If a portion of the motor vehicles taxation that the Government get were to be diverted to the panchayat boards, I think they will feel happy and their work will not remain unhampered.

"Another important section in the Bill is 124 which says—'All roads, markets, wells, tanks, reservoirs and water-ways vested in or maintained by a panchayat shall be open to the use and enjoyment of all persons, irrespective of their caste or creed'. This is a very definite article which has been put in the New Constitution and exactly the same provision has been incorporated in this Bill and I must admit the sagacity with which the Hon. Minister for Local Administration has brought in this very provision in this Bill, because the Harijans feel that though there are public roads, wells and reservoirs, they are not allowed to have

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their use. But in this enactment this provision has opened the door wide for all these unfortunate people to have equal facilities in the matter of the use of drinking water and also for the enjoyment of all other places and works of public utility.

"Sir, with these observations, I once again congratulate the Hon. Minister for bringing forward this legislation which I am sure will be for the benefit of the people of the villages. They can now rise up as a democratic body and take part not only in the administration of the village panchayats, but also return their proper men to the legislatures both in the Province and in the Centre."

BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, I wish to congratulate the Hon. Minister not so much for the passage of this Bill, because once the Government decide on pushing forward a legislation, they are bound to get it through, because of the majority they command in this House, but for the accommodating spirit which he had displayed in sponsoring this measure through its various stages. Sir, it has been really a source of intense gratification, not merely to the members of the opposition, but also to members of his own party, some of whom were also in the opposition with reference to many matters, to see that the Hon. Minister was receptive to the various suggestions made on the floor of the House and elsewhere and in consonance with that spirit, he has deleted some important clauses in this Bill.

"So far as the Bill itself is concerned, I am sure, Sir, that nobody will have any objection to the principles of the Bill. We are at one with the Hon. Minister with reference to the principles of this Bill, because whoever has any interest in democracy must recognise the fact that villages must be given an opportunity to govern themselves. But what we have been feeling is that it is somewhat premature in this country to introduce a measure of such magnitude and a measure which will have great repercussions upon the life of the villages as a whole. We feel that the Government have put the cart before the horse. Instead of educating the masses first, they are conferring on them large powers without the requisite education to exercise them. No doubt some of the villagers may have the requisite knowledge and education, but as far as our experience goes, many of the villagers are not in a position at present to wield such large powers which are going to be vested on them under the present measure. Therefore, Sir, many of us felt that the Government would have done well if they had deferred this measure for some time until 12-30 p.m. the villagers were better educated and become better informed and until the factious spirit in the villages had subsided after a few years. We feel that the Government have rushed this Bill through, perhaps for some political reasons, because now-a-days, it is largely political reasons that govern many of the legislative enactments that are brought forward by the present Government and not so much the economic aspect of any question. Another point that I should like to point out is that the Government have conferred large powers on the villagers but have not given them the necessary resources. The result will be that these panchayats

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will become unpopular. The villagers will feel that they should have every amenity—now that they will have local self-government—but they will not find the necessary resources for the amenities. Their powers are restricted for lack of financial resources. Giving them very large powers and not the necessary financial resources will result in increased bitterness and dissatisfaction. That is what we on this side of the House feel. It would have been better if the Government had given them more resources. I see the Hon. Minister for Finance smiling. If the Government do not have the resources to help the panchayats, they should have deferred this measure. What is the use of giving large powers without the means for exercising those powers properly? The result will be, as I already said, increased dissatisfaction among the villagers. Hitherto, the villagers did not know of any substantial taxation. Hereafter, they will have to put taxes on many things. These taxation measures will make the members of the panchayat board extremely unpopular among the villagers.

“One other point I should like to state is that while the members of the panchayat have been invested with large powers, their powers are very restricted by the presence of the executive officer and the Inspector of Local Boards. Some hon. Members of this House do not consider this as satisfactory. But, nevertheless, having regard to the present condition in the villages, I feel that some control should be exercised on the village panchayats to see that things go on properly. I endorse the view of the hon. Member Raja Muthiah Chettiyar of Chettinad that these executive officers must remember that there is the elected body and there is the elected president, and that when they are wielding the powers conferred on them, they should respect the wishes of the elected body and not ride roughshod over their wishes. Then only, Sir, this legislation will prove to be a legislation conducive to the work of democracy. Some hon. Members have stated that this Bill is a mere hotch-potch of the various provisions we find in the District Municipalities Act and the Local Boards Act. As a matter of fact, this Bill is nothing novel or original, as far as we are able to see. Nevertheless, it does confer some large powers on the villagers. The Inspector of Local Boards is yielding enormous powers. He, as has been pointed out by the previous speaker Sri Muniswami Pillai, should be one fully conversant with the life of the villagers, and he should; as far as possible restrict his own powers so that democracy may be enabled to work in the villages. Let not democracy be only a symbol or be only in name, but let it be allowed to work in the villages if the Government are satisfied that the villagers are prepared for this democracy. I do not wish to take up the time of the House, as the Bill is now in its third reading stage. I do not wish to enter into the details of the Bill. I wish the Hon. Minister, now that he has got this Bill through this House, every success in working it, and I hope that everything will be done to see that democracy works properly in the villages.”

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* KUMAR ZAMINDAR of VUYYUR:—“Mr. Speaker, Sir, though I have not had the benefit of being present in this House at the first reading and second reading stages of the Bill, I am very glad that I am present for the third reading stage. I feel that this is a very important Bill because it is based on Gandhian ideology which we are all professing, and which we have begun to put into practice by helping the common man so that he might become the ruler of the country. Gandhiji had stated before that he would like to see as the President of the Indian Union a Harijan girl. That is possible only when the common people of the villages learn how to manage their own affairs. If it is possible to administer the panchayats well, it will serve as a training ground for politicians, and it will even provide facilities to understand the policies of the Government and various other matters of importance. Democracy, as has been pointed out, is Government for the people, by the people and of the people. And this can be done only by people directly electing the president. Some of my friends here have expressed the fear that it might lead to difference of opinion between the president and the members. But the Bill has provided, in such contingencies, for a reference to the Government by the president. I feel that the bogey of squabbles is exaggerated. It is not entirely due to politics. Politics can fan only the flames that are already there. If we go into the causes of the squabbles, we will find that they are mainly economic and social. In social matters we see that all people are not allowed equal privileges, though, of course, we have passed laws. It will take some time for the laws to come into effective operation. There are economic and other causes which contribute to village squabbles. Politics is only one of the other causes. I am sure this Bill will have a very good effect on the villagers, and it will also pave the way for future decentralization in other spheres. Then only the common man can take part in politics.”

“Coming to the other provisions of the Bill, I find that the financial provisions are satisfactory. I do not think they are so inadequate, as pointed out by the hon. lady Member, Begum Sultan Mir Amiruddin. Panchayats are given powers to tax agricultural lands. When the people tax themselves, the taxation becomes almost something like a voluntary contribution. It loses its sting. From that point of view, it is a very desirable measure. I congratulate the Hon. Minister and the Government on this Bill, and I am sure that this Bill will be a happy augury for the future.”

* SRI B. S. MURTHI:—“Mr. Speaker, Sir, I rise to contribute my quota of felicitations to the Hon. Minister in charge of this Bill, who has been so successful in his attempts at passing this Bill. I think that his sweet temperament is responsible for not only the easy passage of this Bill but also for its quick passage. I hope the same temperament will continue in seeing that this Bill is translated into practice in the villages. Before I sit down, I want to make a few observations regarding the village panchayats. We are told that India is a country of villages, and

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our towns are few in number. We are always proud of our rural civilization. If we go to any village we can easily find out where the dregs of the society reside. Any foreigner who goes to a village in our country can easily find out who are the rich people, who are the poor people, who are touchables and who are the untouchables. When this was described in vivid terms by Miss Mayo, all of us rose against her and we criticised her saying that she was doing the work of the drainage inspector. (The Hon. Sri Gopala Reddi: 'Touchable or Untouchable.') The Hon. Sri Gopala Reddi is always a man of humour. But sometimes his humour gets into hilarity which pains us when a serious question is discussed here. I would like my Hon. Friend Sri Gopala Reddi to remember that his duty is to educate the voters including the Harijans who are his masters. All these days when the British was there, and when there was diarchy, the untouchable was a neglected commodity in the polity of India. But to-day, thanks to Mahatma Gandhi and thanks to many a Congress man, including my hon. Friend Mr. Gopala Reddi, the Harijan is fully conscious of his rights and also his responsibilities. The days of privileges of Rajas and other communities are at an end. To-day the Harijan, as a citizen of Free India, has got his rights and also his duties. Harijans are willing to attend to their responsibilities. At the same time they are not clamouring but demanding that their rights also must be attended to by whatever Government that may be in existence. If we go to a village, the *cheri* is there as a symbol of the neglect and the inhuman treatment by the society that has been in power for centuries. For the last ten or fifteen years, the Congress has been in power directly or indirectly. But it is unfortunate that the *cheri* is still there to-day as it was 200 years ago. How long, I ask the Government, can they keep this *cheri* there and at the same time proclaim to the world that India has become independent and she must be given a place of honour in the committee of nations? First we must attend to our villages and see that the *cheri* is removed. As long as we keep this *cheri* in the village and ask the Harijan to forget that he is a Harijan, how can the Harijan do it? I quite understand that many people like the Hon. Mr. Gopala Reddi are anxious to see that the Harijans are uplifted. But I must say that the Ministers and the Government, as a rule, have become of late a prey to studied indifference and apathy. I would like to say here that they are only anxious to bring forward legislation, and see that Bills are rushed through with atomic speed as this Bill has been rushed through. There are 138 clauses in this Bill and they have all been passed in the twinkling of an eye. Two pieces of legislation, namely, the Temple Entry Act and the Removal of the Civil Disabilities Act have been passed by this House. They are two important pieces of legislation which go to mould our nation into a unified one. What action have the Government taken to see that the provisions of these two Acts are translated into actual practice? They only bring the legislation and ask us to vote. We have confidence in them in spite of their indifference and we give them the vote. But as soon as a law is made, it is put on the statute book and sent into the archives. I

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only wish my Friend Mr. Chandramouli who is a pucca villager and a good ryot and a good social worker, will take some interest in this legislation for which he has spent so much time.

"One more point, Sir, and I have done. It is with regard to the executive officers. We have municipalities and district boards and we are also now having village panchayat boards, and the Government are anxious to have an executive officer, wherever necessary. First of all, I must say that the Government are trying to bye-pass the communal Government Order and overlook the claims of the Harijans by not giving them the adequate quota which they do deserve. If you take the Commissioners of corporations and municipalities and the executive officers of the major panchayats, you will see that the Harijan quota is far too negligible. I hope that the Hon. Minister hereafter in appointing executive officers, will take care to see that sufficient number of Harijans and sympathizers of Harijans are appointed so that the rights of Harijans will not be neglected in the villages. My hon. Friend, Kumar Zamindar of Vuyyur, has cited Mahatma Gandhi's wish that free India must have a Harijan woman as its President. We may not go so far and we may not even require the votes of all the caste Hindus to be cast in favour of a Harijan sufficiently strong and competent to take the presidentship as a right. But could we not ask the Ministry known as the popular Ministry and Sri Gopala Reddi's Ministry, if I can call it as far as the Andhras are concerned (laughter), to give proper representation to Harijans in appointing executive officers so that the soul of Mahatma Gandhi which has been yearning for Harijan emancipation may be satisfied? I would like to quote the words of Dr. Ambedkar in this connexion. He is one of the greatest Indians the world has ever seen. (Mr. Abdul Salam: 'Hear, hear.') Many of us may not be fit to hold a candle to him; he is in a position to hold classes to most of us in politics, economics and several other sciences the names of which may not be known to most of us. Even he as Law Minister on the floor of the Central Assembly has said that no Government dare pass bad laws. But it all depends on what kind of officers will be appointed to administer these laws. Therefore, I only wish that the Minister or the party in power should not run away with the idea that their duty is over after the passing of the Bill and indulge in the wishful thinking that in the villages there will be a reform but should see that the provisions of this Bill are carried into effect in the villages by appointing suitable officers and this help to build up a new, strong and united nation."

MR. SPEAKER:—"Shall we sit till 2 o'clock to finish this Bill so that hon. Members who want to go to their places for the festival may be at the station in time? (Hon. Members: Yes, Sir.) I wish to know from the Hon. Minister whether he will find it convenient to sit till 2 o'clock."

THE HON. SRI K. CHANDRAMOULI:—"I have no objection, Sir."

MR. SPEAKER:—"Therefore, I hope hon. Members will not take much of the time."

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* SRI K. KOTI REDDI:—"Sir, formally I would like to congratulate the Hon. Minister for Local Self-Government for having brought this Bill and for getting it through. I am saying so because for a very long time we have been expecting a Bill of this sort. This Government has taken more than two years to bring this Bill though the country had been expecting to have this Bill a long time ago. There are some good features in this Bill but quite a good lot of bad features also. I have been one of those who have been looking forward to a type of administration when the villagers will be given a chance of managing their own affairs to the extent to which it is possible for them to do so. But with the little knowledge that I have of the villagers and the working of the present panchayats, particularly from the area from which I come, I sometimes feel a great doubt whether in the actual working some of the provisions of this Bill will really contribute to the welfare of the villagers. Sir, the success of the panchayat system would depend upon a number of factors. First of all it depends on the sort of personnel that we get to manage the affairs of the village, secondly on the amount of finance that would be available for them and thirdly—a very important factor—freedom from interference by the Government in the affairs of the local boards. These are the considerations which would go to the working of the panchayat system—whether to make it useful for the villagers or to mar it.

"With regard to the personnel, I have very great doubts. There are factions already in many villages where the spirit and habits of the people are such that unhappily when the matter of elections come, people divide themselves into groups and the divisions are carried on from year to year. All that, I hope, will be got over by an adjustment in the method of election of the candidates for election to the panchayats. A good deal could be done by devising a method which would discourage such divisions. But I am very disappointed in that respect. I pleaded for a method of selecting the panchayatdars, a method which is probably novel, as novel as the one which the Hon. Minister wanted for the election of the president. There was not much of difference between my way of thinking and the Minister's way of thinking with regard to the election of the president. I also felt and have been thinking that in the election of the president, the candidate should have the confidence of the whole village and not only the confidence of the panchayatdars. I wanted even more than this. Not only the president but also every one of the panchayatdars should have the complete confidence of the whole village and not of any one part of the village. When I consider that my village whose population, I recently learnt, is 502 and which is to be constituted into a village panchayat under this Bill is to be divided into two wards, it looks to me a ridiculous idea that it should be so divided each man representing a particular street and not commanding the confidence of the whole village. Unfortunately I am associated also with another village which contains a population between 500 and 1,000. That also comes within the scope of this Bill. But there is this difference

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between the one that I spoke of formerly and the latter one. In the first village there are no hamlets. In the second village there are four hamlets each of which contains a population of about 160, even within a circumference of a mile. I am also associated very closely with another village where I spent ten years of my life. It contains a population of 2,000 and odd. It is less than 5,000. There also no hamlets exist; it is only one group of houses. That is to be divided into four or five wards. But unfortunately for me there is a provision in this Bill. I do not know whether the Select Committee or even the Hon. Minister knew what it meant. That provision provides that in cases where the panchayat consists of a population of more than 1,000 and less than 5,000, that could be not more than five wards in the whole panchayat. There need not be more than two or any wards at all. Of course, it was not meant, but the phraseology of the clause is such that it could be construed that a village panchayat containing a population of more than 1,000 and less than 5,000 need not have more than one ward. I hope he will remedy this by bringing forward an amendment.

"I am absolutely certain in my mind that there would not be any difficulty in getting all the panchayatdars elected in one election. The principle that lies behind the idea of the president being elected by the whole village is really a very sound one. Why should not the vice-president who is to act for him in his absence also be elected similarly and the other panchayatdars? What is the difficulty? My Friends here, particularly members of the Scheduled community and probably Muhammadan Friends, felt that the division of a village into a number of wards might give them an opportunity of getting elected which they may not have if it is a whole village. It may be with regard to the Harijans there may be some ground for thinking so because the Harijans in many cases live in a group outside the village. If in future Harijan area is to be separated as a particular ward, they will certainly have a chance of electing their own men. But there is not much difficulty so far as the Harijans are concerned as there is a provision for reservation of seats. 1 p.m.

"Then with regard to the other minority, namely, the Muslims, I may tell them that there would not be any trouble. There is no need to separate them into small wards. Especially in the villages, the Muhammadans live side by side with the Hindus. They are neighbours with Hindus. Both of them form part of the whole village. If they are really very keen for getting reservation, this is not the method of getting it. I have many friends in the Muslim community. I may tell them that in villages, the question of religion plays only very little part. I quite well remember even in my childhood I carried the Pirs along with the Muhammadans. Even to-day, if I want to have non-vegetarian food in some villages, it cannot be done without the aid of the Muslims. That is the present state of affairs in the village. So, there is no need for agitating for separation. It is better to be united. Even to-day there is the social gradation existing between the various communities in the villages.

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The Brahman community comes first, then comes the Vaisya, then there is the Reddi and then Naidu, then the barber, the washerman and so on. The Muslims will come somewhere in between. I may tell that the question of religion does not at all prevent anybody from having his legitimate place in the affairs of the village. As an instance, I may quote that Mr. Habibullah was Chairman of the Vellore Municipal Council for a long time. If he was there as such, it was not due to the fact that he was a Muslim but it was due to his own capacity. I know of similar instances in some other cases also. So far as this country is concerned, particularly in the villages, there is absolutely no trouble. I am sure my hon. Muslim Friends would agree that there is no need for reservation.

"So far as the Scheduled Castes are concerned, reservation may be necessary for sometime, as they are still considered to be untouchables in some parts. However, I know the conditions have improved very much. There is a world of difference between what it is to-day and what it was twenty years ago. Even I did not expect so much change with regard to the treatment of Harijans. Twenty years ago, nobody would dare have a Harijan servant in his house. I would like to give an instance here, which took place twenty years ago. I had a barber friend of mine. He was an officer. Once I invited him for dinner along with the members of the district board."

MR. SPEAKER:—"Those are stale matters. The hon. Member may confine his speech to the clauses in the Bill."

SRI K. KOTI REDDI:—"I am mentioning these as Mr. Murthy was naturally referring to the disabilities of the Harijans. But I may say that times are changing and there is a vast difference between the present and the past. Again this difficulty is not a matter with Harijans alone. Many a time, I had this difficulty. Once I went to the place of my friend Mr. Venkatasubbiah. I had to go there on a personal business. I had no servant with me then. I had to go to a hotel for taking my meals. That hotel was managed by a Vaisya lady. After I took my meal, that Vaisya lady wanted me to remove the leaf, because after all that Vaisya lady thought that she was superior to me on account of her being a Vaisya and my being a Reddi. On that account, can I abuse her? Every caste in this country considers like that. But conditions are fast changing. In those days even in my own place, there was objection to take water from the hands of a Mala who used to have a separate well. I may be willing to have a Mala servant with me. But those who were with me would not take even water from him. They will say, 'You may do what you like. You have travelled throughout the country. But we cannot leave our caste by taking water from him'. That was the case twenty years ago. However, we are noticing now a very welcome change everywhere. So nobody need be anxious about the Harijans and Scheduled Castes being ill-treated. In course of time everything will be quite all right."

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"I would request the Hon. Minister that at least so far as the Ceded Districts are concerned, he may devise a method, by which the whole lot of members, the President, Vice-President and other members also are elected in the same ballot at the same time. The man who gets the highest number of votes will be the President and the next man will be the Vice-President. The others also will come in the same gradation. If this is done, there will be very little faction. There will not be the question of one man being against another which will consequently divide the whole village into a number of groups. The factious spirit can be minimised if not put down by adopting this method. My hon. Friend Sri Kaleswara Rao thinks that it is very difficult to adopt this process, and it cannot be easily done. What is the difficulty? I think this can be easily done. We can have generally, say, five panchayatdars. Can the voters not arrive at a decision with regard to selection of five out of fifteen people? We can adopt the method of distributive voting system."

"On a number of previous occasions, I have stated that the colour box system is not foolproof. This will not at all help the illiterate people in correctly exercising their franchise. We can probably have some signs or some photographs of the candidates so that the illiterate may recognise the candidate for whom he wants to cast his vote. That is the only system by which foolproof secrecy can be ensured."

"Next coming to the question of finances, I may say that the amounts that these panchayats are going to get for being spent in their respective panchayats are not adequate. Finance is very essential for the efficient administration of these panchayats. When we give responsibility to the villagers, we must also see that they have sufficient funds at their disposal to carry on their work. I am afraid that by exercising the power given to the panchayats for taxing the people for recouping their finances to be spent in the village, the panchayatdars will become quite unpopular. But I may also tell that this unpopularity comes not so much of any taxation measure. It does not come on account of the funds that are really collected from the villagers. Unpopularity comes only when the villagers really know that the amount which was collected from them is not spent for the purpose for which it was collected but is misappropriated by the Executive Officer or the President whoever he may be. I am sure the villagers would not grudge to pay a little bit more if the panchayats really spent the money for good purposes. Taxation is generally unwelcome to the rich or poor. Sometimes it does involve some unpopularity. But the villagers, I am sure, would not grudge for paying taxes if they are intended for the welfare of the people."

"I would like to refer to another matter which I think would be necessary to see that these panchayats work efficiently and well. That is with regard to the control by the Government. In this connexion two things have to be considered. First you have the Executive Officer. He is controlled by the Government as many

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Members who have spoken on this have pointed out. I think that it is against the spirit of this Act to confer more powers to this Officer."

MR. SPEAKER:—"The hon. Member has already spoken for 15 minutes. It is better he finishes his speech soon."

SRI K. KOTI REDDI:—"Sir, it would be against the spirit and aim of this Act to appoint the Executive Officers. Hon. Minister Sri Chandramouli who has gone about throughout the whole Province promising more powers to the local boards and Municipalities, is now going to confer more powers on the Executive Officers whom he is going to appoint for even small panchayats. I think that this is really not good."

"Coming to the interference by the Government, I have some knowledge of how the Government had interfered with the Local Self-Government, in the matter of nominations, in the matter of supersession ever since the Local Self-Government institutions came into operation by the representatives of people. Ever since 1923 up till now I am not satisfied with the sort of interference of the Government. In the past, the Justice Party lost its influence, lost its popularity with the result that they were voted against by the people, and the Congress came into power. The Justice Party was voted against not because it did not do some good things but because it abused power, because of their interference in the administration of Local Self-Government. But I may admit that a committee or some authority is necessary to occasionally interfere if things go very bad and to set things right. From my own experience of the past and present, I would have rather liked to see that an impartial committee consisting of five persons is appointed for the purpose of controlling and supervising and having all the powers which the Government are now having under this Act. That would have been much better."

MR. SPEAKER:—"I will give the hon. Member three more minutes. He may conclude his speech by that time."

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SRI K. KOTI REDDI:—"If a time-limit is fixed, I will get myself lost. There is one matter, on which I would like to congratulate the Hon. Minister. For the first time in the history of this country and in the history of local board administration so far as I am aware, no other Minister has come to the rescue of the Government of India in the matter of financing for the Defence Services of the country! The Hon. Minister thinks that provision in this Act is necessary for allowing the panchayats to contribute to the Defence of this country! I wish the Hon. Minister had allowed these poor panchayats more finances so as to enable them, in cases of urgency and in cases of necessity to vote for the defence of India. I have not heard any such provision being made in any Act throughout the World. So the Hon. Minister is to be congratulated on this unusual provision. Within the short time allotted, I wanted to speak on a number of things but let me finally say something about the day-to-day administration of these panchayats. The success of the administration will, as I have

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already said, depend largely on the officer at the helm whether he is an Inspector or by whatever name he is called and that officer should be one having a good knowledge of administration of villages and sympathy for the villagers. He must also be one in whom the Government could repose complete confidence. There is one other factor also, Sir, which I cannot help mentioning. There should be no interference on the part of the Government in the day-to-day administration of the panchayats. The Inspector's discretion should not be fettered under ordinary circumstances. Unhappily to-day we have a very easy means of communication, the telephone which enables the concerned Minister to converse with or convey oral instructions to the departmental head. Sir, this should not happen. With these words, I welcome the Bill."

JANAB MOHAMED ABDUL SALAM:—"Mr. Speaker, Sir, I do not like to mar the good atmosphere that is prevailing in the House now which is always the feature at the third reading when hon. Members would congratulate the Minister in charge of the Bill. But I may be failing in my duty if I do not express my feeling that though not now, at least after some time the Hon. the Minister in charge of this portfolio will be able to see eye to eye with us and will bring forward an amending Bill. Sir, have we not seen that in this House, when the Zamindari Abolition Bill was being discussed, Member after Member from the Opposition used to get up and put forward several suggestions which the Government would never accept? And what happened later? The present Revenue Minister had to bring forward an amending Bill to the legislation sponsored by his predecessor in office. Similarly, I have no doubt that very soon the Hon. the Minister will have to come up to this Assembly not once or twice but many times with amending Bills. Sir, this Bill has far-reaching consequences. Perhaps neither the Hon. the Minister nor the Government nor even the public at large have really comprehended the consequences. I have with pain to express that the Hon. the Minister is perhaps thinking he is opening the Pandora's Box but he is not aware of the consequences or the difficulties he is going to bring about in the Province. Sir, we have seen in this Province what had happened when the former Premier and a great leader—Mr. T. Prakasam—constituted the village food committees. We have also seen the fate of the producer-cum-consumer's co-operative societies organized and opened by him with so much enthusiasm. Therefore, it would have been but proper if the Government had accepted the few small amendments which the Opposition moved in spite of the fact they have a brute majority to carry the legislation through. Nevertheless, I am congratulating the Hon. the Minister. We do not grudge it for we know he is one of the very fine personalities as has been pointed out by my hon. Friend, Begum Amiruddin, nor do we oppose the Bill in principle. But as some of the Members of the Congress party said, both sides of it can be spoken of if all the clauses of the Bill are carefully studied. For example, there is the question of election of President and there is the question of appointment of

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executive officers and their powers. These are matters which can be argued on both sides. So, Sir, I am one of those who feel sorry that the Hon. the Minister has not accepted the amendments moved by the Opposition. Sir, it pained me to see that the sacred name of Mahatma Gandhi was dragged in here. It is said that because Mahatma Gandhi spoke of village republics and this Bill also envisages the same, it is a great Bill and so we must support it. This is really a very painful thing and we should refrain from bringing in his good name into every act we commit, big or small. It is time that we leave him in peace and forget him and do not invoke his name while considering such issues. It was said that simply because Mahatma Gandhi expressed a wish that the first President should be a Harijan woman, the Harijans must be given all facilities to become Presidents of the panchayats, at least. Sir, in a Bill like this which contains many a controversial point it is not fair to speak of what Gandhiji felt. It is enough you have used him for canvassing votes during elections, and you will also have occasion to use his name again in the coming elections. So, at least in such matters as we discuss now let us not disturb him in his peace.

"Sir, I have said that we support the Bill in principle. While we support it, we also feel that it is too premature because the villagers are not yet in a fit condition to work this new constitution of the villages. I do not know much about the conditions in the Tamil villages. But speaking of Andhra villages, I can say that in every village there exist two parties, one belonging to the Ministerial party and the other belonging to the local Congress Committee. Sir, it is not asked whether one belongs to the Congress or any other party. What is asked is whether one belongs to the Ministerial group or the Congress committee. Things are done—justice is administered—only on such considerations and so, I feel it will be very difficult to work this new reform in the villages with any amount of success. I am not tired of repeating that power corrupts and absolute power corrupts absolutely. Sir, it will be found if you examine every one of the legislations brought forward by the present Ministry, that the Government have been taking more and more power. Now when this Bill is passed, it will add to the powers that have already been taken. I may submit that it would be in the interests of the Government themselves if they do not take any more powers.

"Sir, I find nothing has been mentioned in the Bill about the manner of appointments to the post of executive officers. I do not know whether the Public Services Commission will do the job and it will be done directly by the Government. I am sure this question will give a good lot of headache to the Government. However, I have great confidence that as long as the present Minister continues to be there, things will be all right. But let me consider what will happen if per chance he gives up office or at any rate gives up this portfolio. Sir, this is not impossible; he may even become Premier but what I apprehend is what would befall this Act if he quits? It is reasonable—at any rate—quite possible to expect in the event of a change in office that the powers

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taken by the Government now may not be used in the spirit in have been asked for. My only anxiety is that this Government should see that minorities are treated properly. After all, Sir, I may impress upon the House that the legislations are not meant for any particular area or for a particular period. They are for all areas and for all time."

SRI S. NAGAPPA:—"Mr. Speaker, Sir, I rise to congratulate the Hon. the Minister for having so ably moved and piloted this Bill. Ever since he was a Member of the Constituent Assembly, he has been conceiving the idea of village republics. He had this idea even while the Objective Resolution was discussed there and he has now proved himself a 'Village Manu' of the modern times. He has drawn up a village code to guide the administration of village affairs and has made the idea a reality. Hereafter, sovereignty will rest with the villagers themselves. Every villager who is 21 years old will have the right to vote and that is an emblem of the new sovereignty the villagers are going to enjoy. He can vote not only once but many times—in electing members to the panchayat, to the District Board, to the Provincial Legislature and also to the Dominion Parliament.

"Sir, I notice that much responsibility has been laid on the shoulders of the Inspector of Municipal Councils and Local Boards. I hope the officialdom will realize that they are serving their own country. They should forget their past. They are hereafter responsible to the people and they are public servants. So, I am sure they will play a greater role in future and with greater zeal. Regarding reservation for scheduled castes, I believe, the Hon. the Minister has copied what has been done in that respect in the Indian constitution. This is indeed a miniature constitution of the Indian Republic. Sir, as regards the appointment of executive officers, very many hon. Members on the floor of this House felt that it was not democratic to have that provision. I feel it is not so. There is every necessity for an executive officer for each panchayat for effectively carrying out its functions. The elections will be based on adult suffrage and illiterates are entitled to vote. An illiterate can become the president of the panchayat also and this possibility cannot be ruled out. Again there is no age-limit fixed for the president. A boy of 21 with no experience of administration may become president. So, in order to have a check over the administration of village panchayats and inasmuch as in experience and illiteracy cannot stand in the way of election to the office of president, executive officers must be there. This again takes me to the question of fixing an age-limit for the president. I cannot understand the absence of such a provision especially when there is an age-limit set for the voters—they are expected to be 21 years old if they are to vote—and more especially when there is an age-limit fixed for members of the Provincial Legislature, viz., 25 years and members of the Dominion Legislature, viz., 30 years. This is an essential provision which I hope will be made at least when the rules are framed.

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"Now, coming to clause 8 of the Bill, Sir, I am glad that the Hon. the Minister has proved to be a democrat by agreeing with the view expressed by the House that that clause should be deleted which provided for the village officers becoming ex-officio members of the panchayat.

"Finally, Sir, I may bring to the notice of the Hon. the Minister that about 16½ per cent has been reserved for representation to Harijans in the Services and that this Government have been good enough to provide for a seventh in the Services for the Harijans. I would request him to see that this rule is followed in letter and spirit while making appointments of executive officers as this will give an opportunity for them to implement the Social Disabilities Removal Act effectively."

MR. SPEAKER:—"Shall we sit till 2 of the clock and finish the Bill as some Members are anxious to leave in the afternoon?"

JANAB M. MOHAMMAD ISMAIL:—"We shall sit in the afternoon also, Sir. I also want to speak."

THE HON. SRI B. GOPALA REDDI:—"We shall sit till 2 of the clock as there may not be quorum in the afternoon."

JANAB M. MOHAMMAD ISMAIL:—"There are three speakers on our side. Besides, I may also speak. So we shall adjourn now and meet in the afternoon."

MR. SPEAKER:—"I adjourn the House to meet again at 2-30 p.m."

The House then adjourned for lunch.

(After lunch—2-30 p.m.)

JANAB MUHAMMAD RAZA KHAN:—"Mr. Speaker, by the time this Assembly meets again many things might have happened. It is possible that the partition of the province might have come into being."

MR. SPEAKER:—"Let the hon. Member speak on the third reading of the Panchayat Bill. If the partition comes, we will have an opportunity of saying farewell."

JANAB MUHAMMAD RAZA KHAN:—"When we meet again we will meet under different circumstances. The Indian Republic under the new Constitution would have been proclaimed. The Hon. Minister for Local Administration also may feel happy that he is going to have this Bill passed in another half an hour. He will put forth all energy and zeal to see that the Act is implemented properly. On an occasion like this when the Bill is going through its third reading, it is more or less a convention for the Hon. Minister to have the support of the whole House and receive congratulations from hon. Members on all sides of the House. Even hon. Members who have differed from him on many fundamental points and who could not agree with him on many matters have given him their congratulations and their praise. As has been

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said by many speakers, one important feature in the case of the Hon. Minister is that he has felt and felt sincerely that a measure of this kind is necessary. If some of us wanted to make some changes in the Bill, it was not because we were opposed to the main principle of the Bill but we only wanted that a certain amount of caution was necessary. As the Hon. Minister feels very sanguine that he would be able to implement this Bill, we all wish him God-speed and complete success in his efforts. All the same I would be failing in my duty if I did not point out to the Hon. Minister that he is taking a very big step forward. Therefore caution is necessary. Let not the whole Bill be implemented in all the districts. Better try the experiment in a few districts. We have got the example of prohibition which was introduced district by district in 1937 and then in batches of eight districts now. Therefore instead of going ahead with the formation of panchayats in all the districts, let the Hon. Minister introduce the scheme in a few districts where he is quite sure of the ground. If the scheme works well in those districts and if the villagers are able to understand the great change which this Act has made in their lives, then the Hon. Minister would have gained sufficient experience of the scheme and he may use it in introducing the scheme in other districts. That caution will pay him well. Otherwise if he creates as many panchayats as possible—1st class panchayats and 2nd class panchayats—there is bound to be some confusion. After all people should be given some time to adjust themselves. Sitting here in the Assembly, we may say so many things, but we are not the people who are going to work the Act. It is after all the poor villagers with their own feelings and factions and differences who will work the Act. The main success of the Act depends not merely on the efforts of the people themselves but also on what the Government do, on the financial support which they may give these panchayats. On account of the deep poverty of the villagers, they will not have sufficient resources to put the schemes through. It is no use of having a big schedule containing water supply, drainage and so on. In any small unit, the difficulty is finance. Unless and until the panchayats have sufficient finance, the Act will remain a dead letter. I cannot understand the panchayats being formed but their doing nothing for the village. If a panchayat is formed for a village and if in one or two years it is able to do some work for water-supply or drainage or roads in the village as provided in the Act, I will agree that the panchayat has worked well. But the success depends not only on the human factor—the people who are elected as members or as presidents—but also on the financial resources available to the panchayats. I know the Government are not able to spend much and they have their own difficulties. Anyhow, I am sure these panchayats will have proper support from the Governmental quarters.

"Sir, this is a measure which affects the villagers. The Government will do well to give as wide publicity to the provisions of the Bill as possible. Lakhs and lakhs of people do not know what is happening in the Assembly here; only a few people read

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the language papers, but many of them are ignorant of the new powers that are given to them under this Act. Therefore, it would be a good thing if the Hon. Minister for Local Administration and the departments concerned give as much publicity to this enactment as possible so that the villagers may know what this Act is and what powers it confers on them. In case, we have occasion to meet again and the Hon. Minister gives us a report showing how the Act has been implemented, how many panchayats have been formed and how many have worked successfully and so on, and if the record is a good one, we shall congratulate the Hon. Minister on the success of his efforts in spite of the difficulties in his way. Any Minister worth the name should be proud of it. Sir, in conclusion, I wish all success to the Hon. Minister in his efforts to get this Bill through."

SRI A. KAMESWARA RAO:—"Mr. Speaker, I am very glad that we are now going through the third reading of this Bill. During my association with the Hon. Minister in politics for the last 20 years, I have found him to be a man of the people, a man who has got a great heart, and one who wants to do all that he can for the poor, for the underdog and for the have-nots. When the Hon. Minister first published the Panchayat Bill, I happened to be in Calcutta and one of the Ministers of the Bengal Government was very eager to know about this Panchayat Bill and when it would be passed. I was really surprised why he took so much interest in this. He said that the Bill was a most original one and that it combined the principles of equality, fraternity and liberty in it. Moreover, he said that it was a unique one in the history of Indian legislation in that it provided for the election of the president of the panchayat by all the people in the village. Of course, there are many things which my hon. Friend wants to give the villagers. He has now given them a village republic for which many of our leaders have been dreaming. In this village autonomy, the only fear is about the provision of adequate finance to meet the needs of the villagers. I hope, Sir, that by experience, the village panchayat will find out new methods of taxation for getting more funds and that the Government of the day also will contribute much for the benefit of the village republic. The Government should also see that proper rules are made under the Act from time to time, not for watering down the intentions of the Act, but for improving them. Some of my hon. Friends here have been expressing doubts whether the villagers who are uneducated will be able to utilize their rights properly for the election of the members and the president of the panchayat. But I am sure their fears are unfounded, because, from the history of village panchayats we can understand that there is a difference between education and common sense and experience. In the villages, there are people who may not have studied in a school but who are more experienced and better fitted to decide cases. I wish that in every village, those sections of the people who have been hitherto treated as untouchables, have the upper hand and that they are returned as presidents of the village panchayats. In a society where a section feels that they

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are the intellectuals and they are the people who should enjoy all the rights, if a smaller section of people who are now down-trodden, come to power, they will be able to rule better than the so-called upper classes, the people who think they are all clever. We have seen that in the history of many nations and in the case of many of our Provincial Premiers also. In some cases, great intellectuals like Rajaji and Prakasamji also have failed; in our own Province, we may take the example of the Hon. Sri P. S. Kumaraswami Raja who has gained praise from all quarters and who is now running the administration very smoothly. So also Sri B. G. Kher was proposed as Premier of Bombay instead of Mr. Nariman and some others; and we now know that Sri Kher is a better Premier than all the others thought of. So, we cannot say that education alone or intelligence alone counts in politics; it is the soundness of mind, understanding and commonsense and also the goodness of a man that count; a man with a good heart is better sometimes than a man with brains. Therefore, I feel that my hon. Friend has really come forward with a very good Bill; he has given to the village the real republic that they need. I only wish to stress the fact that there must be some training ground for these voters, that there must be some sort of study circles organized. I hope that the Hon. Minister, with this end in view, will make suitable rules and thus provide for the education of the villagers. I support the Bill, Sir, and I wholeheartedly congratulate the Hon. Minister on bringing forward this measure."

SRI V. KURMAYYA:—"Mr. Speaker, Sir, I heartily congratulate the Hon. Minister on bringing forward this most important Bill, giving power to the common man who lives in the village. I say it is most important from the point of the common man because the common man is not vested with any vote to-day. We know every adult is going to be given the vote under our new Constitution and we are also going to have a Republic; in the same way, this Bill is creating village republics and every villager will be given an opportunity to exercise his vote in regard to matters concerning his own village. Some of the minorities, especially the Muslim group, were afraid that they would not have their proper share in these village panchayats because their numerical strength is not much, to enable them to get their men elected. A very good principle or provision that is inserted in this Bill is that the president is to be elected by the whole village, that is by the voters of the whole village. It cannot be said that a particular person belonging to a particular community alone will be elected hereafter. It is true that to-day the rich people and the dominating communities are dominating over the panchayats in the elections; but hereafter I am sure that no rich man nor any dominating community—who may be now ruling over the Province—can ever have a chance of wielding power under this Panchayat Bill. It is only the have-nots, the men who are newly given the vote, that will rule over the panchayats. If all the panchayats are going to be captured by the have-nots, it will be easy for them to capture the district board and also capture the Government and so have the whole administration under their

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control. That is why I would advise the minorities to have unity among themselves and merge with the majority community people who are also have-nots and capture these panchayats. I know there is a genuine feeling and fear to-day in the minds of many people that the rich and influential will not be allowed to capture power. The election of the panchayat president by all the voters in the village will certainly mean that he will be liked by all the voters in the village. Some of my friends said that the interests of the Harijans will be in the hands of the Inspector of Local Boards. It is true that the Inspector of Local Boards has many powers such as the allocation of seats in the panchayats, etc. In the clauses of this Bill I find it is stated that Harijan representation should as far as possible be on the basis of population, that seats should be reserved for them on the population basis. I may tell my friends that they will get representation not only in reserved seats, but they may also contest general seats. If a village with 500 of population is not going to be divided into wards and if the whole village is to be a single-member constituency, I am sure the people will elect only the deserving people as members of panchayats. These panchayats are going to be given full powers as regards their internal administration; they will have power over their porambokes, their forest lands, etc. The president who will be the people's representative in the village will have power over these forests, in the place of the officials, and indirectly the Government, who are now wielding these powers. At present, if anybody applies for allotment of land, it is being rejected after prolonged consideration; but hereafter, under the Panchayat Act, the common man, however poor he may be, will apply to his own panchayat president and get what he wants, instead of applying to the Collector or the Minister. My hon. Friend Sri Murthi said that to-day the Harijan is not aware of the political powers that are going to be conferred on him under our Constitution; but I may say, Sir, that on account of our Swaraj, our Independence, every man, whether educated or not, has come to know his political rights. I know even to-day the common people are criticising the fact that certain communities are dominating the Government. As Gandhiji said, in the future, even a Harijan woman may become the first President of the Indian Republic; I am only sorry Gandhiji is not living to-day to get that dream realized. Under adult franchise, a labourer, a Harijan woman or a have-not may become the President of the Republic or the Premier of a Province. From that point of view, I must congratulate the Hon. Minister for introducing this adult franchise in the village. I only wish that he will see to it that the provisions of this Bill are properly implemented. If there are any defects found in this Bill, they may be rectified in the future in the interests of the masses. After all, this Bill may not be a permanent one; even the Constitution framed by the Indian Constituent Assembly may be amended in course of time. I know under our new Constitution, the cause of the vested interests is safeguarded; but I know even in this respect the Constitution may be amended later on. In this case, the minorities, especially the

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Muslims and Christians for whom seats are not reserved, will join the Harijans. Sir, we have been thinking of having village republics for many years; Gandhiji was talking about it; Mr. Prakasam too used to be always talking about it; I am sorry he is not here to see this Bill being enacted into law. I am glad that my Friend Mr. Chandramouli has taken this step, and I am sure his name will be remembered by the people for ever. He is coming from the village; he is a man of the village, and he knows the difficulties of the villager. That is why he has specifically stated in the Bill that every common man in the village must have power and the village voter is the final authority. Some of my Muslim friends stated that the Government by their majority are getting this Bill passed. That is of course true; Congress may be in power to-day, but to-morrow the Congress may not be in power. But whoever is in power, he must be in a position to do good to the people and the Congress Government must certainly be congratulated on giving this power to the common man. At the same time, it must be admitted that the vote in the hands of the uneducated is dangerous, and I say it is the duty of the Government to educate the villagers. In our Province, there are only about 3,500 villages in which there are schools, according to the Press Communique recently issued; the Government must see to it that there is a school established in every village and that the voter is educated. No doubt, even if the voter is uneducated, he must know his duty as to how to exercise the vote. Reading of books is not the only criterion for him; he knows that the people who are working for him, the leaders who are espousing his cause, and it is to such people only he will give his vote. I request the Hon. Minister to issue executive instructions to the Inspector of Local Boards who has full powers under this Bill, that he should use his discretionary powers as regards the allocation of seats and the division of the wards, properly. It may be under this Act that there are three seats in a ward and one community may have more votes in that ward than the others; such a thing should be avoided. If in the course of working the provisions of this Bill it is found that such defects will come in, the Hon. Minister may bring in an amending Bill to rectify such defects, if a demand for it comes from the panchayats. These panchayats have now to depend on the Government for grants for executing their schemes; but hereafter as the panchayats will have their own administration in the villages, the Government may look to them to finance their own schemes and at the same time expect some financial support from these panchayats for executing their bigger schemes also. This Bill is proof to show that we are really going to have real democracy and real republic in our country. So long as the village has to look to the Government for help, there is no hope for the villager to have a chance in the administration; this Bill affords to him such a chance in the future. Sir, some people say that democracy is not working well. That is true, but there democracy attempted to work. On the other hand, in India till now there was no prospect of working democracy. Under the 1935 Act, only about 12 to 15 per cent vote was given but

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to-morrow we are going to have under the new Constitution 51 per cent of the votes. Then real democracy will come into existence and real people elected to the legislatures by 51 per cent of the voters and not 10 or 12 per cent of voters. Because we were elected only by these 12 per cent of voters, we have to look to the rich and to-morrow we will be forced to look to the poor man to bring forward schemes which will be useful for the masses.

"Sir, I do not want to take much time. I once more congratulate the Hon. Minister—Sri Chandramouli hails from a village and he introduced such nice things in the Bill—for having introduced such a Bill which is going to become law within an hour or so. This law will certainly give power to the common man who will be the real ruler of the nation to-morrow. We need not be afraid that those people who are now controlling the elections on account of the ignorance of the voter will be controlling them for ever. Now the illiterate voters have realized that the power must be in their hands, unless . . ."

MR. SPEAKER:—"The hon. Member has already taken 15 minutes."

SRI V. KURMAYYA:—"Only two minutes more, Sir. Now, I would request the Hon. Minister to give more powers to the panchayats. I do not mind whether Harijans become panchayatdars or not; hereafter there is no question of Harijan at all. I know the Hon. Mr. Chandramouli has got two able Secretaries like Mr. Paul and Mr. Sivanandam who belong to the minorities. I know, Mr. Paul is a Christian and Mr. Sivanandam belongs to my community. I am proud to say that the Hon. Minister is guided by such able persons who belong to the minority communities, in drafting the sections of the Bill suitably. I do not want Harijans to be panchayatdars. I want them to be Ministers or at least a majority of them must be from the Avarnas . . ."

MR. SPEAKER:—"The hon. Member has perhaps forgotten that we are now on the third reading stage and not on the first reading stage."

SRI V. KURMAYYA:—"What is there in a panchayat after all? Is not my Hon. Friend, Sri Chandramouli, who is a Minister belonging to my community doing things without showing any communal feeling. Because our community were not in power till now; they do not know what power is and what can be done with power. I once again congratulate the Hon. Minister for the nice Bill he has introduced and which is going to become law soon."

* JANAB N. MUHAMMAD ANWAR:—"Mr. Speaker, Sir, I am glad the hon. Gentleman, Sri Kurmayya, has given me food for speech. All the time I was wondering what he was speaking about. He was appealing to the Muslims to join forces with his community in matters of panchayat administration. Join against whom? Caste Hindus? I do not know whether that is communalism or nationalism, but I take it, since that comes from a

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Congressman and from one who was a Member of the Cabinet of this Province until recently, that is nationalism pure and simple! But, one thing, I must say, Mr. Speaker. I can very well appreciate his anxiety for minorities, or as he would put it rather euphemistically, for the have-nots. I must say, our recent experience with regard to elections to the Parliament has given us a natural and bitter suspicion that there is not much of good will left with the powers that be, so that we can repose confidence and enter into their good books. After all panchayats are only the training grounds for citizenship in our province. 'Nok, Sir, when we are on this issue of minorities, let me give this warning to the Hon. Minister and the Government. It is not the hands that lift to order in Councils that count. We have some idiots in every community minority but it is the heads that contain grey matter that count with regard to the affairs of a nation. Judged by this standard, if you go through the list of Members of Parliament, Mr. Speaker, you will find what a calamity or a tragedy has been committed in the name of minority representation. Woe unto the list and woe unto the personnel!

"Now, Mr. Speaker, Sri Kurmayya has my support. It is only in that respect can anybody be elected as the best man of a community, a man who can carry confidence of his community. If you really mean business and if you want to be considerate do not make any farce of reservation. Otherwise, make short work of it; be honest; do not be hypothetical, and say, you want henchmen or yes-men."

MR. SPEAKER:—"The hon. Member is addressing the Government as 'you'."

* JANAB N. MUHAMMAD ANWAR:—"Mr. Speaker, Sir, I appeal to the Government, through you, because that is the only course left for me. Now, Mr. Speaker, there is one thing which my hon. Friend, Mr. Raza Khan, has said and I must re-echo what he has expressed. It is this. In the ultimate analysis; it is not the rules and regulations that count; it is not the majorities and minorities that count, but what really counts is—and I am certain that everybody will agree with me—it is the spirit of live and let live, of give and take, or compromise, of co-operation and of good-will, which I am certain to-day is conspicuous by its absence and we are living in a vacuum. Only by courtesy we call it democracy. After all, let me say this as a warning to the Hon. Gentleman Sri Kurmayya, that he should have chosen the role to advise us. Now, physician heal thyself. What was it, this morning, the newspapers gave? The man who drafted the Constitution of India, the Hon. Dr. Ambedkar, has advised his community—after all that is just the thesis, just the stand-point which we have been pleading for—he wanted his community and the Federation that represents that community, not to merge itself, its identity, but to carry on, go ahead, preferably in alliance with the Congress, because to-day it pays them to do so, that is, the party-in-power. That is exactly, Mr. Speaker, what he has advised. We do not know whether men in power can change like men of the hour changing with the weather."

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"Now, Mr. Speaker, one more thing. Let not things be said against the rustic villager about his bona fides, about his common sense. Believe me, I can vouchsafe for his commonsense; he has it in plenty, but what I wonder at is—and sometimes I am afraid of is—he has too much of it. It is this, from the beginning that I am wondering at, whether that will lead to a series of deadlocks. That is why, Mr. Speaker, when this Bill was introduced in this House I raised my objections and I raised them on fundamentals. I said, do not for Heaven's sake carry politics into our village life. Our country, from time immemorial has been preserved in its pristine purity, in village life. It is because at least so far as that little village life is concerned, as truly it has been said by a poet, it is God that made the village and it is man that made the town! I am certain that the purity of village life will be violated by the politician. The Hon. Sri Chandramouli, on the other hand, is a good patriot; he knows the village life and he has even lived in the village. My experience is different. It is entertaining an idiot's delight in a fools paradise to expect a heaven on earth. That is why I objected to that issue on fundamentals.

"Now, Sir, I must say, after all we debated and debated; differed and discussed, but when it comes to a question of decision, let the Hon. Minister have this assurance from this side. We criticise because we take interest in the Bill and we fight because we know our stakes in this country. We must have in every village as little of politics as possible and harmony among the villagers. It was Doctor Johnson who said, patriotism is the last resort of scoundrels. Anyhow, all is well that ends well and I give this Bill the blessings which, I believe, this Bill deserves, not because it is going to usher in democracy in villages in the sense the Hon. Chandramouli feels that it is going to be a paradise, but, at least in village life everybody will come to realise that a new nation had come there and goodwill is necessary. If only the Government get to know what it is, at least in the next election they ought not to commit the mistakes they have already perpetrated in the name of democracy."

JANAB MOHAMED RAFEEUDIN AHMAD ANSARI:—"Sir, I do not want to waste the time of the House by saying things which are not directly connected with the Panchayat Bill, nor am I here standing up before you to offer any criticism or any apology for the criticism that I might have made during the earlier part of the debate. But, I wish to point out two or three things to the Hon. Minister at this stage when the Bill is going to be passed into law. I am not against this Bill or against giving self-government to villages which is sought to be given under this Bill. After all, the principle of self-government to be given to villages is a sound one and that principle has to be given effect to, if not to-day, at least to-morrow. I do not see any particular reason why this principle should not be given effect to to-day. Training must be given to villagers and the sooner it is given the better

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for all concerned. If self-government is proved useful to the villages, that is to say, the real principles involved in the Bill, I think, it ought to be carried out in the right spirit.

"Sir, there are two or three things about which the Government have to be careful. The first thing is, the villagers should use the finances available to them in a manner beneficial to them. Of course, I need not impress upon the Government that without financial help from the Government, the panchayatdars by themselves will not be able to achieve much towards the object of self-government. As I stated earlier, the finances available to the panchayats themselves from out of the collections of taxes will be very meagre and will not suffice to meet the requirements of the villagers themselves. Therefore, if the villagers have to derive benefit out of this scheme of self-government, the Government have to go to them with financial aid. That is not enough. There is also the responsibility cast upon the Government to see that the financial help given to the panchayat is properly utilized. Otherwise, what will happen is, each village panchayat will squander away the money allotted to them. Therefore, we must ask the Hon. Minister to keep a vigilant eye upon the village panchayat so that whatever amount is given is spent to the best interests of the panchayat as a whole.

"The other thing, I want to warn the Government is, they should be careful about the likelihood of trespass by the panchayat upon the powers of the district board. At this stage, we are not very clear as to the limits of the powers of the panchayat board and the limits of the powers of the district board; we do not know where the one begins and where the other ends. We do not also know whether the Government contemplate bringing in any amendment of the Local Boards and District Municipalities Acts so as to reduce their powers. I must ask the Hon. Minister to see that for the present till these Acts are amended or till the powers of the district boards are reduced, the panchayats do not trespass on the powers of the district boards because they are also democratic institutions which consist of members elected by the villagers themselves and that they have been working very satisfactorily. I must therefore ask the Hon. Minister to see that the district board's powers are not encroached upon by the village panchayats. There is this apprehension felt by minorities. After all I am not now saying that the provision ought to have been in the act for reservation of seats and it is not now too late in the day for me to say and it is my duty to say that even within the four corners of the Act, there is ample scope to see that minorities are fully represented; wards are going to be distributed and the Inspector of Municipal Councils can certainly see that the allocation of wards is done on such lines that representation to minority communities would be ensured. With these words, I congratulate the Hon. Minister upon the steps that he has taken; as I have remarked earlier it is not a very revolutionary step though some hon. Members have expressed great apprehension that this is going to be a revolutionary step and a very advanced step. This

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is not the first time that the panchayats are functioning and what we are now doing is only to give some additional powers to them. But let me say this, Sir: Whatever additional powers are given, let the Government see, by keeping a vigilant eye upon the working of the Bill, that the benefits that are sought to be given to them are derived by them and the dangers which are inherent in a piece of legislation like this are avoided as far as possible."

JANAB M. MUHAMMAD ISMAIL:—"Mr. Speaker, Sir, let me also congratulate the Hon. Minister on his having piloted the Bill. In reality, this forms part of a landmark in the modern history of our Province and also of the country. But one point about the Bill has to be noted and that is that it is an instrument of giving a consciousness to the people of their position under Independent India. People in the villages will now feel that they have got a part or a lot in the governance of the country. This is really what the Bill if properly administered will do and that is a great point. In that connection, I wish very much that representation, real and sure, was secured for minorities also. When people are going to have real consciousness of freedom, it is necessary. The Hon. Minister said that the impression given by members of my party was that they were not for such representations and I must correct him by saying that he was not doing justice to the members of my party. What they said was that mere reservation of seats will not secure real representation to minorities unless they have an effective voice in the selection of the representatives; if they were not given such a voice, there is no use of reservation of seats at all and it was as good as having been abolished. I do not wish to labour that point any further, Sir.

"Taking a general bird's eye view of the Bill, it will be seen that the machinery that is set up by the Bill is in the nature of checks and controls. These checks and controls may be so administered as not to grate upon the people. Though decentralization is the guiding principle of the Bill, according to the Bill, all checks are gathered in the hands of the Government and if they want they can tighten them and see that the people do not feel that they have got freedom. I do not wish to attribute any motive to the present party in power but at a future date in the hands of another party that may come into power, they may so use this machinery as to consolidate its own power and to make the people feel that it is they who count and so they must side with them and thereby it will create a partisan spirit and villages will be converted to cockpits of political quarrels. This, I say, Sir, is a thing which must be avoided and the Government must so administer the Bill as to give real freedom to the people and give them training in that freedom; if they do that, then this Bill would really serve a very good purpose. The machinery that is being set up by this Bill costs money and it involves further financial commitments for the Government and when the Government is going to spend more money on them, that means the

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villagers also have got to bear it for the first time. One would have thought, when the Government was going to spend more money, the more important thing would have been the education that ought to be given to the people. Education is the crying necessity of the villages so that the people may understand what real freedom is; what real prosperity is and how to work for it. So one would have thought that every pie that is available that could be spared ought to be spent upon education and more education of the people. More important than the question of education is raising of the standard of living of the common people. Without raising it, this freedom is of no use; when you are going to spend more money on them and you are going to put more burden on them, they would ask: What about my poverty; I have been thinking that I would be given more food but now I have to give even a part of it to run this machinery. Since now the Bill is going to be passed, the Government I am sure will so work the Bill as to cause minimum hardship to the people. The Government might say that this is also a sort of education that we are giving them through this Bill and this is also education which will help the people in raising their standard of living. I wish them God-speed and I wish the Government well and I wish the Bill well. Again let me say, Sir, let them administer the Bill so that all the intended benefits from the Bill flow from it without much difficulty or hardship to the people. I congratulate the Hon. Minister and I request the Government to bear in mind that this freedom means freedom for all the people and this freedom is going to be the basis for the goodwill, understanding and prosperity of the people in the Province."

* THE HON. SRI K. CHANDRAMOULI:—"Mr. Speaker, Sir, before I thank hon. Members of the House, the staff and other organizations connected with it and above all your goodself who has taken so much pains to make it a success, let me dispel some misapprehensions concerning the intentions that prompted the Government to bring forward this legislation several hon. Members said that the principles of the Bill were sound; there is practical unanimity in which, I think, the House may be proud in passing such legislation. Some hon. Members from the minority communities have raised one or two genuine doubts; I say they are genuine doubts. I may tell them that doubts there will always be; unless you enter into the field and work and gain experience, these doubts will not go. However perfect the machinery may be, and however laudable the intentions of the Government may be, unless we go into the field, combine ourselves and work, we cannot gain experience and we cannot say that it has not worked properly; if it is not found to be properly working, we have a right to again approach the House for suitable amendments according as circumstances may call for. To that extent, I can agree. I have even diluted the principles of the Bill to such an extent that I am not satisfied with many of the clauses but having regard to circumstances and conditions and trends, I have to dilute many things, and that is why I say the Bill, as several hon. Members have said, is neither a revolutionary one nor a novel one.

[Sri K. Chandramouli] [12th January 1950]

3-30
p.m.

In the case of reservation of seats I must say to the Leader of the Opposition and particularly to other Muslim friends and other minorities that we have tried other methods for the last so many years and we have not been satisfied with them; it might have given some satisfaction to some people and it did not give satisfaction to others. With the advent of Independence and inauguration of our Constitution, it is a happy augury that we are also introducing this Bill and along with that we are also introducing a new experiment; even if we fail in certain things, let us not be depressed. Let us not go with the idea that simply because we have not fared so well in one thing, the whole thing is useless; let us work with a team spirit and if at the beginning we succeed to the extent of 2 per cent, it will be a blessing not only to the minorities but also to the villagers and to the nation to which we are proud to belong. That is the underlying idea of the Bill. Sir, regarding clause 9, about the reservation of seats for the Harijans it was stated that what was stated in the Act was not clear, and that the clause may be abused by the Inspector or the Government. Sir, as I have stated several times before, I can assure the House, that when the rules are framed, everything will be made clear, so that in no instance will the clause relating to Harijans be meddled with either by the Inspector or the Government. That much I can assure hon. Members. I am very glad that while other communities are not given reservation the Harijans alone are given reservation and, we shall all work together and give confidence to Harijans in such a way so that, say, in one or two years, the Harijans may abandon the idea of reservation of their own accord and fall in line with other communities. It was advised by some that we should go slowly and that caution is necessary in everything. I admit that.

"Then, Sir, there is another point that has been raised by Mr. Raza Khan, and that is about the publicity of the Bill. I assure him that this Bill will be published widely not only in English, but in all the other languages; and also every machinery will be set up to propagate the ideas behind this Bill, the real spirit of the Bill so that the villagers may understand them, and thus they may be enabled to work the Bill properly. I am very sorry I cannot agree with Mr. Anwar on one or two points. On them I shall give my own opinion. He has expressed, I am very glad, his high opinion of the villagers. I agree with him in that. But I must say this also: Mr. Anwar stated that we should hereafter care for heads and heads and intellect and intellect. I assure him that too much of intellect is always dry (laughter) it contains no essence. I care more for heart (hear, hear) than anything else. We have seen for some time past how heads are working in the world; so mere head, mere intellect will not solve our problems. That is why I appeal to him not to think any more about heads, but think more about hearts. Let us put our hearts into the matter. If the hearts are pure, I assure him even if the villagers have not got intelligence, if only our hearts are pure, we can work wonders even though ordinary individuals may work only with self-motives."

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JANAB N. MUHAMMAD ANWAR:—"I said also the same thing."

THE HON. SRI K. CHANDRAMOULI:—"No, no; you said more about heads. Anyhow, whatever it is, there is also another point that has been raised by some hon. Members. And that is about the appointment of executive officers. I have already made my position very clear, that it is not the intention of the Government or of myself to go on appointing executive officers irrespective of other factors and considerations, or without taking into account the financial position of the panchayats or their efficiency. Rather I shall be very glad if a time comes when we could dispense with all these executive officers and carry on our administration ourselves without them. Till then, I submit, Government should have this power. That is why we were very cautious not to incorporate in the Bill that only one sort of panchayats and not the other should have executive officers. I can assure hon. Members that nothing will be done hastily, and that also merely for the sake of appointment. I can assure them, that would not be done so long as I am at the helm of affairs."

"Then, Sir, Sri B. S. Murthi inquired whether any rules have been framed to appoint members of minority communities as executive officers. I have framed the rule that hereafter nobody should be appointed as an executive officer unless he happens to be a person belonging to the minority community. That is the rule I have framed, even long ago, some six months back; because I found that some injustice was done to minority communities; and that is why I have framed that rule. Ever since that, I have seen that the rule is not tampered with. That is why, you see that some Harijans are appointed as executive officers; and that is why you see some Muslims also have been appointed as executive officers." (Muslim Cheers.)

JANAB N. MUHAMMAD ANWAR:—"That is a silver lining in an otherwise dark cloud."

THE HON. SRI K. CHANDRAMOULI:—"I shall now advert to another point. Sri B. S. Murthi is always sceptic; he is always doubtful; that is a thing which I do not like. Let us not always disbelieve and doubt, and with that, start things. He said, several Bills have been passed in the past in this House and they have become Acts. But they have been either thrown into the waste-paper basket or are lodged in the archives of the Secretariat and they have not been given effect to. Sir, let me tell him this. However much we may pass laws and Acts, it is for the people and Sri Murthi also, to take interest in them and implement them. It is no good for him to say, 'we have passed this Bill in this House and it has become an Act and it is the duty of the Government henceforth to see that it is worked.' We need not concern ourselves any more about it." Sir, that is not the way in which democracy is to be worked. Democracy requires him and every citizen to be alert and do his duty. Then only democracy succeeds. If hon. Members leave it to be done by the Government alone, and they for

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their part keep quiet, democracy cannot succeed. I am sure nowhere in this world this sort of democracy has succeeded. When we admit that democracy is Government of the people, by the people, for the people, it is the duty of the people to be alive to that end to be alert. That is why I say to Sri Murthi and others who are thinking in his way, to do more work, to go to the villages, rather than always be sceptic and be looking to the Government for even small things.

"There is also one more point which I would like to place before the House, and that is regarding more powers and more responsibility being given to the panchayats, but no finance. I admit to some extent that that is a fact. Our country, as we all know, is very poor; even the Provincial Government is very poor; it is not able even to square its budget, and so it is not possible for the Government, however much well-intentioned it might be, to give all the money that is needed to satisfy the elementary needs of the people. But by and by, out of the villages it can be found. It is there that people should carve out their own future, and hereafter they should depend less and less on the Provincial Government and more and more upon their own inherent strength, upon their own inherent labour and upon their own inherent resources, and thus develop themselves and become self-sufficient and self-sustained. That is the principle of the Bill, and that is why I never bothered myself whether 100 lakhs or 50 lakhs is given to panchayats. I repeat, I believe in the inherent strength of the people, in the labour of the people and in their own working. If that is done we can secure a good healthy life to the people, and in that way they will become a blessing to the nation.

"Then, Sir, the Leader of the Opposition was very kind enough to say this Bill was a landmark in the history of our Province. It is a fact, and I fall in line with him in that. As he has told us, we should be alive to the situation and work with a consciousness. In fact that is what every time I was appealing to the House. If we would work only with that spirit, then and then alone, all those checks and controls by the so-called supervisory officers incorporated in the machinery of this Bill will vanish. Then only there will be perfect harmony between the administrators and the people, between panchayats and the Inspector. Hereafter all of us have to work together. Hereafter one cannot go astray and feel that he has nothing to do with the people or their organization. If such a basis is adopted, it will be impossible for the officers to continue to exist for a very long time. It is because we have been accustomed to be governed by a foreign machinery for centuries past; we could not shake off so easily or in a very short time our old ideas of Government. Above all, I know our officers are very good. They are also very genuine in their desire to help the people. They are also equally patriotic like us. For patriotism is not the monopoly of anybody. (Hear, hear.) All of us are patriotic. Let us work together for service to the people with all our heart. These are the principles with which I brought forward this Bill. I know this Bill has been delayed for a very long time. It has been given wide publicity; it has been made known to all

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sections of the people, and we have taken every possible opinion on it from organizations and individuals, from hon. Members in this House and in the other House. That is why it took nearly three years to bring this Bill. The House will be surprised to learn that this Bill was prepared even three years back. Even during the Advisers' regime, the Bill was prepared in consultation with the people of those days, and that is why I have incorporated some of the clauses from that Bill *en bloc* into this Bill. I can assure the House, whatever the machinery might be, machinery alone will not work the Bill. It is only a sort of indicator to us to move forward. It only indicates to us that we should not keep quiet, but we should walk. And that is why the several rules and regulations have been made under the Act. So I appeal to hon. Members, even in spite of our differences in some respects, even though they may be genuine differences based on convictions, since we have agreed in the end to have this Bill passed into law, let us forget all those small differences. That is my appeal. For we should not stand on mere formalities or false prestige, but we should work together. That is the idea, that is the guiding principle of this Bill, so that our villages may prosper, and in their prosperity lies our future: Unless the villages are developed and they are able to stand on their own legs, they cannot help even the towns, that have been enjoying all the while even the little luxuries and amenities coming from the villages. That is why this Bill, I say, is a sort of foundation for the future guidance of the villages, as also for their development, so that when once automatically villages are developed the whole country is developed. It has been said that if you know one village in India, you know the whole of India. That was the impression created all these years either by foreigners or by ourselves. If every one of us dedicates his life for the advancement of one village, I am sure this Bill be a great success and we can be proud of passing such a legislation. Our simply passing this Bill and keeping quiet will neither help the cause of this House nor the cause of the villages.

3.45
p.m.

"Sir, I must thank the hon. Members who, in spite of differences of opinion which were argued vehemently at every stage, were uniformly kind in giving their heartiest co-operation and support to almost all the clauses and enabled the passage of the Bill into law.

"I must also thank the department concerned, particularly the previous Secretary, the present Secretary and Mr. Natasa Mudaliyar who was in sole charge of this Bill for the last two years if not more. All these people took great pain to see that every clause is properly worded so that the Bill may be a perfect one and conduce to the well-being of the villages in future. I must also thank Sri Raghuramiah of the Legal Department who drafted this Bill under the able guidance of Sri K. V. Rajagopala Ayyangar, Secretary to the Legal Department. They also worked day and night in making this Bill a perfect one and avoiding ambiguities as far as possible.

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"Above all, I must thank the Hon. Speaker for enabling the smooth passage of this Bill and for putting in his abundant energy and intelligence and helping me at every stage in seeing that the Bill is passed as early as possible. I realize your interest and enthusiasm and the co-operation and guidance which you have given, and I heartily thank you.

"With these words, I request that the Bill be passed into law."

MR. SPEAKER:—"The question is—

'that the Madras Village Panchayats Bill, 1949 (L.A. Bill No. 22 of 1949), as amended, be passed into law'."

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

MR. SPEAKER:—"When we meet again, I hope that our country would be a sovereign democratic republic. I adjourn the House *sine die*."

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