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because of their ruthlessness or their truthlessness or any other special reason, that this Government hug this thing as if it were a second spouse? ”

SRI A. KAMESWARA RAO :—“ I take objection to putting such questions here, Sir.”

Houses for sweepers in Mangalore.

* 365 Q.—

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

SRI K. ISHWARA : Will the Hon. the Minister for Health be pleased to state—

(a) whether it is a fact that the Mangalore Municipality requested the Government to provide houses for sweepers and scavengers within the municipality;

(b) the nature of the request from the Mangalore Municipal Council and the reply that was given by the Government; and

(c) what action has been taken by the Government in the matter so far?

THE HON. DR. T. S. S. RAJAN :—“ (a) No.

“ (b) & (c) The questions do not arise.”

Elementary Education Rules.

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

(a) whether it is a fact that the Government have amended the Elementary Education Rules as regards the school-age;

(b) if so, what the original rules were before amendment; and

(c) what the amended rules are?

THE HON. SRI K. MADHAVA MENON :—“ (a) to (c) The hon. Member presumably refers to the rule framed under the Madras Elementary Education Act relating to school-age. ‘ School-age ’ has been defined in the rule ‘ as the period of the life of a child from the date on which it attains the age of 6 until it completes the elementary school course or attains the age of 12 whichever is earlier.

“ In the case of children put to schools under the scheme of compulsory education introduced in rural areas during the years 1945-46 to 1947-48, the rule relating to school-age was amended to make it possible to enforce compulsory education on boys till they complete the age of 14.”

SRI S. NAGAPPA :—“ May I know whether this rule applies to nursery schools started in various parts of the State? ”

THE HON. SRI K. MADHAVA MENON :—“ I doubt very much whether children of the ages of 6 and 14 go to nursery schools. Only children below that age go there.”

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SRI S. NAGAPPA :—" Am I to understand from the Hon. Minister's answer that this rule will not apply to nursery schools at all? "

THE HON. SRI K. MADHAVA MENON :—" I would request the hon. Member to understand what a nursery school is before he asks this question."

Harikesavaperi tank in Tenkasi taluk.

* 367 Q.—SRI L. S. KARAYALAR (on behalf of Sri D. Dorai-raja Pandian) : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether there is any proposal for the restoration of Harikesavaperi tank in Vadakarai village in Tenkasi taluk, Tirunelveli district; and

(b) whether it is a fact that the pattadars of the abovesaid ayacut have given their consent to pay a contribution of Rs. 200 per acre for the restoration work?

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

" (b) They have expressed their willingness to pay contribution but have not yet given written undertakings to do so. The amount of the contribution has not yet been settled."

[* 368 Q.—Postponed.]

Release of Sri Mohan Kumaramangalam from detention.

* 369 Q.—

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

JANAB MOHAMED ABDUL SALAM : Will the Hon. the Chief Minister be pleased to state—

(a) whether the Madras High Court has ordered the release of Sri Mohan Kumaramangalam, a detenu in the Vellore Central Jail;

(b) if so, whether the detenu has been released; and

(c) if not, why?

THE HON. SRI P. S. KUMARASAMI RAJA :—" (a) Yes.

" (b) & (c) The detenu was released from detention as ordered by the High Court but he was re-arrested later on an order issued by the Government under the Preventive Detention Act, 1950."

Madras Government Press Workers' Union.

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

(a) whether the Government have received copies of the resolutions passed by the Madras Government Press Workers' Union at their 23rd Annual Conference held in September 1950;

(b) if so, what the resolutions are;

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(c) what action the Government have taken on them so far; and

(d) if no action has been taken, the reasons therefor?

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

" (b) A copy of the resolutions^a is laid on the table of the House.

" (c) & (d) The resolutions are being examined by the Government."

SRI S. NAGAPPA :—" Is it a fact that in spite of publishing advertisements very often, the Government are not able to get the Lino-operators owing to the fact that the scales allowed are very low? "

MR. SPEAKER :—" That question does not arise out of this."

[* 371 to 376 Qs.—Postponed.]

Juvenile smoking.

* 377 Q.—

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

SRI A. VEDARATNAM PILLAI : Will the Hon. the Minister for Education be pleased to state with reference to question No. 135 answered on 24th March 1948—

(a) whether the Government have taken any steps to prevent juvenile smoking and if so, what they are; and

(b) if not, whether the Government have considered the necessity of saving them from this evil?

THE HON. SRI K. MADHAVA MENON :—" (a) & (b) The Government have been considering the question of undertaking legislation to prevent the smoking of tobacco by juveniles in this State as they consider it necessary to suppress the evil as far as possible. A draft Bill to prevent the smoking of tobacco by juveniles in this State was published in the Fort St. George Gazette, dated 14th December 1948 for eliciting opinion. A period of two months was allowed for receiving objections and opinions. The suggestions received were examined and some modifications to the Bill as originally drafted were found necessary. Before the matter was pursued, it was decided to obtain information from other States as to whether there was any enactment dealing with juvenile smoking in force within those States and if so, how it was working and if there was no enactment on the subject in force whether it was proposed to introduce legislation to prevent juvenile smoking and if so, on what lines. Replies from all the States addressed except Bihar have been received and the reply from Bihar is still awaited. The replies received will be examined before the matter is proceeded with further."

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SRI N. M. R. SUBBARAMAN :—" I have been authorized to put the question."

MR. SPEAKER :—" I called the question a number of times, but the hon. Member did not get up. We shall now go to the next item on the agenda."

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

III.—ADJOURNMENT MOTION.

EXTENSION OF MADRAS COMMERCIAL CROPS ACT TO CERTAIN COMMODITIES IN MALABAR.

11-30 a.m. MR. SPEAKER :—" The hon. Mr. Moideen Kutty has given notice of a motion for the adjournment of the House to discuss a matter of urgent public importance. The motion reads as follows :—

'That the business of the House do stand adjourned to discuss a definite matter of urgent public importance, viz., the serious situation that has arisen in Malabar owing to the attitude of the merchants in refusing to deal in coconut, copra and arecanut products consequent on the extension of the Madras Commercial Crops Act to the above commodities resulting in a complete break down of business transactions of the same commodities, thereby causing great hardship and misery to the growers, especially the poorer and lower middle classes in the district.'

I want to know from the hon. Member when the Commercial Crops Act was extended to the Malabar district."

JANAB P. K. MOIDEEN KUTTY :—" That Act was extended to Malabar a little time ago; but the effect of the working of the Act has been felt for the last two weeks."

MR. SPEAKER :—" This has been a longstanding grievance then? If so, I cannot understand how this can be a matter of urgent importance and a matter of public importance. Secondly, I want to know from the hon. Member whether he really wants that the Act should be amended. Is that his object? "

JANAB P. K. MOIDEEN KUTTY :—" It is not my purpose, Mr. Speaker, to apportion the blame between the Government and the merchants . . ."

MR. SPEAKER :—" The hon. Member says that the Act was extended long ago to Malabar, and so, it is a longstanding grievance."

JANAB P. K. MOIDEEN KUTTY :—" But the result of it is being felt in the district only recently. The whole business in these commodities has practically come to a standstill because of the working of the Act. The growers are not able to get any cash out of the produce which they have to sell and are not able to pay even for the necessaries of life they have to buy daily."

MR. SPEAKER :—" The hon. Member has not answered my question whether he wants to have an amendment of the Act."

JANAB P. K. MOIDEEN KUTTY :—" Mr. Speaker, my object is to request the Government to see that some provision is made to

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enable people to dispose of their produce and get cash for buying even their daily rations, because it is with this money that they have to buy them. This has not affected the higher classes or the landlords or big merchants; it is really the poor people that are being affected, because they are unable to dispose of their produce in the market and therefore they have no money to pay even for their daily necessities of life and their daily rations. I therefore want that the Government should provide some method or machinery by which the poor producers can dispose of their produce."

MR. SPEAKER :—" In other words, the hon. Member wants to amend the Act; that seems to be his object. The hon. Member must know that a motion must not involve legislation and it should not anticipate an amendment of the Act."

JANAB P. K. MOIDEEN KUTTY :—" No, Mr. Speaker; that is not my purpose . . ."

MR. SPEAKER :—" Apart from that, I think it is a longstanding grievance and it is not therefore urgent. I therefore rule it out of order."

IV.—CHARGES AGAINST SOME MINISTERS.

MR. SPEAKER :—" The House is aware of the fact that the hon. Mr. Prakasam gave notice of a motion some time ago regarding the formation of a committee to enquire into the conduct of certain Ministers. At that time I gave a long ruling and explained the constitutional position also. Afterwards, he changed that privilege motion into a substantive motion. I have admitted that. I also told the House the other day that this motion could be taken up on an official day. If it is to be taken up on an official day, we want the permission of the Government—as to whether they would allow it to be taken up on an official day."

THE HON. SRI B. GOPALA REDDI :—" I presume, Sir, it is a private motion, and it may be taken up on a non-official day."

MR. SPEAKER :—" Only if the Government are willing, it can be taken up on an official day."

THE HON. SRI B. GOPALA REDDI :—" For the matter of that, if the Government are willing, even Monday or Tuesday can be converted into a non-official day, although Thursday ordinarily is non-official day. A private motion can come up only on that day; but if the Government are willing, they will themselves come forward with a proposal . . ."

MR. SPEAKER :—" That means they are not willing to take this up on an official day; so, we shall take it up on a non-official day."

THE HON. SRI K. MADHAVA MENON :—" Sir, you said that you have admitted it. I have to raise a point of order regarding it and I hope you will permit me to do so whenever the motion is to come up before the House."

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MR. SPEAKER :—" The House knows and the Hon. Minister knows that he can raise a point of order at any time."

SRI A. KAMESWARA RAO :—" Ordinarily Thursdays are being taken away for Government work. Why not Monday or Tuesday be given to this motion? "

MR. SPEAKER :—" The Hon. Leader of the House says that he is not going to allow this motion to be taken up on an official day."

" Regarding this motion, I wish to say a few words. I had some difficulty in admitting this motion. None of the text-book writers either on constitutional law or on constitution has treated this subject. The House may remember what I said the other day that a similar motion has not been moved in any part of India, either in the Centre or in the States. So, I had to go to the House of Commons to find a parallel for this. As I told the House, none of the text-book writers has mentioned anything about this except Todd; he is the only gentleman who has said that a motion of this kind can be brought against an ex-Minister."

SRI P. NATESAN :—" Who is that Todd? "

MR. SPEAKER :—" He was the Librarian of the Parliament for the Dominion of Canada, but he is now no more. He has written thus :

' The extent to which the responsibility of a Minister of the Crown for misbehaviour in office remains in operation after his retirement from the Cabinet

The other day when I called the Hon. Ministers and the Leaders of Parties to my room, the hon. Raja of Chettinad raised this point, viz., whether an ex-Minister could be censured, and so I shall again read the sentence :

' The extent to which the responsibility of a Minister of the Crown for misbehaviour in office remains in operation after his retirement from the Cabinet

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—" For how long? "

MR. SPEAKER :—" I will answer that question. As I said, regarding the question of the ' extent of responsibility ', Todd further says :

' that a new ministry should not be held accountable for the misconduct of one of their number under a previous administration ; and that the only available methods of procedure against an ex-minister of the crown were by parliamentary impeachment ; or by addressing the crown to remove his name from the list of the privy council, or otherwise to proceed against him by due process of law. But where the matter complained of is less serious, and admits of justification, it is usual for the House of Commons to receive and accept from the ex-minister who advised the same, an explanation of his conduct in relation thereto. '

In another place, Mr. Todd has stated :

' Since the establishment of Parliamentary Government, it has never been the use in England for any ministry, upon acceding to office, to make use of its power and influence in parliament to bring under investigation the acts of its predecessors. Those acts were open to parliamentary criticism when they were performed, and, being uncondemned at the time, must be presumed to have been sanctioned. It is, of course, competent to parliament to investigate particular matters of complaint against individual ex-ministers, whenever facts are brought

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to light which call for inquiry. But the power of a Government should never be employed against their predecessors in office to obtain a censure upon their past policy for mere party considerations, or to promote an inquiry into the policy and justice of public measures which were undertaken by them whilst they held the reins of Government, except with a view to the reform of administrative defects or the correction of abuses."

The hon. Raja of Chettinad asked me whether the House has got power to bring a motion to investigate in cases where ex-Ministers held office, say twenty years ago—I think that is what he had in mind when he put me the question ' for how long '. In answer to this point, I shall give a number of illustrations from the House of Commons. This is a very important constitutional point.

" Hon. Members know that in the year 1837, when Viscount Melbourne was the Prime Minister of England, Mr. Palmerston was Foreign Secretary. Those who have read history may be aware that at that time the Afghan War was going on and there were despatches from India to England. The Hon. Mr. Palmerston as Minister laid before the Parliament certain papers in 1839. In the year 1861 it was found that those papers which were laid before the Parliament were mutilated ones and not perfect ones; those papers were sent by the Governor-General of India to England. So, in the year 1861, a motion was brought against Mr. Palmerston for an act which took place more than twenty years ago.

" I may also tell the House that in the House of Commons in the year 1855 there was a debate whether an ex-Minister could be censured. I hope the hon. Members will have time to go through some of these proceedings. There was a two days' debate on it in the House of Commons. The point was that during the time of the Ministry of Lord Aberdeen, Lord Palmerston was the Foreign Secretary. The House is aware of the failure of the English army in the Crimean War. During the time of Lord Aberdeen, a committee was appointed to enquire into the conduct of the Ministers and others responsible for the failure of the English army in the Crimean War at Sebastapool. The motion was carried in the House, as a result of which Lord Aberdeen had to resign, and then Mr. Palmerston formed the Ministry. Among the Ministers who served under Lord Aberdeen was Mr. Gladstone, and he also took up office under Mr. Palmerston. The Committee said that the Ministers were responsible for the failure of the English army and so, a censure motion was brought before the House against the ex-Ministers. They called it ' retrospective censure '. At that time, a debate took place for two days in which Lord Aberdeen, Mr. Palmerston and others took part. It was a very important debate and they quoted Macaulay, Burke, etc. And so, this is a second illustration.

" The third illustration is : when Mr. Disraeli was Prime Minister in 1868, the House may know he formed a cabinet along with Lord Derby. But for some reason he resigned and the Queen asked Mr. Gladstone to form the Ministry. Mr. Gladstone however wanted time for forming the Ministry, and so Mr. Disraeli was asked to continue in office for some time more. During that interval, he made two appointments, one for the Royal Mint and another for the Lord Lieutenant for Cumberland and Westmoreland. He appointed juniors overlooking the claims of seniors. During the

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time of Mr. Gladstone, motions were brought against Mr. Disraeli for his conduct in the previous ministry and explanations were taken from him. As I have taken some trouble to look up these things, I wanted to lay them before the House. The motion of hon. Mr. Prakasam will be taken up on a non-official day, and the Hon. Mr. Madhava Menon will be at liberty to raise any point of order at that time."

11-45 JANAB M. S. ABDUL MAJID:—"Will you read out the motion, Sir, now that it has been modified."

MR. SPEAKER:—"It is a long motion and I shall have it circulated to hon. Members."

SRI S. NAGAPPA:—"On a point of information, Sir. If the discussion of the motion is not completed on next Thursday, will it be continued on the next day?"

MR. SPEAKER:—"I cannot answer such hypothetical questions."

V.—GOVERNMENT BILL.

THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS BILL, 1949—cont.

THE HON. DR. T. S. S. RAJAN:—"Sir, I wish to proceed with the Bill from where it was left at the end of the last session. Since some time had elapsed in the interval, I thought I could just draw the attention of the hon. Members to what has been done so far and incidentally explain the cause for the delay. I would like to remind hon. Members that this Bill was drafted long before the Constitution was framed and it has been so long on the anvil even before the Constitution was framed and came into effect. Therefore, it became necessary to reconsider many of the sections of the Bill in view of the great change that has come over the country and as one who has got to move the Bill, I have to consider points of law connected with the question. We were therefore very busy with the matter and took necessary advice in the matter both from the Government of India and our legal advisers with regard to the various matters concerned. Necessarily some alterations have got to be made. In fact, we have omitted two clauses and removed a chapter itself from the Bill and notices relating to these have already been given. These had to be made simply to legalise the procedure in regard to the constitutional difficulties that may be brought forward. We wanted to avoid such difficulties and get through the work without any legal obstacles. The consideration of these things took some time and that was really the cause of the delay in proceeding with the Bill. Having taken the time, it would be wrong on our part not to proceed with the Bill as early as possible. That is why the Bill has been given the first place in the agenda. There are smaller Bills on the agenda which may not take much time to be disposed of. Therefore, they may be passed first and the consideration of this Bill may be reserved to the last stage so that we may have the necessary time to go on with the Bill continuously. I may also inform the House that the Hon. Leader of the House has assured me to give the necessary time for the Bill to go through

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and pass this Bill during this session, so that I can take the Bill through its further stages either here or in the other House without causing any delay."

MR. SPEAKER:—"The hon. Member, Mr. Bhashyam, has given notice of a motion under Rule 67 of the Assembly Rules that the business of the House relating to the continuance of the discussion of the Hindu Religious Endowments Bill, be adjourned."

* SRI K. BHASHYAM:—"Sir, I move—

'That under Rule 67 of the Assembly Rules the business relating to the consideration of the Hindu Religious Endowments Bill be adjourned.'

"I do so with a great responsibility and it is not with a view to obstruct the passage of the Bill or with a view to delay in the process of going through it, but I feel that some consideration should be given to Members. One reason is that the Government have taken a long time for putting in their own amendments, which are made necessary by the fact that the Constitution Act has been passed. I find there are nearly as many as 54 amendments which have been given notice of by the Government and all these amendments have been served upon us as late as Saturday night and as such only one day has been left to hon. Members either to suggest their amendments or to understand the implications of the amendments proposed by the Government. Therefore, Sir, since the time at our disposal is short and the matters raised in the various amendments are fairly important, I think it is necessary that some more time must be given to us for considering the matter. That is one thing which I would like to point out and it is not that I want to delay this Bill. I want also to understand what the Government want to do and what the Government mean by their proposed amendments. In fact, Sir, I may tell you that I spent nearly three to four hours studying the amendments and I am not yet quite clear as to what is the principle on which these amendments have been made. I am now moving my motion in the hope that the Government will be able to place before this House in reply to the motion the underlying principles in respect of the various amendments which they seek to put in. True, Sir, there is only one clause I think it is clause 94-A—which says that nothing in this Act shall be deemed to confer any power or impose any duty in contravention of the rights conferred on any religious denomination, etc., by Article 26 of the Constitution. Such a general provision is really without any necessity for it. After all, if it is contrary to Article 26 of the Constitution, it is contrary to it and it is not necessary to express it in so many words. Probably such a clause is put in to save the face of the Government in a court of law. That is a mere dream of the Government itself. Along with this, while going through the clauses of the Bill the Government have also suggested various amendments omitting, for instance clauses 43, 45, etc. What do these things lead to, I am not able to understand. I may point out that when the matter was before the Select Committee most of these points were raised by us, but the Government would not listen to

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us then. Perhaps wisdom has now dawned upon them. But I would like to state that it would have been better if the wisdom had dawned on them earlier.

"Therefore, Sir, in view of all these, I am not able to come to any definite conclusions—but only tentative conclusions—within the short time at my disposal. Then again, I think I have to give a number of amendments to the amendments proposed by the Government, but where is the chance for me to do so. Therefore, it is hardly fair to ask hon. Members to consider the Bill at such short notice. For instance, I would like to point out, that the Government want to amend clause 3, which has already been passed. I would like to ask the hon. Minister in charge of the Bill or somebody on behalf of the Government to give us an idea of what is it they have done and on what principle they want to amend the clause again, as also other clauses in the Bill. I would also like to have an opportunity to be given to us for the purpose of moving amendments. Now, there is no chance for us. As I told you, the amendments proposed by the Government come to about 54 covering 11 pages of matter concerning the various clauses of the Bill. For these reasons, Sir, I would like the Government to consider the interests of Members—of course many persons may or may not take interest and they may have perfect confidence in the wisdom of the Government and take what they have done is correct—we also have confidence in the Government, but would like to know where they are leading us to and that is what I am really interested in.

"Therefore, even though I have not made the motion earlier, I thought it necessary to move the motion. Of course, it might have been brought to your notice earlier, but yesterday being Sunday, I could not do it. That was the reason."

* SRI T. VISWANATHAM :—Sir, in seconding the motion of my hon. Friend, Mr. Bhashyam, I wish to add a few remarks of my own. I hope most of the Members of the House will agree with me that we have had no time to go through the long list of amendments circulated to hon. Members, to some on Saturday, to some on Sunday, that is yesterday and to the rest, it appears the amendments were circulated only this morning. Of course, I am not finding fault with the office, but I am only submitting to you that there has been practically no time for Members to examine the amendments proposed by the Government. I need not say that these amendments are coming from the Government after the report of the Select Committee and after consideration actually of some of the clauses. In fact these objections to the constitution were raised at the discussion also and they were not prior to the framing of the Constitution, but they were raised after the promulgation of the new Constitution, but the Government took the risk of introducing the report of the Select Committee and going through some clauses even after the Constitution came into force. That is why several hon. Members raised several objections. It is good now that the Government are willing to abide by the Constitution. In fact, in one of the amendments proposed I find it is declared that the Government are not going to violate the Constitution, but what I submit is,

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a declaration that any of the provisions of the Bill will not be deemed to confer powers in violation of the Constitution, is not enough. But, what we have to see is that the wording of the Bill or the amendment is actually in conformity with the Constitution or not. I wonder whether the Hon. Minister has gone through the existing clauses and the wording of the various amendments in the light of the declaration that they are not violating the Constitution.

"In spite of the declaration, there are several provisions of the Bill which are in my opinion against the Constitution. I submit, Sir, that it is only fair to the Members of the House to allow some time. In fact, if you interpret the rules a little more favourably, I would even suggest that the Bill may be republished with the amendments proposed by the Government. There is nothing wrong in it; if we are intent upon doing a good thing, let us do it in a good way. If that is so, Sir, I would even move if you permit me, a separate motion that the Bill may be republished incorporating all the amendments which the Government have proposed. The thing is the Government must make up their mind in regard to the Bill before us. After the Select Committee, they have come forward with 54 amendments, some of which are very long and I am afraid they have not yet made up their mind in regard to several matters and in my opinion the implications of several things have not been properly understood. I submit, therefore, Sir, that some time is wanted and the consideration of the Bill may be adjourned to another day which will be convenient."

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THE HON. SRI K. MADHAVA MENON :—"Mr. Speaker, Sir, it may be said plausibly that there are a large number of amendments and the amendments themselves reached hon. Members yesterday or the day before yesterday and thus, therefore, there was very little time. True, Sir, the amendments have been given notice of after the first reading is over and after the Select Committee has reported upon the Bill. It was done not merely to bring certain clauses in consonance with the provisions of the Constitution but various suggestions were made during the first reading of the Bill that some of the clauses were unnecessary or some of the clauses should be amended in such a way that they should not offend against natural justice. For instance there were clauses under which in respect of religious institutions, charitable institutions or maths, the Commissioner can pass orders taking over their management without assigning any reasons. After hearing the discussions in this House, the Government have come forward with certain amendments saying that the Commissioner or the Deputy Commissioner can act only if there is mismanagement and even if they are satisfied about it they can do it only after giving notice to the parties concerned and hearing them. The summary powers that have been given to the Government under the original Bill we have changed in such a way as to give notice to the parties and in some cases appeal to the courts is also provided. These are the main amendments proposed. During the course of the discussion, doubts were raised that some of the provisions may also offend the Constitution; we examined the matter with our

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legal officers and have proposed amendments with a view to see that such objections may not be there for people to doubt but still should there be any such loophole, we have made an allround clause saving that the Act shall not affect rights under Article 26 of the Constitution. Most of the amendments were proposed in the Select Committee, some of which were accepted and some turned down. But after hearing the suggestions in the House during the first reading stage, it was thought that it is better to accept some more of the suggestions. These are not new amendments; they are practically the amendments which had been suggested by hon. Members and they in no way increase the power of the Government or of the Commissioner. It is only intended to limit the powers as much as possible in the interests of the institution and also so that we may not offend the Constitution. There is nothing strange that we have done and I do not see any particular reason why there should be an adjournment of the consideration of the Bill. My hon. Friend Mr. Viswanatham went to the extent of suggesting that the Bill may be republished incorporating the amendments which have been proposed. I am afraid there is no provision for adopting such a course under which the Bill could be republished and come again before the House. The Government will have to withdraw their first motion and the Bill will have to come afresh. There is no such procedure nor can we accept that position. I have consulted Hon. Dr. Rajan and he tells me that if the House so thinks and if you are so inclined, we can take up the Bill to-morrow and not to-day."

MR. SPEAKER:—"I think that that will satisfy hon. Mr. Bhashyam."

* SRI K. BHASHYAM:—"Mr. Speaker, Sir; I should be thankful for small mercies but really, Sir, I do not feel that a day is enough to study the implications of the amendments and propose amendments in respect of the amendments that have been proposed by the Government."

MR. SPEAKER:—"To-morrow before eleven o'clock, he can do it."

* SRI K. BHASHYAM:—"We are after all human beings, Sir. The Government with all the staff at their command have taken three months for bringing forward these amendments covering eleven pages of closely printed matter. We have to study the scope of the amendments and the time you have allowed is not enough, Sir. So, I would suggest to you, Sir, to give a week in order to enable us to make a thorough study and find out what the defects are that had been rectified and how the position could be improved. After all, Sir, I am not a trustee nor a matadhipathi, and I am doing this in the general interests of good legislation. If the Government do not care for it, I do not know what to do. I would ask that this may be taken up next week."

THE HON. SRI B. GOPALA REDDI:—"We have no objection, Sir, for the Bill being taken up on Wednesday."

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MR. SPEAKER:—"Amendments to the amendments will be received till one o'clock to-morrow."

* SRI K. BHASHYAM:—"The Government have given us some indulgence and I would request you, Sir, to extend your indulgence also. We are busy people and we are not professional politicians. We should devote some time over it and therefore, I beg that we may be allowed some more time till next week."

MR. SPEAKER:—"The Government proposal is there and we can have the discussion on Wednesday; there seems to be no other alternative."

SRI K. BHASHYAM:—"The Government have given us some indulgence and I am suggesting that you also allow us a little more indulgence in giving amendments. There is indulgence from the Government side and I want a little further indulgence from you in that matter, Sir."

MR. SPEAKER:—"To-morrow till five o'clock hon. Members can send their amendments to the amendments. If they are verbal the hon. Member can raise them at any time."

SRI K. BHASHYAM:—"I shall do it without being asked and in fact, you yourself will do it yourself. If the amendments proposed by the Government occasion an amendment in the general clauses of the Act, in respect of them also, I must be given some time; I want also to suggest amendments to certain clauses of the Bill."

MR. SPEAKER:—"The hon. Member can do it."

SRI K. RAJARAM NAYUDU:—"You have ruled, Sir, that he can move amendments to the general clauses."

SRI K. BHASHYAM:—"I am sorry, Sir, I shall have to challenge the hon. Member if he can give out now and here the implications of the various amendments."

MR. SPEAKER:—"What the hon. Member says is in relation to consequential amendments in respect of the other clauses; the Government have already moved some amendments to other clauses also. The question is—

'That under Rule 67, of the Assembly Rules, the consideration of the Bill be adjourned.'"

The motion was carried.

THE HON. SRI B. GOPALA REDDI:—"I now move, Sir, that the House be adjourned because the Hon. Minister in charge of the next Bill is not ready with the Bill. It will give hon. Members more time and it will satisfy Mr. Bhashyam better if we adjourn the House."

MR. SPEAKER:—"The House stands adjourned till eleven o'clock to-morrow."

[Mr. Speaker] [13th November 1950]

time of Mr. Gladstone, motions were brought against Mr. Disraeli for his conduct in the previous ministry and explanations were taken from him. As I have taken some trouble to look up these things, I wanted to lay them before the House. The motion of hon. Mr. Prakasam will be taken up on a non-official day, and the Hon. Mr. Madhava Menon will be at liberty to raise any point of order at that time."

11-45 JANAB M. S. ABDUL MAJID:—"Will you read out the motion, Sir, now that it has been modified."

MR. SPEAKER:—"It is a long motion and I shall have it circulated to hon. Members."

SRI S. NAGAPPA:—"On a point of information, Sir. If the discussion of the motion is not completed on next Thursday, will it be continued on the next day?"

MR. SPEAKER:—"I cannot answer such hypothetical questions."

V.—GOVERNMENT BILL.

THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS BILL, 1949—cont.

THE HON. DR. T. S. S. RAJAN:—"Sir, I wish to proceed with the Bill from where it was left at the end of the last session. Since some time had elapsed in the interval, I thought I could just draw the attention of the hon. Members to what has been done so far and incidentally explain the cause for the delay. I would like to remind hon. Members that this Bill was drafted long before the Constitution was framed and it has been so long on the anvil even before the Constitution was framed and came into effect. Therefore, it became necessary to reconsider many of the sections of the Bill in view of the great change that has come over the country and as one who has got to move the Bill, I have to consider points of law connected with the question. We were therefore very busy with the matter and took necessary advice in the matter both from the Government of India and our legal advisers with regard to the various matters concerned. Necessarily some alterations have got to be made. In fact, we have omitted two clauses and removed a chapter itself from the Bill and notices relating to these have already been given. These had to be made simply to legalise the procedure in regard to the constitutional difficulties that may be brought forward. We wanted to avoid such difficulties and get through the work without any legal obstacles. The consideration of these things took some time and that was really the cause of the delay in proceeding with the Bill. Having taken the time, it would be wrong on our part not to proceed with the Bill as early as possible. That is why the Bill has been given the first place in the agenda. There are smaller Bills on the agenda which may not take much time to be disposed of. Therefore, they may be passed first and the consideration of this Bill may be reserved to the last stage so that we may have the necessary time to go on with the Bill continuously. I may also inform the House that the Hon. Leader of the House has assured me to give the necessary time for the Bill to go through

[13th November 1950] [Dr. T. S. S. Rajan]

and pass this Bill during this session, so that I can take the Bill through its further stages either here or in the other House without causing any delay."

MR. SPEAKER:—"The hon. Member, Mr. Bhashyam, has given notice of a motion under Rule 67 of the Assembly Rules that the business of the House relating to the continuance of the discussion of the Hindu Religious Endowments Bill, be adjourned."

* SRI K. BHASHYAM:—"Sir, I move—

'That under Rule 67 of the Assembly Rules the business relating to the consideration of the Hindu Religious Endowments Bill be adjourned.'

"I do so with a great responsibility and it is not with a view to obstruct the passage of the Bill or with a view to delay in the process of going through it, but I feel that some consideration should be given to Members. One reason is that the Government have taken a long time for putting in their own amendments, which are made necessary by the fact that the Constitution Act has been passed. I find there are nearly as many as 54 amendments which have been given notice of by the Government and all these amendments have been served upon us as late as Saturday night and as such only one day has been left to hon. Members either to suggest their amendments or to understand the implications of the amendments proposed by the Government. Therefore, Sir, since the time at our disposal is short and the matters raised in the various amendments are fairly important, I think it is necessary that some more time must be given to us for considering the matter. That is one thing which I would like to point out and it is not that I want to delay this Bill. I want also to understand what the Government want to do and what the Government mean by their proposed amendments. In fact, Sir, I may tell you that I spent nearly three to four hours studying the amendments and I am not yet quite clear as to what is the principle on which these amendments have been made. I am now moving my motion in the hope that the Government will be able to place before this House in reply to the motion the underlying principles in respect of the various amendments which they seek to put in. True, Sir, there is only one clause I think it is clause 94-A—which says that nothing in this Act shall be deemed to confer any power or impose any duty in contravention of the rights conferred on any religious denomination, etc., by Article 26 of the Constitution. Such a general provision is really without any necessity for it. After all, if it is contrary to Article 26 of the Constitution, it is contrary to it and it is not necessary to express it in so many words. Probably such a clause is put in to save the face of the Government in a court of law. That is a mere dream of the Government itself. Along with this, while going through the clauses of the Bill the Government have also suggested various amendments omitting, for instance clauses 43, 45, etc. What do these things lead to, I am not able to understand. I may point out that when the matter was before the Select Committee most of these points were raised by us, but the Government would not listen to

[Sri K. Bhashyam] . [13th November 1950]

us then. Perhaps wisdom has now dawned upon them. But I would like to state that it would have been better if the wisdom had dawned on them earlier.

" Therefore, Sir, in view of all these, I am not able to come to any definite conclusions—but only tentative conclusions—within the short time at my disposal. Then again, I think I have to give a number of amendments to the amendments proposed by the Government, but where is the chance for me to do so. Therefore, it is hardly fair to ask hon. Members to consider the Bill at such short notice. For instance, I would like to point out, that the Government want to amend clause 3, which has already been passed. I would like to ask the hon. Minister in charge of the Bill or somebody on behalf of the Government to give us an idea of what is it they have done and on what principle they want to amend the clause again, as also other clauses in the Bill. I would also like to have an opportunity to be given to us for the purpose of moving amendments. Now, there is no chance for us. As I told you, the amendments proposed by the Government come to about 54 covering 11 pages of matter concerning the various clauses of the Bill. For these reasons, Sir, I would like the Government to consider the interests of Members—of course many persons may or may not take interest and they may have perfect confidence in the wisdom of the Government and take what they have done is correct—we also have confidence in the Government, but would like to know where they are leading us to and that is what I am really interested in.

" Therefore, even though I have not made the motion earlier, I thought it necessary to move the motion. Of course, it might have been brought to your notice earlier, but yesterday being Sunday, I could not do it. That was the reason."

* SRI T. VISWANATHAM :—" Sir, in seconding the motion of my hon. Friend, Mr. Bhashyam, I wish to add a few remarks of my own. I hope most of the Members of the House will agree with me that we have had no time to go through the long list of amendments circulated to hon. Members, to some on Saturday, to some on Sunday, that is yesterday and to the rest, it appears the amendments were circulated only this morning. Of course, I am not finding fault with the office, but I am only submitting to you that there has been practically no time for Members to examine the amendments proposed by the Government. I need not say that these amendments are coming from the Government after the report of the Select Committee and after consideration actually of some of the clauses. In fact these objections to the constitution were raised at the discussion also and they were not prior to the framing of the Constitution, but they were raised after the promulgation of the new Constitution, but the Government took the risk of introducing the report of the Select Committee and going through some clauses even after the Constitution came into force. That is why several hon. Members raised several objections. It is good now that the Government are willing to abide by the Constitution. In fact, in one of the amendments proposed I find it is declared that the Government are not going to violate the Constitution, but what I submit is,

[13th November 1950] [Sri T. Viswanatham]

a declaration that any of the provisions of the Bill will not be deemed to confer powers in violation of the Constitution, is not enough. But, what we have to see is that the wording of the Bill or the amendment is actually in conformity with the Constitution or not. I wonder whether the Hon. Minister has gone through the existing clauses and the wording of the various amendments in the light of the declaration that they are not violating the Constitution.

" In spite of the declaration, there are several provisions of the Bill which are in my opinion against the Constitution. I submit, Sir, that it is only fair to the Members of the House to allow some time. In fact, if you interpret the rules a little more favourably, I would even suggest that the Bill may be republished with the amendments proposed by the Government. There is nothing wrong in it; if we are intent upon doing a good thing, let us do it in a good way. If that is so, Sir, I would even move if you permit me, a separate motion that the Bill may be republished incorporating all the amendments which the Government have proposed. The thing is the Government must make up their mind in regard to the Bill before us. After the Select Committee, they have come forward with 54 amendments, some of which are very long and I am afraid they have not yet made up their mind in regard to several matters and in my opinion the implications of several things have not been properly understood. I submit, therefore, Sir, that some time is wanted and the consideration of the Bill may be adjourned to another day which will be convenient."

12
noon

THE HON. SRI K. MADHAVA MENON :—" Mr. Speaker, Sir, it may be said plausibly that there are a large number of amendments and the amendments themselves reached hon. Members yesterday or the day before yesterday and thus, therefore, there was very little time. True, Sir, the amendments have been given notice of after the first reading is over and after the Select Committee has reported upon the Bill. It was done not merely to bring certain clauses in consonance with the provisions of the Constitution but various suggestions were made during the first reading of the Bill that some of the clauses were unnecessary or some of the clauses should be amended in such a way that they should not offend against natural justice. For instance there were clauses under which in respect of religious institutions, charitable institutions or maths, the Commissioner can pass orders taking over their management without assigning any reasons. After hearing the discussions in this House, the Government have come forward with certain amendments saying that the Commissioner or the Deputy Commissioner can act only if there is mismanagement and even if they are satisfied about it they can do it only after giving notice to the parties concerned and hearing them. The summary powers that have been given to the Government under the original Bill we have changed in such a way as to give notice to the parties and in some cases appeal to the courts is also provided. These are the main amendments proposed. During the course of the discussion, doubts were raised that some of the provisions may also offend the Constitution; we examined the matter with our

[Sri K. Madhava Menon] [18th November 1950]

legal officers and have proposed amendments with a view to see that such objections may not be there for people to doubt but still should there be any such loophole, we have made an allround clause saving that the Act shall not affect rights under Article 26 of the Constitution. Most of the amendments were proposed in the Select Committee, some of which were accepted and some turned down. But after hearing the suggestions in the House during the first reading stage, it was thought that it is better to accept some more of the suggestions. These are not new amendments; they are practically the amendments which had been suggested by hon. Members and they in no way increase the power of the Government or of the Commissioner. It is only intended to limit the powers as much as possible in the interests of the institution and also so that we may not offend the Constitution. There is nothing strange that we have done and I do not see any particular reason why there should be an adjournment of the consideration of the Bill. My hon. Friend Mr. Viswanatham went to the extent of suggesting that the Bill may be republished incorporating the amendments which have been proposed. I am afraid there is no provision for adopting such a course under which the Bill could be republished and come again before the House. The Government will have to withdraw their first motion and the Bill will have to come afresh. There is no such procedure nor can we accept that position. I have consulted Hon. Dr. Rajan and he tells me that if the House so thinks and if you are so inclined, we can take up the Bill to-morrow and not to-day."

MR. SPEAKER:—"I think that that will satisfy hon. Mr. Bhashyam."

* SRI K. BHASHYAM:—"Mr. Speaker, Sir, I should be thankful for small mercies but really, Sir, I do not feel that a day is enough to study the implications of the amendments and propose amendments in respect of the amendments that have been proposed by the Government."

MR. SPEAKER:—"To-morrow before eleven o'clock, he can do it."

* SRI K. BHASHYAM:—"We are after all human beings, Sir. The Government with all the staff at their command have taken three months for bringing forward these amendments covering eleven pages of closely printed matter. We have to study the scope of the amendments and the time you have allowed is not enough, Sir. So, I would suggest to you, Sir, to give a week in order to enable us to make a thorough study and find out what the defects are that had been rectified and how the position could be improved. After all, Sir, I am not a trustee nor a matadhipathi, and I am doing this in the general interests of good legislation. If the Government do not care for it, I do not know what to do. I would ask that this may be taken up next week."

THE HON. SRI B. GOPALA REDDI:—"We have no objection, Sir, for the Bill being taken up on Wednesday."

18th November 1950]

MR. SPEAKER:—"Amendments to the amendments will be received till one o'clock to-morrow."

* SRI K. BHASHYAM:—"The Government have given us some indulgence and I would request you, Sir, to extend your indulgence also. We are busy people and we are not professional politicians. We should devote some time over it and therefore, I beg that we may be allowed some more time till next week."

MR. SPEAKER:—"The Government proposal is there and we can have the discussion on Wednesday; there seems to be no other alternative."

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MR. SPEAKER:—"The House stands adjourned till eleven o'clock to-morrow."

[13th November 1950]

APPENDIX I.

[Vide answer to starred question No. 354 asked by Sri N. M. R. Subharaman at the meeting of the Legislative Assembly held on 13th November 1950, page 1 supra.]

GOVERNMENT OF MADRAS.

PUBLIC (ELECTIONS) DEPARTMENT.

(1) G.O. No. 2445, dated 29th September 1948
(as amended up-to-date).

[Flags—Flying, on public buildings—Occasions—Specified.]

READ—the following papers:—

G.O. Ms. No. 1231, Public (Political), dated 8th July 1937.

Memorandum No. 3418/47-8, Public (Elections), dated 12th December 1947.

Order—No. 2445, Public (Elections), dated 29th September 1950.

In supersession of the orders read above and in continuation of G.O. No. 1791, Public (General-A), dated the 23rd July 1948, the Government direct that the National Flag of India should be flown daily from sunrise to sunset over the following buildings:—

- (1) Secretariat,
- (2) Residences of the Hon'ble the Premier and the Hon'ble Ministers,
- (3) High Court,
- (4) Offices of Collectors,
- (5) Offices of the Inspector-General of Police, the Commissioner of Police, Madras City, and the District Superintendents of Police,
- (6) Offices of the Corporation of Madras, District Boards and Municipalities,
- (7) Jails,
- (8) Offices of the Board of Revenue, and
- (9) (i) Offices of the Deputy Inspector-General of Police,
(ii) Office of the Commandant of the Malabar Special Police,
(iii) Office of the Commandants of the Special Armed Police Units,
(iv) Office of the Principal of the Police Training School,
(v) Offices of the Principals of the Police Recruits' Schools,
(vi) Police Posts where units of the Malabar Special Police or Special Armed Police are stationed.

[13th November 1950]

2. The National Flag of India should be flown over all buildings occupied by Government offices on the following special occasions:—

- (1) January 26th,
- (2) Independence Day (August 15th),
- (3) Mahatma Gandhi's Birthday (October 2nd),
- (4) National Week (6th to 12th April), and
- (5) On any other day of national rejoicing.

3. The following will be *extra special occasions* for the flying of National Flags for the buildings and localities concerned:—

(1) on each day on which an important person (e.g.), His Excellency the Governor-General, His Excellency the Governor, Hon'ble the Premier or an Hon'ble Minister visits the premises; and

(2) on the occasion of important local festivals.

NOTE.—On all the occasions specified in paragraphs 2 and 3 also, the flag should be flown only between sunrise and sunset.

GOVERNMENT OF MADRAS.

PUBLIC (MISCELLANEOUS) DEPARTMENT.

(2) G.O. No. 2168, dated 15th May 1950.

[Flags—National Flag of India—Display—Revised rules of Government of India—Communicated.]

READ—the following papers:—

I

G.O. No. 4189, Public (Elections), dated 1st December 1949.

Memorandum No. 246/49-2, Public (Elections), dated 9th January 1950.

II

From the Government of India, Ministry of Home Affairs, dated 27th April 1950, No. F. 41/18/49-Public.

[Rules regulating the display of the National Flag of India.]

I am directed to forward for information and guidance a copy of up-to-date rules for the display of the National Flag of India. They are based on the orders issued from time to time and include alterations due to constitutional changes.

RULES FOR THE DISPLAY OF THE NATIONAL FLAG OF INDIA.

The flag is the emblem of the Nation. It is essential that it should not be brought into disrepute by unregulated use.

[13th November 1950]

The following rules have therefore been prescribed for the display of the National Flag of India :—

I. *Display of the Flag on buildings.*—(a) Normally, the flag should be flown only on important Government buildings such as High Courts, Secretariats, Commissioners' Offices, Collectorates, Jails and Offices of the District Boards and Municipalities.

(b) The flag should also be flown on the residences of the—

(i) Governors and Rajpramukhs when outside their States if they stay either at their own or other private residences.

(ii) Ruling Princes may also use the flag together with their own flags, if they so desire.

(iii) Heads of Indian Mission in foreign countries. They may also fly the flag on their offices where these are separate from their residences.

(iv) Ministers of Union and States.

(v) Ministers of State of the Central Government.

(vi) Chairmen of Upper Chambers where these exist.

(vii) Speakers of the Parliament of India and State Legislative Assemblies.

(viii) Chief Commissioners.

(ix) Regional Commissioners in Part 'B' States.

(x) Commissioners of Divisions, Deputy Commissioners and Collectors of districts.

(c) In frontier areas, the flag may be flown at special places.

(d) (i) The President has a special flag of his own and will continue to fly the same.

(ii) The Governors and Rajpramukhs have their own special flags and will continue to fly them within their States.

(e) (i) If the President, the Prime Minister or the Deputy Prime Minister, while visiting a State stays with the Governor or Rajpramukh in the Government House, the President's flag or the National Flag of India, as the case may be, should also be flown on the top of the main building or on the top of the wing, where the President, the Prime Minister or the Deputy Prime Minister happens to reside, or in a conspicuous part of the forecourt or the main approach.

(ii) If the Governor or the Rajpramukh stays in the Circuit House within his State and the President, the Prime Minister or the Deputy Prime Minister also stays in the same house as his guest, the same practice as in the preceding sub-rule should be followed.

(iii) If the President, the Prime Minister or the Deputy Prime Minister proceeds to a State town where the Governor or the Rajpramukh is not present, the President's Flag or the National Flag of India, as the case may be, should be conspicuously displayed on a flag staff or an improvised pole on the top of the house.

[13th November 1950]

II. *Display of the Flag on cars.*—The privilege for the use of the flag on motor cars will be limited to the—

(i) Governors and Rajpramukhs when outside their States.

(ii) Ruling Princes may also use the flag together with their own flags if they so desire.

(iii) Heads of Indian Missions in foreign countries.

(iv) Ministers of Union and States.

(v) Ministers of State and Deputy Ministers of the Central Government.

(vi) Chairmen of Upper Chambers where these exist.

(vii) Speakers of the Parliament of India and State Legislative Assemblies.

(viii) Chief Commissioners.

(ix) Regional Commissioners in Part 'B' States.

III. *General.*—(i) On special occasions like the Independence Day celebrations—15th August, Mahatma Gandhi's birthday, January 26th and National Week, as well as on any other particular day of National Rejoicing, the use of the Flag will be unrestricted.

(ii) The use of the flag by the Army, Navy and the Air Force will be governed by the special rules made for the purpose.

(iii) The flag should not be flown by persons other than those mentioned in these rules except as provided in (i) above.

Order—No. 2168, Public (Miscellaneous), dated 15th May 1950.

Recorded.

2. The rules now issued by the Government of India supersede the instructions communicated with G.O. No. 4189, Public (Elections), dated 1st December 1949, as amended by Memorandum No. 246/49-2, Public (Elections), dated 9th January 1950.

APPENDIX II.

[Vide answer to starred question No. 355 asked by Sri K. Shanmugam at the meeting of the Legislative Assembly held on 13th November 1950, page 3 supra.]

[Legislative Assembly Question—Information regarding Homoeopathic institutions.]

Statement mentioned in answer to clauses (c) to (e) of question No. 355.

Dispensary at Kotnally (East Godavari), 1949-50.	Dispensary at T. Narasapuram (West Godavari), 1949-50.	Dispensary at Paganeri (Ramanathapuram), 1949-50.
RS.	RS.	RS.
3,793	1,834	5,975
800	392	1,082
5,005	7,170	11,996

[19th November 1950]

APPENDIX III.

[Vide answer to starred question No. 364 asked by Sri V. Raghavayya at the meeting of the Legislative Assembly held on 11th November 1950, page 10 supra.]

Statement showing the scales of pay of officers and other ranks in the Malabar Special Police.

Strength.	Scale of pay.
Commandant	I.P. or I.P.S. senior scale according to the officer holding the post, namely :— I.P. senior scale—Rs. 650—25—750—50—800—25—850—50—900—25—950—50—1,000 (E.B.)—1,050—1,050—1,100—50—1,150. I.P.S. senior scale—Rs. 600—40—1,000—1,000—1,050—1,050—1,100—1,100—1,150.
Deputy Commandant ..	Rs. 350—35/2—700.
Assistant Commandants.	The present temporary Assistant Commandants who are promoted officers are paid a fixed pay of Rs. 350. There are also two Assistant Commandants who are Deputy Superintendents of Police and draw pay in their scale of pay as Deputy Superintendents of Police, Rs. 250—600.
Subedars-Major and Subedars.	Rs. 150—3—180. (Subedars-Major draw a special pay of Rs. 50.)
Jamadars	Rs. 85—3—100.
Headildars-Major ..	Rs. 65—1/4 (A)—70.
Havildars	Rs. 55—1/4 (A)—60.
Naiks	Rs. 45—1/4 (A)—50.
Constables including Lance Naiks.	Rs. 32—1/4 (A)—43.

[13th November 1950]

APPENDIX IV.

[Vide answer to starred question No. 370 asked by Sri S. Nagappa at the meeting of the Legislative Assembly held on 13th November 1950, page 13 supra.]

RESOLUTIONS PASSED AT THE 23RD ANNUAL CONFERENCE OF THE GOVERNMENT PRESS WORKER'S UNION HELD ON 9TH SEPTEMBER 1950.

No. I.

In the revision of pay effected in February 1947 all the workers of the Government Press were given increments of not less than Rs. 2 in the respective grades sanctioned for them but in the subsequent alterations of certain grades effected in June 1947, the increments of Rs. 2 were reduced to Re. 1 in the grades of Binders, Minders, Layers-on, Type-casters, Carpenters, etc. The deduction has greatly affected the workers and consequently it gives room for dissatisfaction.

Fifty or 60 workers whose work is continuous and permanent are kept under contingency and paid Rs. 13-8-0 only. Besides certain workers were kept in Day-Extra and paid Rs. 14-8-0 only.

The Union has addressed the Honourable Minister for Education in charge of the department on 3rd July 1950 requesting him to increase the increments from Re. 1 to Rs. 2 and to bring the workers in the Contingent and Day-Extra establishment under regular establishment and to pay them at least the minimum salary of Rs. 30. The Superintendent of the Government Press has also recommended in the matter.

This conference therefore requests the Government to restore the increment of Rs. 2 in the grades specified above and to make the Contingent and Day Extra establishment permanent and to bring it under regular establishment.

No. II.

Whereas promotions are not regulated in accordance with seniority, while there are Government Orders and statutory rules in the matter, but are made according to the whims and fancies of the authorities of the Government Press;

Whereas increments are withheld without rhyme or reason;

Whereas punishments are inflicted without following the procedure laid down in the rules and without reference to the nature of offences committed;

Whereas recoveries are made from the salaries of the workers for anything and everything in contravention of the provisions contained in the Payment of Wages Act and the rules framed thereunder;

Whereas vacancies are not filled up then and there;

THE MADRAS LEGISLATIVE ASSEMBLY.

Tuesday, the 14th November 1950.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Entertainment tax on 'Doll Dance'.

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

(a) whether it is a fact that the Government propose to levy Entertainment tax on 'Doll Dance' (Bommallattam);

(b) if so, the estimated revenue out of this tax; and

(c) the estimated amount that is to be spent on the collection of this tax?

THE HON. SRI B. GOPALA REDDI:—“(a) ‘Doll Dances’ or Bommallattams are treated as entertainments and entertainment tax is even now being collected on such performances under the Madras Entertainments Tax Act, 1939. There is therefore no question of the tax being levied afresh on doll dances.

“(b) Information regarding the amount of tax levied on doll dances alone is not available.

“(c) The general staff of the Commercial Taxes Department collects the tax on ‘Doll Dances’ along with the tax on other entertainments. No separate staff is employed for collecting the tax on doll dances alone.”

SRI S. NAGAPPA:—“Arising out of the answer to clause (b), Sir, the Hon. Minister said that he could not get the figures to estimate what will be the cost thereby incurred. Is it advisable, Sir, for the Government to levy taxes so?”

THE HON. SRI B. GOPALA REDDI:—“It is being collected from 1939 without getting any figures, and there is no reason why we should not continue to so collect now also, in view of the fact that ninety per cent of the money gets back to local bodies.”

SRI P. NATESAN:—“May I know, Sir, in what part of the State does this Bommallattam obtain?” (Laughter.)

THE HON. SRI B. GOPALA REDDI:—“The hon. Member will do well to put that question to hon. Member Sri Nagappa, who is well versed in Bommallattam.” (Laughter.)

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Whereas leave allowances are not claimed and paid in time ;

Whereas temporary workers are to be made permanent within a reasonable time ;

Whereas the increase in the out-turn of the Lino and Mono operators and of the Compositors is to be reduced to a standard level ;

Whereas the Bonus system is an unwanted one ;

This conference points out these matters and urges upon the Government to suitably advise the Superintendent to redress these legitimate grievances of the workers in a desirable and just manner.

No. III.

Whereas the revised scales of pay sanctioned in 1947 are not based on any principle, standard or equity and are not regulated in accordance with the duties and responsibilities of the workers concerned ;

Whereas, in particular, as the salaries of the Lino and Mono operators are not suitably revised, many of the experienced and competent operators left service to seek employment elsewhere, and consequently works accumulated are given to private presses ;

Whereas on account of dearth of operators, 7 or 8 Lino machines are daily kept idle ;

This conference requests the Government to suitably revise the scales of pay of the operators as well as the imposers, compositors, binders and minders.

No. IV.

This conference requests the Government and the Superintendent of the Press (1) to appoint a Senior Foreman in each department of the Press, (2) to promote the sixteen reverted workers to the post of Assistant Foreman, (3) to fill up the vacancies in the departments in accordance with seniority in the categories of the grades and (4) to promote to the vacancies of Foreman or Assistant Foreman in Type-casting or Monotype-casting from amongst the experienced senior workers of the department.

No. V.

This conference requests the Superintendent of the Government Press to give preference to the sons of the workers working in the Press and of retired workers in the matter of appointments of semi-skilled and ordinary workers, without imposing any conditions as to educational qualifications and as to certificates from the office of the Employment Exchange.

No. VI.

This conference requests the Government and the Superintendent (1) not to give any printing, binding or other work to any of

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the private presses, while there are number of machines, workmen, supervising staff and officers and other facilities in the Government Press itself to execute any and every kind of work, (2) to grant pensions to retired workers in the course of one month of their retirement and (3) not to give troubles to the workers in times of need by keeping secret personal files and recording in them as the authorities please, without giving any opportunity to the workers to rebut them.

No. VII.

This conference requests the Government to grant advance increments for the period from 1923 to 1932 to about 150 workers of the Composing department whose services were terminated in 1932 due to slackness of work but were taken back subsequently and have been working in the Press till now.

No. VIII.

This conference requests the Government to issue early orders of absorbing the Pudukkottai Branch Press with the Government Press, Madras, inasmuch as it has been treated as a branch of the Government Press and as it is directly working under the supervision of the Superintendent of the Government Press, and to take back the temporary workers whose services were terminated.

No. IX.

This conference deplores that the dearness allowance of the low-paid Government servants in the Government Press has remained stagnant for a long time while the index number of the cost of living has been sharply mounting up, and requests that especially in view of the tendency of the increasing prices to go on increasing higher and higher, the Central Government rates of dearness allowance should at least be granted to the workers of the Government Press, and also urges the need for substantially increasing the house rent allowance which bears no relation to the higher rents actually paid by the low-paid workers of the Government Press.

No. X.

This conference requests that the peons assisting the despatchers of the H.D. Section in their work should be designated as attenders and the Warehousemen in the Paper-Store as Storemen under Supervising category and that their salaries should be revised in accordance with their duties.

No. XI.

Whereas the pay of the Copy-holders and Junior Readers is not revised in accordance with their duties and responsibilities ;

Whereas the Junior and the Senior Readers are executing more or less the same duties.

This conference requests that their salaries may be suitably revised.

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SRI S. NAGAPPA:—“ Sir, generally Bommalatams are being done by poor people; it is an entertainment of the poor people; and so when an entertainment tax is levied on Bommalatams, is it not an additional tax on poor people? ”

THE HON. SRI B. GOPALA REDDI:—“ If poor people are enacting Bommalattam, and if there is no gate collection, there will be no entertainment tax.”

Saraswathi Mahal Library.

* 375 Q.—SRI N. M. R. SUBBARAMAN (on behalf of Sri A. Vedaratnam Pillai): Will the Hon. the Minister for Education be pleased to state—

(a) the names of books published with Government aid from the manuscripts of the Saraswathi Mahal Library, Tanjore;

(b) whether the Government have got any proposal to publish more literature from the manuscripts of the library, and, if so, what they are;

(c) the amount so far spent to publish those books; .

(d) whether the Government have taken any steps to save the ancient manuscripts which are getting damaged, and, if so, what they are;

(e) whether the Government have allotted any amount to publish the valuable manuscripts and, if so, how much; and

(f) whether the Government have taken any steps to popularize the publications of the library?

THE HON. SRI K. MADHAVA MENON:—“ (a) to (c) The answers* are appended.

“ (d) In 1947, the Government appointed a special committee to report on the best means of preserving and publishing the ancient manuscripts in the Saraswathi Mahal Library. As a result of the recommendations of the Committee, the Government sanctioned in June 1949, a grant of Rs. 23,200 recurring and Rs. 7,500 non-recurring for the preservation, publication of valuable and useful books and manuscripts in the library. Out of this Rs. 4,012 recurring and Rs. 2,000 (non-recurring) were provided for preservation by insecticides and other means and an amount of Rs. 6,500 was set apart every year for preservation of manuscripts by copying.

“ (e) The Government have so far allotted the following amounts:—

	RS.
1947-48	10,000
1948-49	20,000
1949-50	70,000
1950-51	20,000

* Printed as Appendix I on pages 78-80 infra.

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“ (f) The publications are being reviewed by the Press and as result of the publicity, so accorded orders for copies of publication are coming in every day. The publications will be advertised as soon as the present series of publications are issued.”

SRI S. NAGAPPA:—“ May I know, Sir, in what language are these manuscripts written, by whom and at what time? ” (Laughter.)

THE HON. SRI K. MADHAVA MENON:—“ I thought the hon. Member had read the printed statement placed on the table of the House. The manuscripts are in Tamil, Telugu, Marathi and Sanskrit, and the names of the books and other things are given in the statement itself.”

SRI V. M. RAMASWAMI MUDALIYAR:—“ May I ask the Government, Sir, whether orders are being received for these publications from the public, and whether there is any justifiable cause to anticipate that the cost incurred by the Government in printing these manuscripts will be fully covered by the sale proceeds of the books.”

THE HON. SRI K. MADHAVA MENON:—“ Now orders are being received every day for these publications. But I cannot say whether the entire cost will be met thereby. Even if it is not met, it is necessary that we should publish these ancient manuscripts for preservation.”

SRI V. I. MUNISWAMI PILLAY:—“ Sir, in view of the great value of these manuscripts, will the Government consider it necessary to appoint a special staff to translate them all in the various languages, as also in the various languages in which they are written, at a very early date, before they get rot? ”

THE HON. SRI K. MADHAVA MENON:—“ I do not think the translations of all these manuscripts or books will be of any great value, or will be advisable. If the Government feel any additional staff is required they would give it; but for the purpose now required there is sufficient staff.”

SRI N. S. VARADACHARI:—“ Will the Government consider the advisability of requesting the University and other educational authorities to prescribe some of these good manuscripts which are now printed, as text books to higher classes? ”

MR. SPEAKER:—“ The hon. Member is not audible. Will he repeat his question? ”

SRI N. S. VARADACHARI:—“ Will the Government consider the advisability of requesting the University and other educational authorities to prescribe some of these valuable books which are now printed on the basis of old manuscripts as text books for higher classes? ”

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THE HON. SRI K. MADHAVA MENON:—"Preparing text-books for colleges is a matter for the University, and certainly these books will be sent to the University; and the hon. Member's suggestion will be sent to the University. With regard to institutions other than University there is a Text-book Committee, which are aware of these publications. Such books as are useful as text-books will be used."

SRI V. RAGHAVAYYA:—"Will the Government constitute a higher power committee, particularly regarding medical books, to assess the importance of those books or their contents, to find out if any improvement can be made in the existing system of medicine?"

THE HON. SRI K. MADHAVA MENON:—"The special committee now constituted is itself a high power committee and I do not think a higher power committee is needed." (Laughter.)

SRI N. M. R. SUBBARAMAN:—"Sir, the answer to clause (d) of the question read out by the Hon. Minister was not audible. May I request him to repeat the answer?"

MR. SPEAKER:—"I have no objection."

THE HON. SRI K. MADHAVA MENON:—"The answer is a fairly long one. I shall read it since the hon. Member wants it."

* [The answer to clause (d) was read by the Hon. Minister.]

SRI KALLUR SUBBA RAO:—"May I know from the Government, Sir, whether all those Telugu books can be brought into the Oriental Institute, Tirupathi, and kept there for the use of the Telugu people?"

THE HON. SRI K. MADHAVA MENON:—"The manuscripts will be kept in the Saraswathi Mahal Library, Tanjore; but the printed copies of them will be sent to the Telugu area. I may say here, that the Andhra University is taking steps to get them copied."

SRI V. M. RAMASWAMI MUDALIYAR:—"Sir, with a view to popularize these ancient books, will the Government sell these publications at popular and cheap prices to make them available to the ordinary man?"

THE HON. SRI K. MADHAVA MENON:—"I do not really know, whether these books will be very useful to the common man. They are more scientific books, and they cover various subjects. It must depend on the reception we have on the books already published."

* Vide page 34 supra.

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Elections to the district boards.

* 376 Q.—SRI G. SITARAMASWAMI: Will the Hon. the Minister for Local Administration be pleased to state whether the Government have considered and obtained legal opinion as to the validity of holding any election to the district boards in the State on the basis of the old voters' list when the new electoral rolls have been finalised and published?

THE HON. SRI K. CHANDRAMOULI:—"The new electoral rolls based on adult franchise have not yet been finalised. Hence the question does not arise."

Loans by the Government.

* 377 Q.—

MR. SPEAKER:—"The hon. Member Mr. Salam is not in his place and so the answers will be printed in the proceedings."

JANAB MOHAMED ABDUL SALAM: Will the Hon. the Minister for Finance be pleased to state—

(a) whether it is a fact that no credit is taken in the budget for 1950-51 of the amounts that may be raised by means of loans in the open market; and

(b) if the answer to (a) is in the affirmative, for what schemes and items of capital outlay, the amount realized by the recent loan will be used?

THE HON. SRI B. GOPALA REDDI:—" (a) Yes, Sir. It has been the practice so far in this State, not to take credit in the budget for the proceeds of loans that may be raised in the open market.

" (b) The amount realized by the recent loan will be used for meeting part of the capital expenditure on Irrigation and Electricity Schemes provided in the budget for 1950-51, as stated in the loan notification issued by the Government on the 25th July 1950."

Uncultivable lands in Tiruvallur taluk.

* 378 Q.—SRI N. GOVINDASWAMI NAYUDU (on behalf of Sri O. Chengam Pillai): Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the extent of uncultivable land in Ponneri and Tiruvallur taluks; and

(b) whether such land is proposed to be assigned to landless labourers under the Grow More Food Scheme?

THE HON. SRI H. SITARAMA REDDI:—" (a) The Member presumably means by 'Uncultivable' lands only 'Uncultivated' lands. The extents of uncultivated lands in the two taluks are:—

Tiruvallur—352 acres.

Ponneri—610.02 acres.

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"(b) There are no proposals now for the assignment of such lands to landless labourers under the Grow More Food Scheme in the Tiruvallur taluk, as these lands are either stony or eroded and they have to be reclaimed, if this extent is to be brought under cultivation.

"The extent of 610.02 acres in the Ponneri taluk referred to in (a) above, is available for assignment under the provisions of G.O. No. 1523, Revenue, dated 11th June 1949, but there are no proposals actually pending in respect of this extent."

SRI S. NAGAPPÄ:—"Sir, as regards the 610 acres of land which is fit for cultivation, will the Government consider the desirability of organizing a field labour co-operative society (before they are assigned to landless labourers) consisting of landless labourers and Harijans?"

THE HON. SRI H. SITARAMA REDDI:—"It is for them to take the initiative."

Inspection report of s.s. "V. O. Chidambaram".

* 379 Q.—SRI P. KANDASWAMI PILLAI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that the steamer s.s. "V. O. Chidambaram" is quite unfit for passenger traffic;

(b) whether any expert has ever inspected the vessel as to its suitability as a passenger ship; and

(c) if so, whether the inspection report will be placed on the table of this House?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) No; the steamer holds the necessary Load Line, Survey, Safety and Passenger Certificates. The question of unfitness does not, therefore, arise.

"(b) Yes; the steamer is surveyed annually by the Engineer and Ship Surveyor and Principal Officer, Mercantile Marine Department, Madras.

"(c) The Government consider that the expenditure involved in printing of the certificates is not commensurate with public interests served thereby. A copy of each of the certificates will, however, be placed in the Library of the Legislature for reference, if required."

SRI K. T. KOSALRAM:—"May I know from the Hon. Minister for Public Works, whether the Government are aware that accommodation for upper-class passengers is provided around boiler, which causes great inconvenience to them?"

THE HON. SRI M. BHAKTAVATSALAM:—"I have no information, Sir; but if the hon. Member has any information that accommodation is not sufficient, it is open to them to arrange for another service."

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SRI R. V. SWAMINATHAN:—"May I ask, Sir, with respect to answer to clause (b), what was the report submitted by the authority who inspected the steamer about its suitability or unsuitability for passenger service?"

THE HON. SRI M. BHAKTAVATSALAM:—"It is contained in the answer to clause (a) of the question, which mentions that the steamer holds the necessary certificates of fitness."

s.s. "V. O. Chidambaram".

* 380 Q.—SRI P. KANDASWAMI PILLAI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that load line certificate has now been refused to the steamer s.s. "V. O. Chidambaram," by appropriate authorities; and

(b) if so, what steps are proposed to be taken in the matter?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) No.

"(b) Does not arise."

Harijan teachers in Nellore district.

* 381 Q.—SRI K. SHANMUGAM: Will the Hon. the Minister for Education be pleased to state—

(a) the number of Harijan teachers now employed under the district board in Nellore district; and

(b) their grades of pay?

THE HON. SRI K. MADHAVA MENON:—" (a) & (b) The particulars are given below:—

	Posts.	Number of teachers.	Scales of pay. RS.
Secondary schools—			
Secondary grade teachers	..	4	45—2—85
Weaving instructors		1	50—2—90
Unqualified pandits		1	25
Elementary schools—			
Higher Elementary grade	..	80	30—1—45 "

SRI K. SHANMUGAM:—"May I know whether the grades of pay applicable to these teachers are lower than those recommended by the University Commission or those obtaining in the Government schools?"

11-15
a.m.

THE HON. SRI K. MADHAVA MENON:—"The point about the University Commission's recommendation does not arise, as the question refers to teachers employed in secondary and elementary schools. In these schools there is no difference in the grades of pay between Harijan and non-Harijan teachers."

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Grand Northern Trunk Road.

* 382 Q.—

MR. SPEAKER:—"The hon. Member Sri K. Linga Raju is not in his place. The answer will be printed in the proceedings."

SRI K. LINGA RAJU: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any portions of the Grand Northern Trunk Road in East and West Godavari districts have been removed from the National Highways and transferred to Provincial Highways; and

(b) if so, what the reasons are?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) The portion of the existing Grand Northern Trunk Road from Bhimadole to Kathipudi (i.e., miles 318/0 to 406/0) has been removed from National Highways and transferred to State Highways.

" (b) The Government of India have realigned the National Highways through the Godavari Delta and the existing portion of the road has, therefore, been transferred to the State Government."

Lands to political sufferers.

* 383 Q.—

MR. SPEAKER:—"The hon. Member Sri G. Venkanna is not in his place. The answer will be printed in the proceedings."

SRI G. VENKANNA: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the number of applications received from political sufferers for lands in West Godavari district and the number of Harijans among them;

(b) the number of political sufferers that were given pattas for lands and the number of Harijans among them; and

(c) the names of Harijan political sufferers that were given pattas for lands?

THE HON. SRI H. SITARAMA REDDI:—" (a) The total number of applications received from the political sufferers in West Godavari for the grant of land is 1,866 including 28 applications from Harijans.

" (b) Pattas have been granted so far to 46 political sufferers, including one Harijan.

" (c) Sri Kakalamudi Yeti Ramanjadass of Gunaparru."

Number of miles of Highways in Rayalaseema.

* 384 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Public Works be pleased to state—

(a) the number of miles of Highways in each of the Rayalaseema districts, districtwar;

(b) the cost of maintaining these Highways per mile;

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(c) whether the cost of maintenance has increased or decreased after taking over these routes from the district boards; and

(d) if increased or decreased, by how much?

THE HON. SRI M. BHAKTAVATSALAM:—" (a), (b) & (d) The information asked for is given in the paper placed on the table of the House.

" (c) Yes, it has increased."

SRI S. NAGAPPA:—" Arising out of the answer to clause (d), may I know by how much the cost of maintenance has increased and whether the efficiency of the roads has also increased along with the increase in expenditure?"

THE HON. SRI M. BHAKTAVATSALAM:—" I request the hon. Member to look into the paper placed on the table."

SRI S. NAGAPPA:—" It is my look-out to see or not to see the paper."

MR. SPEAKER:—" The paper contains the answer."

SRI S. NAGAPPA:—" I have gone through the paper. It does not contain the answer to my question."

" Are the Government aware that the condition of the Provincial as well as National Highways has gone from bad to worse ever since the Government took charge of them? Are the Government contemplating the improvement of these roads and, if so, in what manner and within what time?"

THE HON. SRI M. BHAKTAVATSALAM:—" Whether the condition of the roads has deteriorated is a matter of opinion of the hon. Member. The increase in the cost of maintenance is contained in the last column of the paper placed on the table."

The journal "Forum".

* 385 Q.—SRI R. V. SWAMINATHAN: Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the Director of Public Instruction, Madras, has directed that the journal 'Forum' published in Bombay should not be purchased for use in Public Libraries; and

(b) if so, the reasons therefor?

THE HON. SRI K. MADHAVA MENON:—" (a) & (b) It is a fact that the Director of Public Instruction issued a circular that the journal 'Forum' should not be purchased for use in Public Libraries on the ground that the journal was not suitable for such use. But this prohibition is not in existence now, since on further consideration revised instructions have been issued by him to the effect that the journal may be purchased for use in those institutions."

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SRI R. V. SWAMINATHAN:—“ May I know the reason why the Director of Public Instruction issued a circular against the purchase of the journal? ”

THE HON. SRI K. MADHAVA MENON:—“ It is a matter of old history, since the purchase of the journal is now permitted. Evidently perhaps the journal was very particular in publishing exciting news without verifying the correctness or accuracy of the contents.”

SRI R. V. SWAMINATHAN:—“ Sir, the Hon. Minister said that ‘ Forum ’ had published the exciting news without verifying the correct position. May I enquire, Sir, whether the Government are not aware that some of the papers published in this State are writing worse than what ‘ Forum ’ is alleged to have published and why should action be taken only with regard to ‘ Forum ’? ”

THE HON. SRI K. MADHAVA MENON:—“ The existence of worse things does not mean that we should not stop bad things.”

JANAB ABDUL HAMEED KHAN:—“ May I know whether it is a fact that after the Government of Madras banned that journal, it has changed its ways and methods in order to make that Government remove the ban? ”

THE HON. SRI K. MADHAVA MENON:—“ I do not know when the ‘ Forum ’ was banned by the Government of Madras.”

SRI V. RAGHAVAYYA:—“ Is it a fact that in our Madras State also there are newspapers like the ‘ Swatantra ’ which have been viewed with disfavour by this Government? ”

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

Famine in Dharapuram taluk.

* 386 Q.—**SRI K. S. NATARAJA GOUNDER:** Will the Hon. the Minister for Land Revenue be pleased to state the steps the Government have taken to remove the famine conditions in Dharapuram taluk in Coimbatore district?

THE HON. SRI H. SITARAMA REDDI:—“ The Government are closely watching the stock position of foodgrains and arranging to see that sufficient stocks are kept in all parts of the Coimbatore district. They have sanctioned a full grant of four lakhs of rupees to the Coimbatore District Board for undertaking road works for the relief of unemployment. Also several irrigation works have been undertaken by the Government to provide employment to the agricultural labourers. Concessional rates of railway freight were introduced for the transport of fodder and special priority has been given by the railway authorities for the movement of fodder. The Government have also granted liberal remissions of land revenue for failure of crops. A detailed statement^a is laid on the table of the House.”

^a Printed as Appendix III on pages 81-82 infra

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Resignation of District Educational Officer's post by Janab N. M. Anwar.

* 387 Q.—

MR. SPEAKER:—“ The hon. Member Janab Mohamed Abdul Salam is not in his place. The answer will be printed in the proceedings.”

JANAB MOHAMED ABDUL SALAM: Will the Hon. the Minister for Education be pleased to state—

(a) the date on which Janab N. M. Anwar, M.A., L.T., now M.L.A., resigned his post of District Educational Officer, while at Chittoor;

(b) the reasons for the resignation;

(c) the total service put in by him; and

(d) whether any proportionate pension is being paid to him?

THE HON. SRI K. MADHAVA MENON:—“ (a) 27th September 1945.

“ (b) The reason given by Janab N. M. Anwar was that his duty lay elsewhere and that he could not continue in service.

“ (c) Three years, eight months and eleven days as District Educational Officer.

“ (d) No.”

Lands to Harijans in Pattukkottai village.

* 388 Q.—**SRI M. MARIMUTHU:** Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government have received any petitions from the Pattukkottai Harijan Union to assign the Avadayankulam lands (Government poramboke) to them on 1st June 1947, 7th September 1947 and 1st March 1949;

(b) if so, the action taken on them; and

(c) if no action has been taken, the reason therefor?

THE HON. SRI H. SITARAMA REDDI:—“ (a) A petition, dated 1st March 1949, was received from the hon. Member requesting for the grant of the site covered by Avadayankulam in Pattukkottai village in favour of the Pattukkottai Harijan Sangam for the construction of a building for the Sangam. No other petitions have been received.

“ (b) & (c) The petition, dated 1st March 1949, was transferred to the Collector of Tanjore in original for taking necessary action. The Collector is taking steps to alienate the said land in favour of the Sangam.”

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Mechanised wells.

* 389 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government have considered the scheme for mechanised sinking of agricultural wells in this Province;

(b) whether any scheme was presented to the Government in this connexion; and

(c) what action has been taken by the Government after the Hon. the Food Minister's statement in the Madras Legislative Council on 9th March 1949 in connexion with the Food position on the sinking of the mechanised wells.

THE HON. SRI H. SITARAMA REDDI:—“(a) The mechanised well Sinking scheme is still under the consideration of the Government.

“(b) Yes. A scheme was presented to the Government by a private Agricultural Engineer.”

“(c) The scheme has not yet been finalised. In June 1949, the Board of Revenue submitted a report to the Government on the scheme. The Board was not in favour of putting through the scheme as it was an expensive and elaborate one with numerous drawbacks. But the Government considered that in view of the demonstration given by a private Agricultural Engineer at the Government House, the scheme had the merit of speed and wanted it to be tried in a few areas with good communications if the administrative details could be settled satisfactorily. The Government have therefore asked the Board to send a report in the matter and to suggest the areas in which the scheme may be tried. They have also asked the Board to submit for their consideration a draft scheme containing the administrative details for the working of the scheme. The Board's report is awaited.”

SRI V. RAGHAVAYYA:—“In view of the fact that nearly 80,000 wells costing nearly Rs. 4½ crores have yet to be excavated in this State, may I know whether the Government will purchase or borrow the mechanical excavators from the Army which have been recently put forward for sale and try them in districts like Chingleput and Chittoor which are near Madras and which require a number of wells?”

THE HON. SRI H. SITARAMA REDDI:—“We have called for a report from the Board of Revenue in spite of the fact that the Board was not in favour of the scheme. We have asked the Board to reconsider its view in the light of certain suggestions which the Government have made.”

SRI P. NATESAN:—“Who is the agricultural engineer who presented the scheme?”

THE HON. SRI H. SITARAMA REDDI:—“He is a private agricultural engineer. He demonstrated that well-sinking could be done expeditiously and actually one well was sunk. His name is Mr. Yajulu.”

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SRI R. V. SWAMINATHAN:—“Since this scheme is very costly, have the Government considered any other scheme of sinking wells by mechanical means which will cost less?”

THE HON. SRI H. SITARAMA REDDI:—“As the hon. Member knows, the Government have been pursuing a policy of giving subsidy, the amount varying according to the nature of the soil in the various districts. That has been found to be the most economical way of sinking wells up till now. When the question of mechanisation was taken up, this private agricultural engineer gave a demonstration in sinking wells. But his scheme could not be accepted as it was more expensive than the subsidy scheme that we are now having.”

SRI P. NATESAN:—“Who is Mr. Yajulu and what are his credentials? Who asked him to give a demonstration? Did he give the demonstration of his own accord? Since it is a question of the Government trying the scheme, I want to know whether it is worthwhile and what the credentials of its author are.”

THE HON. SRI H. SITARAMA REDDI:—“He is a private person. He volunteered to demonstrate that with mechanical appliances he could sink a well more quickly than what could be done otherwise, and he demonstrated. After seeing the demonstration, the Government were satisfied that he was a competent person to do the job. So far as the economic aspect is concerned, as I said, the scheme is expensive and the Board of Revenue has been asked to re-examine the whole question.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I know what the average cost under Mr. Yajulu's mechanised scheme is of sinking a well conforming to the 14-foot diameter and other stipulations under the well-subsidy scheme? Have the Government worked out the comparative cost and, if not, what will it be roughly?”

THE HON. SRI H. SITARAMA REDDI:—“The hon. Member must be aware that the cost varies with the nature of the soil and the water table of each area. We cannot positively say what the cost is going to be in each area. As I said, the scheme is much expensive. The Government have asked the Board of Revenue to suggest areas with good communications and with reference to the water-supply position wherein the scheme could be tried.”

SRI R. V. SWAMINATHAN:—“In certain parts of the State, people are experiencing very great difficulty in sinking wells. So, will the Government consider any other cheaper scheme of sinking wells with mechanical aid?”

THE HON. SRI H. SITARAMA REDDI:—“I should like to draw the hon. Member's attention to the fact that the scheme of sinking wells is part of the Grow More Food

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Campaign, and it is financed partly by the Central Government and partly by the State Government. We have had correspondence with the Central Government on this question. A suggestion was made that we might try the sinking of tube wells. We have been investigating the feasibility of sinking tube wells in the various areas of the State. That is one way of improving water-supply. Sinking of wells by mechanical means throughout the State has not been examined. Perhaps the Government of India are not likely to view it with favour, unless it be in areas where water-supply is assured.

SRI V. RAGHAVAYYA:—“Is it a fact that the demonstration proved that a well could be sunk within three days and at a cost of about Rs. 1,200 whereas a subsidy of Rs. 1,000 is already being given to private individuals for each well?”

THE HON. SRI H. SITARAMA REDDI:—“The demonstration was in Madras City and the soil here is not a sample of the soil in the various districts.”

SRI S. NAGAPPA:—“In view of the water scarcity and the difficulty of securing contractors for sinking wells in Rayalaseema, will the Government consider the desirability of trying the scheme in one of the districts of Rayalaseema?”

THE HON. SRI H. SITARAMA REDDI:—“We have asked the Board of Revenue to suggest areas where the scheme could be tried. I am afraid we cannot accept the proposition of the hon. Member as the scheme is going to be more expensive.”

SRI V. M. RAMASWAMI MUDALIYAR:—“In view of the high water table of the Palar basin, will the Government suggest to the Board of Revenue to consider the desirability of trying the scheme in the Palar basin area? Particularly this year, nature has been unkind to the North Arcot district as the south-west and the north-east monsoons have been a complete failure this year?”

THE HON. SRI H. SITARAMA REDDI:—“The hon. Member is aware that a certain number of wells have been sunk in North Arcot district. I take it that he is aware of the water table of the Palar basin. If he feels that it is a proper place, I think it will be suggested.”

[*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 that I have received the following message from His Excellency the Governor of Madras, dated 10th October 1950:—

“In pursuance of Article 207, clause (3), of the Constitution of India, I, Krishna Kumaraswami Bhavansinhji, Governor of Madras, hereby recommend to the Madras Legislative Assembly the consideration of the Tungaabadra Project (Prevention of Speculation in Land) (Amendment) Bill, 1950.”

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III.—GOVERNMENT BILLS.

(1) THE MADRAS CITY POLICE AND GAMING (AMENDMENT) BILL, 1950.

* **THE HON. SRI K. MADHAVA MENON:**—“Mr. Speaker, 11-30 a.m.
Sir, I beg leave to introduce the Madras City Police and Gaming (Amendment) Bill, 1950, and move—

‘That the Bill be taken into consideration at once.’

“Section 50 of the Madras City Police Act and section 11-A of the Madras Gaming Act, 1930, provide that the Magistrate may direct that any portion, not exceeding one-half of the fine imposed for the offence of keeping a common gaming house or being found gaming in a common gaming house, may be paid to informants or police officers, who may have assisted in the detection of the offence. In practice, it is not possible for the Magistrate to know the names of persons who give the information, because for obvious reasons the names of such informants have to be kept secret not only in the interest of the persons concerned, but in the interests of getting such information to bring the offenders to book. The usual practice has been for the Magistrate to set apart or direct any portion not exceeding one-half of the fine so imposed to be handed over to the District Superintendent of Police or to the Commissioner of Police in the Madras City to be given to the persons who give information. Doubts have been raised whether this procedure of the Magistrate leaving it to the Commissioner of Police in the City or the District Superintendent of Police in the districts to be distributed to the informants, is quite correct or legal. To set at rest such doubts in the matter, we have brought in this Bill, which makes express provision enabling the Magistrate to send the amount to the Commissioner of Police or the District Superintendent of Police for apportionment and payment to the persons concerned, who give information leading to detection of such crimes.”

MR. SPEAKER:—“Motion moved—

‘That the Madras City Police and Gaming (Amendment) Bill, 1950, be taken into consideration at once.’”

* **SRI T. VISWANATHAM:**—“Mr. Speaker, Sir, for the same reasons which the Hon. Minister for Law has advanced for getting the support of the House to pass this Bill, I oppose this Bill. I submit, Sir, that it is a very bad principle that has been propounded by the Hon. Minister. He has said that it is not possible for the Magistrate to know the names of the informants and that it is also not in the interests of the informants, that their names should be disclosed in the records. The existing provision is that the Magistrate shall set apart any portion of the fine imposed, not exceeding one-half, to be given to the informants. That is provided there, no doubt, to help the administration of the police law and to enable the police officers to bring to book any offenders under these Acts, easily. It is a healthy provision, no doubt, but what the Hon. Minister now says is that the Magistrate need not know who the informants

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are, nor is it incumbent upon the police to give their names to the court, but that the Magistrate may direct any portion, not exceeding one-half of any fine which shall be levied, to be paid to such unknown persons by the District Superintendent of Police or by the Commissioner of Police. He has also disclosed to us that already in several cases, these Magistrates are doing a thing which is of doubtful legality and that therefore he wants to legalise the procedure by means of this amending Bill. I submit, Sir, that to introduce a legislation to legalise this procedure is a very wrong and unhealthy in principle. It ought not be left to the District Superintendent of Police or the Commissioner of Police to distribute the money to persons whose names are not known to the Magistrate or disclosed to the court, and such amounts should not go to persons of doubtful identity or of doubtful character. I therefore, submit, Sir, that the Bill is not good and I suggest that it may be dropped altogether."

SRI V. RAGHAVAYYA:—"Mr. Speaker, Sir, I expected the Hon. Minister to come forward with a Bill to scrap that most offending section of the Police Act, which gives reward to the police officer for doing his normal duty of detective crimes. I submit, that justice ought to be administered in a proper way and on moral principles. If a person has detected a crime under these Acts, and a police officer has been responsible to bring the offender to book, why should the police officer be paid for? I submit, it is a wrong policy. If once this dangerous principle is encouraged, God knows where it will lead to. Why should an invidious distinction be made between a police officer going about gaming houses and detecting a crime, and another in the same department detecting crimes under other Acts, and the former given a portion of the fine to be imposed on the offender, while the other is not?"

MR. SPEAKER:—"The hon. Member is criticising the original Act. Let him speak on this amending Bill."

SRI V. RAGHAVAYYA:—"It is because, Sir, there is a lacuna in the original Act, which is sought to be remedied by means of this amending Bill, by making an illegal procedure in it valid, I am just making these remarks, and trying to bring home to the Government that the principle on which this sort of dividing the spoils under offences committed under the Gaming Act is really very bad and would lead to a deterioration in the morality of the police administration. If, really, Sir, there is any doubt about the legality of the way in which the money has to be disposed of, this House cannot lend its support to make the present procedure a valid one, by passing the amending Bill. I can understand the Government trying to reward those who have been helpful in detecting such crimes in any other way than the division of the spoils. For instance they have got the C.I.D. Fund from which they could make these rewards. There are ever so many other undefined and unaccountable funds with the Police department for various purposes. Who are going

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to ask them how such funds are being spent? They can utilize such funds for this purpose also. But what I really want to know is, why should this House leave it to the Magistrate to direct the distribution of the fine to be imposed by him on the offender, and why, since no question has been raised till now, about the validity of such a distribution, the Government should now come forward with a measure, giving its seal of approval to a very questionable method of procedure of distributing certain moneys—may be by way of rewards to informants and police officials—which has been going on all these years, just as so many other things which have been going on similarly. It is from that angle that I want to oppose this Bill. If there has been any irregularity in procedure, based on the illegality of certain provisions of the original Act, let it continue as it is, and let us not be called upon to give our seal of approval for this questionable procedure, being validated by means of this amending Bill."

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, even the other day, when the Bill was circulated to us for the first time, I felt in my own mind that the Government have advanced no convincing reasons for continuing the procedure, even if it was of doubtful legality or because I am sure that the validation of such a procedure will only lead to considerable abuses in the administration of the Police department. In the old days, it was understandable that the Government had to create a net work of informers. There had been, in fact, a spy-ring organized by the foreign rule in the former days, for watching all kinds of public activity and for political purposes. But, to-day, we are having our own Government and we should not countenance any proposal for encouraging or inducing people, even by allotting portions of fines to them to come forward with information leading to the detection of crimes. I can understand the Government straight-away recognizing valuable information given to them by informers in such offences. They may have them in service, as part of the regular police force. But, I cannot understand police officers being rewarded from fines for bringing the offenders to book, or for officers in the regular police force looking forward to rewards being reimbursed from fines levied in courts. I think, Sir, it is a wrong system. A modern police should have all the arms of its service fully equipped. There should be a crime detection branch and a crime information branch and so on. When valuable information is obtained by Government, certainly it is up to the Government to reward the official concerned on their own initiative and not on the recommendation of this or that Magistrate and then find an easy way out to reward those who might be the favourites of particular officers of the department. I do not say that all these amounts are generally misused, but I say there is a case for a total revision of the entire policy of the Government in this matter. Take for instance a case like this. Supposing there is violence in a particular strike. A person may give you a very valuable information. Why should you leave it to the

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court to reimburse such a person from a fine imposed by it on the person who committed the crime? On the other hand, the Government should take it into their own head to receive such information, act on it, use it as evidence in court and finally, on a proper case being made out by the District Superintendent of Police, or the Commissioner of Police, reward the informer from some other funds, but not from out of the fine imposed on the offender. I do not object to informers, as such, being employed, provided they are part of the regular police establishment, but I certainly object to the old practice introduced by a foreign regime for different reasons, being continued, even after we have a popular Government and I submit that this would only lead to considerable abuse. I want the Government to consider this point of view dispassionately. In fact, there is no urgency about this Bill. The police administration is not going to be disturbed in the least if this Bill is deferred or postponed, but I want that the Government should not put their seal of approval on a policy without a careful examination of all the issues involved."

* SRI L. N. GOPALASWAMI:—"Mr. Speaker, Sir, in the ordinary course of things, when a Bill is sought to be introduced to amend an existing Act, one would have expected that the Bill would remove any of the illegal things in that Act and make it conform to law. But what the present amending Bill proposes to do is, to make an illegal thing legal, not because it is necessary to bring it within the four corners of law, but simply to make the thing suit the Government's own convenience. Sir, let me put it this way, in order to make my idea more clear. If the Government want to make a gift or a reward of a portion of a fine collected from an individual who has committed an offence under this Act, to a person whose identity, for obvious reasons, is not disclosed or disclosable, what they propose to do is, not only to keep the identity of the person still undisclosed, but also distribute the money to that undisclosed person, who is said to be an informant. For all practical purposes, he is not known either to the court or even to the Government or the public. This informant is known only to the police. The Bill now seeks to empower the Magistrate to hand over the money to the police for distribution to the so-called informant. The procedure that has been followed all along has been, no doubt, illegal, and certainly a doubt did arise with regard to its legality, because the law wants that when a person is to be rewarded, his identity should be known to the person who makes the reward. Magistrates cannot reward a person whose identity is not known to them. Therefore by passing this amending Bill into law, we will only be helping to make an illegal thing legal in the eye of the law, but certainly it would not stand to reason or general law. One would have expected that by an amendment of this character, a provision will be made by which the police could disclose the identity of the person to whom the reward is to be given, at least to the trying Magistrate, so that he might issue a direction that the money should be given to that person, instead of handing it over to the Commissioner

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of Police or the District Superintendent of Police, as the case may be. In the present case the Magistrate simply hands over the money to the police for distribution to the person concerned, without knowing his name or identity. I submit, Sir, it is against all canons of law and the House cannot give its approval to this Bill.

"Another point is, that even now, without any logic and without any reason, the police themselves have enough powers to reward any person, whom they think is an informant, or who has done some meritorious service. This measure will only place more money into the hands of the police to be distributed as and when they like and not serve the very purpose for which the portion of the fine is intended to be utilized. I, therefore, think that it is necessary and it is also proper to make the identity of the person known to the Magistrate, who may be enjoined to keep it secret and confidential and it is only through him that the amount should be given to the informant and not to place the amount into the hands of the District Superintendent of Police or the Commissioner of Police. Otherwise we will be only continuing an illegal procedure, which we have all along been committing. I, therefore, oppose this Bill."

JANAB ABDUL HAMEED KHAN:—"Mr. Speaker, Sir, we have all along been under the impression that we have separated the executive from the judiciary in our State, but this amending Bill introduced by the Hon. Minister for Law gives a lie to that belief, for it is the right of the Magistrate to know how the prosecution is conducted by the executive whereas this Bill seeks to keep the name of the informant who is a party to the case secret even from the Magistrate. How can the Magistrate be expected to administer justice properly, when he is not appraised of all the facts of the case from the prosecution side?

"The old order of the institution of informants was quite understandable under the foreign Government. The foreign Government required a large number of informants for their own purposes—either for legal or illegal purposes. But for a national Government like ours, to still cling on to this immoral institution of informants, it is certainly not desirable. Of course Mahatma Gandhi would have certainly deprecated this immoral institution of informants being kept on by a national Government. We are all talking of Mahatma Gandhi, but to what extent we follow him in what he said and did, is a different matter. Anything can become legal by the passing of Bills. But they must stand the test of morality. I ask, whether the institution of informants is a moral one? As I said in the beginning, whatever methods the police may employ to detect crimes, when the case goes before the Magistrate, he has got every right to know everything from A to Z of the case and all the methods the police employed to see whether justice is done. What this amending Bill seeks to do is to keep away the identity of these so-called informants from the knowledge of the Magistrate. Yet the Government expect the Magistrate to do justice!

11-45
a.m.

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Of course, the Hon. the Law Minister will say that the police has to employ various methods in order to find out the culprits. (Interruption.) It will be difficult for him to get at such persons. The Government should not certainly employ immoral methods."

JANAB MAHBOOB ALI BAIG:—"Mr. Speaker, Sir, I am afraid some of the hon. Members who have spoken on this amending Bill have raised issues or at least confused issues that arise from this amending Bill introduced by the Hon. the Law Minister. They stated that the institution of informants was bad. Some stated that the Government should not commercialize information. Some stated that the Government were putting more power into the hands of the police. On a consideration of all these, I must at once say that they do not have a real understanding of this amending Bill. They must understand that offences are committed in secret. It is not possible for the police or anybody to know them. So, necessarily informants must be there. People who have got practical knowledge about these matters will tell us at once that it is impossible to detect crimes unless there is somebody who knows these offences and informs the police about them. For, these offences are committed in secret. Therefore, there is nothing wrong in having informants. If the informant gives wrong information, and the people act upon that wrong information, of course that is a different matter. I say that the police examine the information that is given to them. Then there is the Magistrate who tests the evidence. I might here give an instance. Suppose, a person has secreted a stolen property. The spot in which he has secreted it, it is not possible for anybody to know. The police may also not know who secreted it and where. The informant knows where the stolen property is secreted, and he tells the police that such and such a person has in such and such a place secreted such and such a stolen property. The police then take the accused to that spot, and there the facts are proved. Therefore, the institution of informants is not bad, as such. It is necessary. In all civilised countries, this informant is there. We must see that the police make use of the informants in the proper way. The safeguard is that the Magistrate is there and the court is there. They are not going to believe all that the police may say on the information given to them by the informant. Some persons might be encouraged to give wrong information, no doubt. But that is a different matter. I can understand hon. Members saying that this institution might be abused. But there is no meaning in saying that we should not have informants at all. That is wrong.

"The second point is whether the informant should be rewarded or not. What the Hon. the Law Minister has stated is that under the Act, a portion of the fine is allowed to be given to the informant, and that a doubt has arisen whether the Magistrate can leave it to the police to disburse the amount to the informant. The court does not know the informant and the accused does

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not know the informant. The doubt whether the police can disburse the amount is sought to be taken away by this amending Bill. The question whether any such reward should be given at all to the informant is a different matter. We are not on that point, because this Bill is only an amending Bill. Therefore, my point is that the institution of informants is not wrong at all. We might attack the giving of an award or a gift to the informant. Even in that case, my point is this. If a certain person is given an award by the police, it is likely that there may be persons who might come out with information which might be harmful to their opponents. There is that danger. There is no doubt at all about that. Nobody can cure that. For that the Government services must have a high level of morality and honesty. They cannot find fault with the institution of informants or with the giving of these awards, as such. I can understand hon. Members saying that there are Government servants who are not honest and moral, and, therefore, they are likely to abuse this institution. That is an altogether different matter. We must raise the level of morality and responsibility among the Government servants. We cannot buttress this conception of promoting a high level of morality among the Government servants by saying that there should not be this institution, and that we should not make awards to the informants. Therefore, Sir, I am in entire agreement with the Bill."

SRI P. KANDASWAMI PILLAI:—"Mr. Speaker, Sir, more than four lawyers have spoken so far on this Bill. They have all analysed this Bill specially from the legal point of view. I am here to place before this House the idea of a layman. They have conceded that the award may be given for informants who are useful for the successful prosecution of the case. This payment of award has been conceded by the Act itself. Now, the amendment says that the amount should be handed over to the police so that the secrecy of the informant may be kept intact. Suppose the name of the informant is given in the court, what will be the position? Everybody will come to know that name, because it is a public place. But that will not be the case when the name is on the police records. When this information is in the possession of the police, no man is entitled to know that name. On the floor of the House, several times we have emphasised that the informants should be protected from molestation by the accused. Particularly in Prohibition cases, the general public and Congress men are taking interest in bringing offenders to the notice of police. If the name of the informant somehow goes to the court, the accused comes to know it and molests that person, and does immense harm to his crops and property. In so many ways the informant is troubled. To avoid all this, this amending Bill is brought forward. Unless and until the name of the informant is kept a secret, it is very difficult to find out how people are violating the law in so many ways. Therefore, in my humble opinion, this amendment is necessary. The name of the informant the magistrate should not know. Because,

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if his name goes to the court, the accused will get to know that name. Therefore, it is not possible for the police or for the Government to conduct any enquiry safely without the accused tampering with the informant. That is why I am of opinion that this amendment should be supported by this House and passed into law."

12
noon.

* SRI K. BHASHYAM:—"Mr. Speaker, Sir, justification for this Bill has been made on the ground that there is a provision in the Act for payment of remuneration to informants. So, the system of informants has been there all the time. That is recognized by this Amending Bill. I also do recognize that the police people must have informants; otherwise, they will not be able to detect crimes. But it seems to me not good that all these things should be paraded in a Bill like this that the police will have informants and that remuneration should be paid to those informants, and that it should be debated upon on the floor of the House. Therefore, I would like, if possible, to omit such things as this and withdraw the Bill altogether and even withdraw the original section relating to these things. However, I would like to point out that the Government can really achieve the object they have got in their view in this way. After all, the fines go into the pockets of the Government. If the Government want that a person who has given the necessary information to the police must be rewarded, why could the informant not be paid out of the pockets of the Government? The police people have got a lot of secret funds; they are not accountable to the Government. I do not see any difficulty in paying these amounts to the persons concerned out of those funds. Why should the Government lay it on the shoulders of the magistrate to say that this amount should be paid to the informants? The names of the informants are not mentioned before the magistrate. He does not know whether the information was known through informants or not. He goes by the evidence adduced by witnesses in court. How is the magistrate to know, unless the police officer says in the court that he got all the information from informants and makes an appeal to the court to set apart a part of the fine for them? That is the request which a decent man ought to make."

"This Bill is an unnecessary one. It is a relic, if I may say so, of the past British rule. British rule was a foreign rule and they had to depend upon informants for all purposes. So, they had to pay them also. We must do away with all these things which I may say are wretched things. At any rate, we must be moral. We cannot expect others to be moral unless we are moral ourselves."

SRI P. KANDASWAMI PILLAI:—"I rise on a point of information, Sir. Just now my hon. Friend Sri Bhashyam said that the police have got a lot of money at their disposal and they need not render accounts to the Government in respect of that money. I want to know if it is a fact."

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* THE HON. SRI K. MADHAVA MENON:—"Sir, I must thank hon. Janab Mahboob Ali Baig and hon. Sri Kandaswami Pillai for having made my work considerably easy. Hon. Janab Baig explained the position very correctly as a lawyer and hon. Sri Kandaswami Pillai as a layman, if I may say so. The entire question of advisability or wisdom or propriety of having informants has been discussed here and my hon. Friend Sri Bhashyam and somebody else went to the extent of saying that this was a nasty or wretched British practice which should not be continued. Apart from the question whether the practice of having informants is good or not, I do not agree with my hon. Friend Sri Bhashyam that this is only a British practice. Chanakya Sutras show the varied ways of having informers and getting information. Kautilya's Artha Sastra specifically shows the way. We know about the Charas of the old days, who brought information to the King. We also know this practice from Puranic stories. So, it is not proper to say that this was the practice of the British alone."

"My hon. Friend Sri Bhashyam concedes, as a great lawyer, that it is necessary to have informants and that it is also necessary to pay them. He says that they should be paid secretly and that it should not be paraded that we are going to do this. On the other hand, hon. Gentleman Janab Abdul Hameed Khan tells me, 'Follow Mahatma Gandhi's ways; be honest, be moral. This is an immoral thing that you are doing.' So, in the face of these things, it cannot be said that this was a practice of the British alone."

"Apart from the question whether the practice is good or not, this Bill relates to a particular offence under the Gaming Act. This refers to the offence of opening a common gaming house or being found gaming in a common gaming house. In such a case, if the magistrate passes an order of conviction and levies a fine, the clauses provide that any portion, not exceeding one-half, of the fine may be paid to informants or police officers who may have assisted in the detection of the offender. It is not right to say that the money can be paid out of other funds which the police may have got. Rewards must be given for any good service done. Political consciousness has come to such a position when every one of us may want to see that every rogue is booked. We may have not the moral courage to tell the police or the authorities concerned, 'Such and such an offence is committed; you please go and book the offenders.' But even the tallest among us now do not do this either for want of courage or because of a feeling that we may not take the botheration of giving information and unnecessarily putting a man into trouble. At the same time, we also feel that the guilty man should be booked. In such cases, as my hon. Friend Sri Bhashyam admits, it may be necessary to have informers."

"I am not now aware of any other instance where the amount collected by way of fine is to be distributed among the informants."

[Sri K. Madhava Menon] [14th November 1950]

There is the S.P.C.A. Act, where we say that the fines collected on the charges made by the S.P.C.A. Inspectors are to be given to the society for maintaining the society. But that is a different matter. Hon. Gentleman Janab Abdul Hameed Khan said that this was immoral—I do not remember whether he used the word 'immoral' or 'unmoral'. He said 'You keep away the identity of the informants, which the magistrate is entitled to know.' I only sympathize with the Hon. Gentleman because he does not know that there is a specific provision in the Indian Evidence Act that a policeman cannot be compelled to disclose the source of information. The magistrate is concerned only with the evidence placed before him. He passes an order of conviction depending upon that evidence. After he convicts and imposes a fine, it is open to him to set apart half the portion of the fine for the persons who gave the information to the police.

"The objection of my hon. Friend Sri Viswanatham is this. He says that we are keeping away the information from the magistrate and leaving it in the hands of the police. The magistrate cannot give the money to anybody unless the policeman tells him who the informants are. As the law stands at present, the magistrate cannot think of an informant himself. He cannot personally know who gave the information. He has to depend upon the information given by the police. So, he gives the amount to the District Superintendent of Police who distributes the money among the informants. This is confined to the Gaming Act. We are not dealing with the general question whether the system of having informants and giving them rewards is good or not.

"My hon. Friend Sri Gopalaswami said, 'You are trying to make an illegal thing legal.' I do not know whether my hon. Friend wants to make a legal thing illegal. If I find that a thing is illegal, I must try with the help of the House to make it legal.

"I want to disabuse from the mind of the hon. Gentleman Janab Abdul Hameed Khan any feelings of doubt and state that there is no keeping away of any sort of evidence from the magistrate in this matter. After the case is disposed of, something has to be given to the persons who gave the information to the police. So, the money is sent to the District Superintendent of Police who distributes it among the informants. Doubts were raised and the High Court was consulted. They also suggested that such an amendment was necessary."

MR. SPEAKER:—"The question is—

'That the Madras City Police and Gaming (Amendment) Bill, 1950, be taken into consideration at once.'

The motion was carried.

Clause 1.

MR. SPEAKER:—"The motion is—

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

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SRI T. VISWANATHAM:—"Sir, the Hon. Minister has said that he has consulted the High Court and that they have also approved of this principle. I want him to read out the opinion of the High Court if they have given it.

"Secondly, the Hon. Minister has not properly appreciated the point of the objection which some of us have raised. I have raised this particular objection that in a Bill like this, we should not authorize that after the trial and disposal of a case, the magistrate should hand over the money collected by way of fine to the Superintendent of Police for being distributed to unknown persons. If the Government . . ."

MR. SPEAKER:—"Is the hon. Member speaking on clause 1?"

SRI T. VISWANATHAM:—"That is the short title, Sir. I am sorry, Sir."

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 only request the Hon. Minister to read out to us the opinion of the High Court. I want him to appreciate also the point, viz., that an Act should not make a provision that the Superintendent of Police or the investigating authorities should be allowed to take this money and distribute it to unknown persons. The objection is this. The matter once goes before a court; the court has hitherto been authorized and hereafter also the court alone should be authorized to distribute it to the informants, if it thinks it necessary. I do concede that in an efficient system of investigation of crime the informers have to be paid, but this is not the way to do it. As my hon. Friend Sri Bhashyam said, the Government have got their own methods of getting information for investigation of crime and they may use their own funds. But when once the money comes by way of fine or forfeiture in a court of law, it must be disposed of only in a very known way; it must be given to known persons by known authorities, and here the magistrate is the proper authority. The magistrate must be informed of the persons to whom the money should go, if it should go. If the Police do not have the courage to give out those names, they must thank themselves. It means that it is not worthwhile for them to let out those names. I submit this will open the floodgates of corruption if the District Superintendent of Police and the Commissioner of Police are simply allowed to distribute the money to persons whom they choose and not disclose the names to anybody."

* SRI L. N. GOPALASWAMI:—"Mr. Speaker, Sir, from 12.15 what I understand from the Hon. Law Minister's reply, the P.M.

[Sri L. N. Gopalaswami] [14th November 1950]

Government seem to think that whatever they bring in or whatever this House passes is law. The Hon. Minister seems to pool-pool my argument by saying that I want to make a legal thing as illegal and all that. As I said, they seem to think that whatever is passed here is law.

MR. SPEAKER:—Certainly whatever is passed in this House is law. Where is the doubt about that?

* SRI L. N. GOPALASWAMI:—I am just coming to that point. When passing a legislation, it we did not take into consideration all the implications and simply pass it thinking that all that we pass here is law. It may be that they are quite in contravention of the general principles of jurisprudence or the Constitution or some other law. The provision in the present Bill which we are seeking to amend relates to the grant of a present or reward to some informant and giving powers to a magistrate to send the amount to the Police officials for apportionment and payment. A doubt was felt whether the magistrate would be justified in handing over that reward to the Police officers which the law as it now stands did not contemplate. At present, it was held illegal. According to all canons of jurisprudence, such a procedure is illegal. If money is to be paid to a particular person, I can only understand that he should be brought before the concerned officer who distributes the money sent to him. The Government should not try to circumvent this simple procedure which is also the correct procedure by simply saying that the magistrate may send the money to the Police officer who knows the informant. That is why I still maintain that we should not try to make a thing legal which is at present considered to be illegal in general law.

Coming to another point, the Hon. Minister said that we cannot make a legal thing as illegal and that he was surprised at my saying that the Government are trying to make an illegal thing into a legal thing. If they can make the former, surely they can make the latter also. What I want to impress upon the Hon. Minister is this. If we are really to be governed by the general principles of law and the canons of jurisprudence, the magistrate should really know the person to whom the reward is to be distributed. According to the present amendment to the Bill, the Police shall have the right to give the reward to one whom they may call the informant, and the magistrate will simply be called upon to send the amount to the concerned Police officials for apportionment and payment to the informant whom he does not know himself. This is really not very desirable and the person who is asked to send this reward should necessarily know the informant. This is what I was trying to impress upon the Hon. Minister and the hon. Members. If this was not understood by the Hon. Minister, I am really sorry I have wasted time.

* SRI K. BHASHYAM:—“Mr. Speaker, Sir, if I speak on this occasion, it is because I want to disabuse from the minds

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of the hon. Members the impressions left by the Hon. Minister in charge of this Bill by his reference to Neethi Sastra, Artha Sastra and Chanakya Sutra, etc. I know all those sastras as much as he does. I know we require spies, informants and all that for running the administration of the State. All these are necessary. But I must remind the Hon. Minister that it is not said anywhere in those sastras that we should publish information about these things stating that we are employing informers, spies, etc., and that we should discuss about these matters on the floor of the Legislature. It is nowhere stated like that. I agree that you must employ informers to help the Police. But considering modern standards of ethics, it does not look nice to publish that you are going to employ spies and informers. There is no use in your parading about this matter on the floor of the House and elsewhere. The Hon. Minister referred to Mahatma Gandhi and said that we must be honest in our dealings and all that. We do so many things at our home and elsewhere. We eat in our houses. We are not going about publishing all those things. There is no necessity for doing that in this case also. Therefore, I do not quite see why the name of Gandhiji should be brought in here.

“There is one more difficulty which the Hon. Minister has not dealt with. How is the magistrate to know that in a particular case there was an informant for whom he is required to grant the reward? The magistrate should necessarily know whether there has been any informant in the matter and if so who he is, so that he may send the amount. But according to the amendment proposed, the magistrate will not have a chance and the means to know who the informer is. I understand that the Police would like to keep the name a secret as they might wish to protect the informant. If they want to keep the name secret, let them do so and it may be very good. But, they should not try to involve a magistrate in this matter. Let the Police themselves or the Government distribute the reward. If you want that the work should be done by a magistrate, then he must have the facilities to know that the concerned Police officer has had the benefit and help of the informer in the matter and therefore the person must be paid some reward. Therefore, I think it will be much better if this matter is attended to by some others and the magistrates are not involved in the same. By all means let them do that and I have no objection to the actual payment of some money to the informants. My point is that the Court should not be asked to record such payments to informants, especially when the magistrate has no means to know the persons who might have given information. Now, the Policemen will approach the magistrate and say, ‘We had informers in this matter. They have to be paid adequate compensation. Therefore, please allow us to do that.’ When a magistrate is asked to do such a thing, he must know whether there has been any informer at all who is to be paid some reward. We all agree that there is need for informers and they must be employed to help our Police.

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But my only request is that let us not be parading and publishing about our intention to do so. Secondly, there are so many matters relating to these informers. They should not be persons of doubtful reputation and doubtful calibre. So, there is no necessity for the Hon. Minister to bring in the Chanakya business and all that here. What I am concerned with is, that the magistrates should not be involved in such matters. Let the magistrates at least be not corrupted."

* SRI N. S. VARADACHARI:—Mr. Speaker, Sir, I am glad that the Hon. Minister has explained his standpoint in more detail than when he introduced the Bill. Of course, one of his supporters of the Bill quoted the Prohibition Act. I agree that there should be informers and I want that proper informers should be recruited to the Police department, which must be called the Crimes Intelligence Department. You have got men for that purpose even to-day. I know that this Bill wants that informers who capture people who may be gambling in a particular place and who may be brought before a court where the magistrate may levy some fines, must be paid some reward from out of such fines. That is, the magistrate should have discretion to allot a portion of the fines for purposes of granting a reward to the informers concerned. The principle of appointing informers is not at all wrong. When dogs are employed for detecting crimes, why should not men be employed for that purpose? I would even suggest extending this to other cases also besides the cases mentioned in this Bill. You can use informers for obtaining information and then pursue the information. By so doing, the Police can make a good case by all means and let them continue to do that, and trace the guilty and punish them. But I say that the reward should come from you. You, as Government, give powers to the Commissioner of Police or the District Superintendent of Police under the Gaming Act for the payment of some reward to the informers. Now, I want the Government to give powers to these Police officials to pay a particular lump sum to the informers from their own funds, instead of the fines that may be collected. The Government have absolute control over this matter and I feel that they can definitely do this.

"While I do not object to the employment of informers or getting private information for the detection of offences under the Gaming Act, I certainly object to the Magistrates being asked to allow a certain portion of the fines to be given as reward to the informers. On the other hand, the responsibility should lie on the Police officer concerned who recommends the grant of the reward in a particular case. It might be said that if they were made responsible for this and were given powers in this regard, there might be misuse of powers, and there may not be any control over such things. Therefore, I would suggest that the Government should take powers in their own hands and direct those officers of the Police department to pay the reward to the informers from out of their funds. As I said, I would very

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much like this system to be extended to other cases also. For instance, in the case of murders—I suppose there are no provisions at present—rewards may be given to informers and we may introduce necessary provisions for doing that. I do not object to this system; but what I object to is this. The court should not be made the medium for inflicting fines keeping in view that some informers should be paid rewards from out of such fines. My fear is that in some cases the fines might be unduly heavy. After all, who is going to verify whether there has been an informer in a particular case or not? The District Superintendent of Police is not going to take the trouble of visiting the spot and enquiring whether there has been an informer and if so who he is. He is going to be guided by what the Sub-Inspector or Inspector of Police might say. Basing their judgment on the Sub-Inspector's report, the District Superintendents of Police will have to recommend to the Magistrate the grant of rewards to the informers. I was only objecting to the principle involved in asking the Magistrate to send the amount of reward and not to the employment of informers or to the distribution of money to the informers. Let the Government employ informers and let them distribute rewards to them. My only request is, let the Government do it through some other agency and not through the Magistrate."

* THE HON. SRI K. MADHAVA MENON:—"Sir, I did not particularly answer the point raised by my hon. Friend Sri Varadachari for the reason that he was complaining about the original Act itself. Hon. Sri Varadachari said that he agreed to the granting of rewards to the informers, but he was opposed to making the Courts the medium of collecting the money as fines and giving a portion thereof as reward to the informants. This provision is already there in the original Act itself, and we are not seeking to amend that. As he was complaining about the original Act itself and as we are not taking into consideration the abolishing of that provision in the original Act in the present amending Bill, I did not reply to that point raised by him. For the same reason, I did not reply to the objections raised by my hon. Friend Sri Raghavayya. My hon. Friend Sri Bhashyam asked, 'how is the Magistrate to know that in a particular case there was an informant for whom he is required to send the reward?' I can only inform the hon. Member that according to the section, as it now stands, it is only a discretionary power. The section says that a Magistrate may direct any portion and so on. It does not say that a Magistrate shall direct. So it is not as if in all cases, the Magistrate will have to direct the grant of a reward to the informant. It is open to him to find out whether in a particular case there has been an informant or not. It is only when he knows that the Police have had the help and assistance of an informant in detecting a particular offence, he will direct the grant of a reward and not otherwise."

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Clause 2 was put and carried.

Clause 3 was put and carried.

The preamble was put and carried.

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

'That the Madras City Police and Gaming (Amendment) Bill, 1950, be passed into law.'

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

(2) THE CODE OF CIVIL PROCEDURE (MADRAS AMENDMENT) BILL, 1950.

THE HON. SRI K. MADHAVA MENON:—"Sir, I beg to introduce the Code of Civil Procedure (Madras Amendment) Bill, 1950, and move—

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

According to the present provisions, the stipends and gratuities allowed to Government pensioners are exempted from attachment and sale in execution of a decree of the Civil Courts. There are a number of cases where the local bodies also give stipends and gratuities to their pensioners. The present Bill is intended to exempt the stipends and gratuities allowed to local bodies' pensioners also from attachment and sale in execution of a decree of civil courts."

MR. SPEAKER:—"The question is—

'That the Code of Civil Procedure (Madras Amendment) Bill, 1950, be taken into consideration at once.'

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 V. M. RAMASWAMI MUDALIAR:—"Mr. Speaker. Sir, while we are on clause 2, I want to invite the attention of the Government to one inconsistency which exists in section 60 of the Civil Procedure Code which this clause seeks to amend. By this amendment, the Government seek to confer certain benefits on the pensioners of local bodies which are now being enjoyed by Government pensioners alone. I welcome this. But there is also another provision according to which salaries below one hundred rupees are not liable to attachment so far as Government servants are concerned. I am not sure whether this exemption applies to the employees of local bodies. Doubts have arisen whether salaries of servants employed by local bodies are attachable if they are below hundred rupees. I raise this point now because when the Government extend a certain benefit to the pensioners of local bodies on the same lines on which they have done in the case of their servants,

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there can be no reason why they should not exempt the salaries of servants under local bodies—where they do not exceed hundred rupees—from being attachable. The present provision in this regard is not free from doubt. Recently the Bombay High Court in a particular case held that the salaries of employees of local bodies were attachable. Sir, the local bodies employ a large number of teachers and if they are given some protection, it will help them a good deal. I hope the Hon. the Law Minister will look into this matter and see that the servants of local bodies are treated in the same way as regular Government servants in regard to this matter also."

THE HON. SRI K. MADHAVA MENON:—"Sir, the present amendment is to clause (g) of the proviso to section 60 (1) of the Civil Procedure Code which does not deal with the point raised by my hon. Friend. Probably it is dealt with under other clauses preceding clause (g). Any way I shall examine the matter and do what is just and proper."

Clause 2 was put and carried.

The Preamble was put and carried.

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

'That the Code of Civil Procedure (Madras Amendment) Bill, 1950, be passed into law.'

I am indeed gratified that there is at least one Bill to which there is no opposition in this House."

SRI P. A. THANGASWAMI:—"Sir, I rise to congratulate the Hon. the Minister for Law on having brought in this amendment to section 60 of the Civil Procedure Code. While doing so, I would like to ask him to go a step further in order to extend the benefit to another class of people of whom I shall presently speak. Instead of bringing in piece-meal legislation, he must consider the claims of all classes of people who must come within the purview of an amendment like this. There are, for example, a large body of teachers not necessarily under the authority of the local bodies but are in the employ of missionary bodies and the like. The pay, allowances, provident fund, etc., they are eligible for now are practically the same as other Government servants or those employed under local bodies enjoy. Such being the case, I strongly feel that the benefit now sought to be conferred on ex-employees of local bodies and also such benefits as the present employees enjoy should be extended to the teachers employed by missionaries. They require protection . . ."

MR. SPEAKER:—"We are no longer on the clauses. Third Reading is going on and I cannot allow such a speech now."

SRI P. A. THANGASWAMI:—"I am only making a suggestion, Sir . . ."

MR. SPEAKER:—"It should have been made during the First or the Second Reading."

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THE HON. SRI K. MADHAVA MENON:—" I shall examine the point raised by the hon. Member when the occasion arises."

MR. SPEAKER:—" The question is—

'That the Code of Civil Procedure (Madras Amendment) Bill, 1950, be passed into law.'

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

(3) THE TUNGABHADRA PROJECT (PREVENTION OF SPECULATION
IN LAND) (AMENDMENT) BILL, 1950.

* THE HON. SRI H. SITARAMA REDDI:—" Mr. Speaker, Sir, I beg to introduce the Tungabhadra Project (Prevention of Speculation in Land (Amendment) Bill, 1950, and move—

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

This Bill seeks to amend the Tungabhadra Project (Prevention of Speculation in Land) Act passed in 1947. Section 3 of that Act lays down that any person who owns more than fifty acres of land in the project area, purchased after the 1st October 1944, should, on demand made by the State Government within three years from the commencement of the Act, sell the excess over fifty acres at the price at which the land was purchased by him. At the time this legislation was undertaken, it was thought that three years would be adequate. But now it is found that, as the alignment of the main canals and distributaries under the project has not yet been finally settled and as the localization of the full ayacut of the project will take considerable time to complete, it will not be possible to know before the expiry of this period of three years the actual extents of land which will be within the commandable area of the project. It is, therefore, proposed to extend that period from three to ten years so that the object with which the original Act was passed may be fulfilled. Otherwise, the whole measure will be infructuous. The three-year period is to expire in the middle of 1951 and the Bill seeks to extend that period till 1958, that is, for ten years from the date of commencement of the Act, viz., 10th June 1948. Incidentally it has been found necessary to amend certain other provisions of the Act also since there are certain lacunae there. Power has been taken to appoint a local officer to issue notices and do other acts which are incidental to the administration of the Act. Clause 3 substitutes a new sub-section—sub-section (1) to section 3—indicating the period within which a demand will be made by the Government and also the appointment of a local officer. It also seeks to amend sub-section (2) of section 3 in order that it may be brought into line with sub-section (1) so far as the period is concerned, viz., ten years.

" Clause 4 introduces three new clauses—3-A, 3-B and 3-C, after section 3 of the Act. These new clauses lay down the procedure to be observed by the local officer in determining the portion

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of the project land to be retained by the owner, in the issue of notices therefor and in fixing the price of such project land. The Government originally thought of prescribing this procedure under the rules to be issued but it was found that it could be best done by incorporating it in the Act itself, especially when an amendment was being considered in regard to extension of the time-limit.

" There is another clause—clause 6—which seeks to substitute section 10 of the original Act. Under the provisions of the original Act only such acquisition of project land made without obtaining a permit becomes null and void. This is indeed a lacuna since it covers no excess acquisitions of land over the maximum prescribed. This new section is also similar to the provisions of section 3-A now introduced.

" Clause 7 introduces a new sub-section enabling the owner of a land to go to a Court of Law in appeal if he feels that the price offered for his land is inadequate. If a person is aggrieved, he can now go to a Court and establish his right there for a better price."

MR. SPEAKER:—" Motion moved—

'That the Tungabhadra Project (Prevention of Speculation in Land) (Amendment) Bill, 1950, be taken into consideration at once.'

SRI N. VENKATASUBBAYYA:—" Mr. Speaker, Sir, I am sorry I cannot extend my unqualified support to this Bill. While of course the principle underlying it is very good, viz., that we must put down speculation, the object of the original Act is frustrated by the introduction of certain new provisions in this Bill. I shall presently explain to the House how this object is frustrated.

" It is good, Sir, that we must take some time to assess the benefits that may accrue to lands that have been sold or acquired under speculation. It is also true that certain lands may go out of the purview of the project because of the changed alignment of the canals. But, nevertheless, it is very clear that there has been much speculation in land and the original Act prescribed three years as the period within which acquisition had to be made. Possibly three years is a very short period and we have not been able to do anything so far. Now the question is how many years we require for enquiry, investigation, etc., and for finding out how much extent of these lands has been sold. I feel in any case that ten years is too long a period. Now that the entire alignment of the canals has been fixed and the project is fast nearing completion, it should be easy for us to decide what lands we should acquire from the speculators. Apart from this question of time, there is this consideration also. The speculators by the end of the ten-year period which is sought to be prescribed now will have made certain improvements to the lands. They might have provided facilities for irrigation, for instance. In such a case, the speculators may demand a higher price than that which they had actually paid when they went in for those lands. We should now allow these speculators to put their demand at a higher level.

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12-45 P.M. "Then the original Act said that the lands should be acquired by the Government at the price at which the owners purchased them. This is a very important point. But the amendment says 'at the price or prices mentioned in such demand notice'. This is really an extraordinary thing and I do not really see any necessity for such a provision. We know that sales are usually registered at the Sub-Registrar's office and that there is no difficulty in finding out the prices at which the speculators have purchased their lands or sold their lands. There is no point in requiring the owners to specify the prices at which they have purchased their lands. It is natural for a speculator to say that he has purchased a piece of land for Rs. 100 even though he would have actually paid only Rs. 10. The sale deeds in the Sub-Registrar's office can always be inspected and the correct figures noted. We should not give room to the speculators to inflate their prices. On a former occasion when I spoke on this subject I had mentioned that these lands were purchased from ignorant ryots for a mere song. Sri K. G. Sivaswami has published a booklet and I had an opportunity of going through it. From the statistics he has published, we can see that these lands have been purchased for a mere song. People from Visakhapatnam, Eluru, Krishna, Madras City and even from the south have gone there and purchased lands at the price of Rs. 10 to Rs. 20 an acre. This is extraordinary and some of you may not even believe me. But the entries in the registers of the Sub-Registrar's office show that these lands have been purchased for very small prices. I do not see any need why the Government should pay much higher price than the price mentioned in the sale deeds. I would request the Government to drop this clause altogether. I think this is a moderate demand which I make."

THE HON. SRI H. SITARAMA REDDI:—"The hon. Member could have proposed amendments."

SRI N. VENKATASUBBAYYA:—"I have not sent in amendments but I suggest that for the words 'ten years' in clause 3 (1), the words 'five years' may be substituted. The reasons for this I have already made clear. Regarding the price of lands proposed to be acquired by Government, the words in the original Act should stand. I suggest that in clause 4, sub-clause 3 (c) (1) after the words 'the price at which the land was purchased by him' the words 'as specified in the register of sale deeds maintained in the Sub-Registrar's office' may be added. If these words are not there I think the local officers who have been empowered to fix the prices of lands at the time of purchase will be led to do lot of mischief by avoidable influences that might be brought to bear on him. As it is, these lands were purchased for very cheap and nominal prices and I do not see any need why the Government should pay higher prices. I think the Government would bring in suitable amendments to make all these clear."

SRI V. RAGHAVAYYA:—"The idea of the Bill is very good and the extension of three years to ten years is not unreasonable taking into account the exploitation that interested persons might make in this behalf."

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MR. SPEAKER:—"I must tell the House that after this Bill is passed, the House will be adjourned till to-morrow."

SRI V. RAGHAVAYYA:—"We will make short speeches and facilitate the early adjournment of the House."

"I wish to urge upon Government to make provision for paying some compensation for those who would have made some improvements to the lands. The price may be fixed even now. Nobody would keep the land fallow, the lands to which this provision is applicable. Thinking that after three years no more trouble would come to him, the purchaser might have made lot of improvements. Why should we at this stage make a flat rate applicable for all lands. For lands on which improvements have been carried out a little compensation might be paid. It may be say 10 per cent of the market value obtaining then. This may be allowed to him by way of compensation. The machinery to decide the compensation may be the same machinery which has been provided for in the Act."

"My hon. Friend Sri Venkatasubbayya was saying that the price as entered in the sale deeds maintained in the Sub-Registrar's office should be accepted. Some times the prices noted in the sale deeds might not be quite accurate. People sometimes put low amounts in the sale deeds to escape registration fees. I know of a case where there was serious trouble because the price of the land was put low in the sale deed. A particular man purchased land at Rs. 6,000 per acre. But he put it at Rs. 1,000 in the sale deed. Later on when the Government tried to acquire the land for a thermal station, the question arose as to what compensation should be paid to him. He lost heavily because the Government followed the price noted in the registration deed. It was argued on the other side that when the man had cheated the Government by furnishing a false price in the registration deed, why should not the Government get the benefit of it. But in a matter like this where thousands of ryots will be affected, it is better, so long as the Government is not pledged to the principle of equality, fraternity and so on in all their bearings, that some sort of justice is shown. A man has been allowed to be in possession of land for ten years. What is it that entitles the Government to deprive him of the fruits of his labour later on? Nowadays the price of paddy is high. People would have been encouraged to invest huge sums of money upon levelling the land and bringing them under cultivation. I wish, therefore, that Government would see their way to accept my suggestion in this matter."

"Secondly, throughout the Bill, the price is mentioned only as the purchase price and no other price. I do not know whether this piece of legislation is not transgressing some of the rights of man. The prices of all things have gone up. When it is so, why should the price of the lands in the project area be fixed at a rate existing about 10 years back. This is a thing which I am not able to understand. If a man has purchased land quite contrary to the prohibition imposed on him at that time, then I can understand Government trying to deprive him of the advantages. Then there is the

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question of 50 acres limit. Suppose a father has purchased 50 acres and they have gone into partition with 10 acres for each son. Are we now enforcing the 10-acre basis which obtains after partition or are we trying to go back to the 50 acres which the father purchased at that time? It would be better if a sort of a margin is allowed to the purchaser in regard to these matters. I would welcome that the 50 acres is brought down even to 20 acres taking into consideration the land reforms that are taking place all over the country, particularly in Kashmir State where I am told, the Abdullah Government has fixed a minimum supposed to be somewhere near 10 acres. Why should the Government of Madras fix the minimum at 50 acres? Further, knowing as you do the Communist tendencies that are spreading round about the country, what is happening in Tibet, what is happening in Nepal, you cannot prevent from happening in Uttar Pradesh, and especially when you are engulfed on all sides by Communist and Socialist influences. You cannot brand them as being extremists or unreasonable because there is no law known to God and to man which says that a man must concentrate on the land in his own possession and starve thousands of people and make them simply slaves. I, therefore, feel that even this limit should be reduced to a lower figure but since the Act has already been passed we may not be able to go behind it. At least the further mischief that might be created by this may be reduced by keeping in view the tendencies all round."

* SRI K. KOTI REDDI:—"I think the Bill requires detailed consideration. It has been badly drafted. There will be lot of difficulties if this is passed into law as it is. It is a well-known fact that in matters like this when there is speculation and where there is the possibility that the Government may be buying the land what is mentioned in the sale deed as the price of the land is not always the correct price. Ordinarily it is only in a very few cases, in order to save some money towards registration and other charges, that the price of the land is put low in the sale deed. But in most cases where the speculators have purchased the land, which are likely to be purchased by the Government later, in most cases the amount mentioned in the sale deeds will be much more than what they have paid for the land. This is one thing.

"Secondly, provision is made in this Bill enabling the parties to appeal against the decision of the local officers, if they feel that the price fixed by the local officers is not correct or the proper price. I would like to see that a provision is made to enable the Government to have the right of appeal against the decision of the local officers. I am not here simply to say that our officers are corrupt and that the Government ought not to trust them. But there may be cases in which the prices fixed by the local officer may be much more than the actual purchase price or the market price of the land. To meet such cases a provision ought to be made to enable the Government to appeal against the decision of the local officer. There is another difficulty about the maximum price that could be allowed either by the court or the local officer. The hon. Member,

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Sri Venkatasubbiah, suggested that it must be the price noted in the sale deed. The local officer if he feels that this price is not proper and is high he ought not to fix the price that is mentioned in the sale deed, as the price is put up in sale deeds very often in the hope that the lands would be bought in by the State later on.

"It is said that land in excess of 50 acres will be acquired by the Government. In the first instance a speculator may buy 45 acres of land and again another 25 acres. Thus the total area owned by him would be more than the 50 acres specified in the Bill. I want to know which portion of this area of 65 acres will go to form the minimum of 50 acres specified by Government and which area will be declared null and void. Will the whole area of 25 acres that was subsequently purchased that would go or only the balance after making the total area of 50 acres? There is nothing mentioned here about it. (The Hon. H. Sitarama Reddi: That is why we are . . .) I do not see anything here. Suppose I have 45 acres and again purchase 10 more acres. I would now have 55 acres. That is 5 acres in excess of the minimum fixed by the Government. If I do not choose which is the portion of this ten acres that would be considered as excess and which would be considered as null and void. The Government must probably make a provision for it. The Bill only says that the area over and above 50 acres will be null and void. I want to know which is the particular area out of the 55 acres that I own that the Government would declare as null and void.

"Then in regard to taking possession of the land acquired by the local officer, it is stated that if the local officer is a Magistrate, he may enforce the surrender of the land to himself and if he is not a Magistrate he may apply to a Magistrate to take possession of the lands. Which way is the Magistrate going to take possession of the land? What is the authority he has got and under what section? Is he to have his own procedure? There are other statutes where provision is made for taking possession by Government. The Government should resort to them instead of having a separate and new method for this in this Bill. These have to be considered in greater detail and if this Bill is passed without such consideration lot of difficulties would be created."

* SRI S. NAGAPPA:—"Mr. Speaker, Sir, I agree with my hon. Friend Sri N. Venkata Subbayya when he said that ten years' time is too long a period. It would have been better if the time is limited to five years which is very reasonable. I would request the Hon. Minister to reconsider this question and reduce the time-limit from ten years to five years. 1 p.m.

"The prices that have been paid at the time of purchase by the speculators were no doubt very low because the people of those areas were ignorant of the fact that there would be a project in course of time. Also the people who sold away the lands were very poor. If at all the Government want to pay, they must pay the price at which they have been purchased plus the interest that has accrued thereafter. I don't think there is any reason for

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the Government to pay more price. As my hon. Friend Sri K. Koti Reddi has pointed out, the sale price of the land as per the sale deed is different from the actual price the people pay. In most cases, the people do so in order to save some stamp fees. But, I want to tell my hon. Friend Sri K. Koti Reddi that to that extent the people have duped the Government by not paying the stamp fees that were due on a transaction. So, such people must be made to suffer. We must take into consideration only the value that has been entered in the sale deed and cannot take cognizance of other prices which the purchaser might have paid to the seller. If the Government pay any price other than the price entered in the sale deed *plus* interest for the time that has elapsed, it will be a colossal waste of public funds.

“Sir, my hon. Friend Sri N. Venkatasubbiah has pointed out, and rightly so, that the completion of the project is already in sight and we expect to reap the benefits of the project by 1952. I do not think there is any valid reason for the Government to come forward before the House and say they want ten years' time. Meanwhile, Sir, the people who bought the lands will improve and reclaim the lands and they will have to spend large amounts on these lands. It is no use waiting till ten years and I request that the time-limit may be reduced to five years.

“Another thing, Sir, which I would like to mention is that Government, while re-assigning the land after acquisition, should ask the people, who originally disposed of their lands due to poverty and other allied causes, whether they are prepared to take back the lands at the prices they originally disposed of.

“I think, Sir, that 50 acres of land is too big a piece of land for one individual to cultivate. I do not think any one family can cultivate it. It can be cultivated only by hired agricultural labour. I therefore think, Sir, that 25 acres of land is more than enough and the excess land should be distributed among all the poorer classes of people. I do not think whether one family will be able to cultivate more than 25 acres. If it is a double crop, only 5 acres can be cultivated and if it is a single crop, 10 acres can be cultivated by one family. So, I would request the Hon. Minister to reduce the limit to 25 acres. I hope the Hon. Minister will give due consideration to the sentiments that have been expressed by various members of this House, especially belonging to Rayalaseema, and will amend the Act suitably.”

* SRI D. V. RAMASWAMI:—“Mr. Speaker, Sir, time and again questions were put and interpellations answered by the Hon. Minister for Public Works that the project has been going on according to schedule and that there is no slackening of the tempo. Therefore, it has given much hope in the minds of the people and tenants round about Tungabhadra Project that they will have the full enjoyment of the land under the aegis of the present Government who are very anxious to put down speculation in lands to the detriment of the real cultivators of the soil. The

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object of the Bill is very laudable. But there are some reasonable fears in the minds of hon. Members like Sri N. Venkatasubbiah, who are anxious to see that this project comes to full force at least by 1952, that the period of three years should not have been increased to ten years simply on the ground that the alignment of the main canals and distributaries have not yet been finally settled. I am glad, Sir, that I had the good fortune of paying a visit to that area very recently and I had also met some officers connected with the Localisation Centre at Bellary and I found that the localisation may not be taking very long time as apprehended by the Hon. Minister introducing this Bill. I therefore feel, Sir, that there is absolutely no justification for raising the period beyond, say, about five years. Two years more than the three years already allowed ought to be sufficient to meet the purpose under contemplation.

“As regards the other sections and the suggestions made by my hon. Friend Sri S. Nagappa that the lands found in excess, after acquisition by Government, should be given to the actual tillers of the soil and not to persons who are already in possession of fairly big plots, I hope they will be given due consideration. But, my main point is that the Government should reconsider whether it will not be beneficial to reduce the period from ten to five years.”

* SRI N. S. VARADACHARI:—“Mr. Speaker, Sir, I wholeheartedly support the provisions of this Bill. But, in doing so, I wish to make one or two observations. The object of this Bill was to penalize all acquisitions in excess of 50 acres after 1st October 1944. Of course, a person may own a bigger area prior to 1st October 1944. So, the provisions of this Bill do not apply to properties in excess of 50 acres possessed before 1st October 1944. But, if properties are acquired after 1st October 1944 in excess of 50 acres, this limit was sought to be imposed because the whole object of the project was to give irrigation facilities available even for dry cultivation. I think it is a very reasonable limit.

“While I agree to the limit of 50 acres, I would like to say, Sir, that every effort should be made to further the food production in the country and the only test for ownership should be the production on the soil and not merely the limitation of the acreage which is the surest way to starvation. The attention of the whole country should be rivetted to this one supreme object, that of getting the maximum production from the soil.

“While it is advantageous to have ten years, Government should be able to go into the question of assignment of lands exhaustively. I would only caution the Government that, by giving a longer period, there is likely to be some slackness of vigilance on the part of the local officers entrusted with the work. I presume preliminary investigations are being made and information collected, and even preparations for assignment of land to individuals are under way and the Government should see that

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there is no slackness on account of the period lengthened as it generally happens. The period of ten years is necessary and the Government can gather all the information they require for the purpose of acquiring the excess land in order to redistribute it to those who are interested in cultivation in that very area and who presumably belong to that area. I would only ask the Government to see that there is no slackness in the progress of work.

"It is right that the Government have stated that the local officer will not only grant the cost of the land, but also the actual cost of such improvements as may have been made on the land. Every encouragement should be given to the local officer to stop contour bunding..

"If all the above work is carried out according to schedule, it requires certain amount of investment of capital. While the excess may be only 10 or 20 acres and if you do not guarantee the cost of improvements incurred on the land, one may not improve the entire stretch of land under his control for fear that the Government will call upon him in future to surrender the excess. In fact, the original provision in the Bill is very reasonable and the amendment does not in any way interfere with it. Arguments after arguments have been made that the price in the sale deed may represent the correct price. People who have given less price in the sale deeds must be penalized so that more honest representation of facts in all sale deeds and in all public documents may be made in future. Unless some such action is taken, this practice of wrong representation of price in order to undermine the State's revenues will continue. I am not in favour of giving more price than the price stated in the sale deed, excepting in so far as improvement are concerned. And if the cost of improvements is guaranteed, I know, Sir, that the landholders who might have acquired new properties will certainly proceed with the work of improving the land and when the project is ready, cultivation will proceed with very bright results. But, if the Government tell them now that they will not be entitled to cost on improvement at the end of a particular period and will acquire more time to call upon him to surrender the excess land, the chances are ten to one, the people will keep quiet on the land."

1-15 P.M. SRI P. VENKATASUBBIAH:—"Mr. Speaker, while giving my support to this Bill, I want to make a few observations. Some of the hon. members who spoke about the fixation of price have completely forgotten the fact that most of these speculators are absentee landlords. They are not people of those areas, but outsiders who have come there to purchase the lands at cheap rates and sell them at higher prices, for huge profits. Therefore the fears entertained by my hon. Friend Mr. Varadachariar that if the limit of ten years is fixed the lands will remain uncultivated and our supreme object of producing more food will fail are unfounded. But if the limit is fixed at five years or so, there is every possibility of an earlier distribution of the land to the actual

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cultivators. In this connexion I may say a word about the sale deeds. It is a fact that the actual cost of the land has not been entered in them. It is the duty of the Government to discourage and condemn the speculation in land by people coming from other areas and exploiting the poor.

"As regards the question of fixing the acreage to be allowed to be held by one individual, my opinion is that the present limit of 50 acres is itself too high. Twenty acres should be the maximum in such cases. Unless this is done and distribution of land is effected soon, the Bill will not help the poorer classes of people who have been there for centuries expecting to benefit by this project. I heartily support the measure."

* SRI K. BHASHYAM:—"Sir, there is a slight misunderstanding of the provisions of the Bill due to the fact that some of the provisions are not found in the Annexure attached to the Bill. Clause 4 dealing with section 3 (a) does not lay down specifically what portions of the land are to be left to the owner and what portions are to be taken over by the Government.

"Again, on the question of the fixation of price also, the clause only says that if the owner does not give the necessary particulars, the local officer fixes the price himself. In section 10 (1) it is said that whether the figure fixed by the officer is accepted or not, the demand will be made on the basis of the price paid by the owner. If he does not accept it or if the price is found to be unreasonable, it is open to the officer to determine the price at the market rate at the time it was purchased. In clause 10-A (2) there is provision for the person aggrieved to go to the Board of Revenue for redress. Therefore the apprehension of some hon. Members that there will be high prices paid by the Government for these lands is not well-founded.

"As regards the ten-year limit now fixed, I may say that the period is too long. To ask a gentleman who has purchased a property to wait for ten years to know whether that property is going to be taken away from him or not is not fair. I do object to the ten-year limit for taking up the land. You now know more or less what are the lands required for the completion of the programme and in what areas and it is indeed wrong to keep a man waiting for ten long years before he puts it to good use.

"A more serious difficulty I encounter is this; and I put it forward in all humility. Under Article 19 of the Constitution Act freedom is given for the purpose of acquiring, holding, or disposing of property, subject to the proviso that the Government may make laws imposing reasonable restrictions on the exercise of any of the rights conferred either in the interests of the general public or for the protection of the interests of any Scheduled Tribe. Is this not going to be done in the interests of the general public? The question then is whether the interests of a particular area or of a few persons can be construed as the interests of the general public. You are now trying to protect a few persons

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who have been obliged to sell their lands for a few rupees to speculators who have taken advantage of the helplessness of the former. If you are going to say that the protection of these persons is in the interests of the general public, you will find it difficult to maintain it in a Court of law. I am not making that a point. I request the Hon. Minister to look into the matter in consultation with legal advisers and come to definite conclusions. This is all I want to say."

* THE HON. SRI H. SITARAMA REDDI:—"Sir, I am glad that my hon. Friend Sri K. Bhashyam has clarified the various points and removed the difficulties and suspicions raised in respect of this Bill.

"So far as the question of the extension of the period from three years to ten years is concerned, I would draw the attention of hon. Members to original section 3 which deals with the right of Government to acquire the project lands in certain cases and in others where sales have been effected after 1st October 1944. The Government were hoping that they could finish the work in three years. As I have explained already, the alignment of canals itself has still to be done and localization has not yet taken place. I would remind hon. Members from the Ceded Districts that the proposed high-level canal will take a long time to complete. It is possible that people who have speculated in the area will be in difficulty. But in the interests of the people it is necessary that the period should be extended from three to ten years. From the speculators' point of view perhaps this extension of the period is inconvenient. As my hon. Friend Mr. Bhashyam stated, it is quite possible that the speculators might feel that this uncertainty should not last as long as ten years. But it is not with a view to help the speculator that this measure has been proposed. This measure, on the other hand, is intended to see that those men who took advantage of the ignorance of the people and bought their lands, on the information that they had of this project coming into existence, at cheap rates should not retain large acres of such land and sell them at higher prices. This amending Bill has been introduced only with a view to implement the provisions of the original Act approved by the Legislature.

"I am sure that in the light of the explanations I have given, the objection raised would not be pressed, because it is necessary to prevent speculation and cornering of large slices of valuable land. For this purpose the period must be extended to ten years.

"An hon. Member expressed the fear that the provisions of the Bill are likely to help people to get higher prices. No. The provisions of clauses 3-A, 3-B and 3-C are complementary and supplementary to original section 3 of the Act. It provides that the excess land should be selected and paid for at the rate at which it was purchased by the speculator. So there is no change in the original provision. The amending clauses in the present Bill will enable the Government through the local officer to be appointed to arrive at the proper price and choose the portion

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to be taken over by the Government. The choice is not to be given to the man who has purchased the land, say 100 acres. The local officer will ascertain at what price he has purchased the land and ask him to say which of the 50 acres he would retain for himself. At the same time the speculator is not allowed to retain bits of land here and there and cause inconvenience to the Government in re-allocating the land taken over from him. Power is vested in the officer to see that a reasonable and proper choice is made of the 50 acres to be left to the present owner so that the cultivation of both parts may be carried on with advantage. This is the purpose of clauses 3-A, 3-B and 3-C. They do not help any man to get a higher price than what he has paid for. They enable the local officer to investigate whether the price asked for is reasonable and correct, and if he is not satisfied that it is reasonable and correct, the clauses empower him to fix a reasonable price based on the market value at the time of the sale. Therefore there is no need for any apprehension on the score that higher prices will be paid.

"Now I can give this assurance to hon. Sri Varadachari that though we have taken power to extend the period to ten years, the work will be expedited. Already localization of certain areas has started. But if this amendment is not made, the power that the Government have got under section 3 will lapse by 1951 and then the whole object of this legislation will be frustrated. I therefore move that the Bill be taken into consideration at once."

SRI K. KOTI REDDI:—"I want some information regarding the land in excess of fifty acres."

MR. SPEAKER:—"I may tell the House that if we sit a few minutes longer we can finish this business."

SRI K. KOTI REDDI:—"May I know which is the section which says that a particular portion of a particular field which is in excess of 50 acres will be declared as excess. I want an answer."

* THE HON. SRI H. SITARAMA REDDI:—"I would draw the hon. Member's attention to clause 4 of the Bill which introduces three new clauses—clauses 3-A, 3-B and 3-C—laying down the procedure to determine the portion of the project land to be retained by the owner and the procedure for fixing the price of project land. First, an opportunity is given to the owner of the land to determine himself which land he wants to retain. It is only if he is unreasonable and if he says that he wants to retain bits of land here and there, so that the land taken over by the Government cannot be easily cultivated, it is only then that the local officer intervenes and asks the owner to take a particular land. It is determined in such a way that the land retained by the owner can be easily cultivated by him and the

1-30
p.m.

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land taken away from the speculator can be assigned to other people who can have free access to it for cultivation. That is the object with which the legislation has been introduced."

MR. SPEAKER:—"The question is—

'That the Tungabhadra Project (Prevention of Speculation in Land) (Amendment) Bill, 1950, be taken into consideration at once.'"

The motion was carried.

MR. SPEAKER:—"As there are no amendments, I will put all the clauses together."

Clauses 1, 2, 3, 4, 5, 6 and 7 and the preamble were put and carried.

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

'That the Bill be passed into law.'"

MR. SPEAKER:—"The question is—

'That the Tungabhadra Project (Prevention of Speculation in Land) (Amendment) Bill, 1950, be passed into law.'"

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

MR. SPEAKER:—"I now adjourn the House till 11 a.m. to-morrow."

The House adjourned.

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APPENDIX I.

[Vide answer to starred question No. 375 asked by Sri N. M. R. Subbaraman (on behalf of Sri A. Vedaratnam Pillai) at the meeting of the Legislative Assembly held on 14th November 1950, page 34 supra.]

[ANSWERS TO CLAUSES (a), (b) AND (c).]

(a) The following are the books published with Government aid from the manuscripts of the Saraswathi Mahal Library, Tanjore:—

A. TAMIL.

I. Medical works mainly consisting of the valuable tested prescriptions collected by Maharaja Serfoji in 18 volumes.

1 Sarabendra Vaidya Muraigal:

Gunmaroga Chikitsai (on stomach ailments) with an introduction giving summary of the principles of Ayurveda and three appendices giving therapeutic properties, curing methods and names in different languages of the drugs found in the receipts (464 pages).

2 Sarabendra Vaidya Muraigal:

Garbhini Balaroga Chikitsai (Disease of women and children) with an introduction of the ailments and care of pregnant women and children (320 pages).

3 Sarabendra Vaidya Muraigal:

Nayana Roga Chikitsai (Treatment of eye diseases) with an introduction and an appendix on the disease of the eye (331 pages).

II. Literary, Historical and other works.

4 *Ramayan Ammanai*—relating to an incident in the wars between the Nayaks and the Sethupathis.

5 *Perumdevanar Bharatam* with Padavurai being the last portion of the work which was found in the Saraswathi Mahal Library.

In addition to these a number of works which are nearing completion will be issued shortly. They are—

1 Sarabendra Vaidya Muraigal: *Swarakasam* (on Asthma and Cough).

2 Sarabendra Vaidya Muraigal: *Nirizivu* (Diabetes).

3 Sarabendra Vaidya Muraigal: *Pandu and Kamalai* (Anæmia and Jaundice).

4 Sarabendra Vaidya Muraigal: *Sirorogam* (E.N.T.).

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- 5 *Mattu Vaidyam, etc.*—On the treatment of cattle, horses and fowls (160 pages).
- 6 *Konganar Sarakku Vaippu.*—Chemical process (50 pages).
- 7 Three Tamil Dramas, viz.—
 - (a) *Pandikeli Vilasam,*
 - (b) *Pururavachakravarthi Natakam,* and
 - (c) *Madanasundaraprasada Santhana Vilasa Natakam* (200 pages).
- 8 *Tiruchitrumbala Kovaiyar* with an old Padavurai.
- 9 *Tiruvaimozhivachaka Malai.*—An old commentary on the thousand verses of Thiruvaimozhi showing that the first verse is expounded by the succeeding 999 verses.
- 10 *Sivayoga Nayaki Pillai Tamil, Veeravelayudaswami Pillai Tamil and Satyagnana Pandaram Pillai Tamil.*

In addition to these, the following are edited for publication :—

- 1 *Talasamudram.*
- 2 *Bharatam.*
- 3 *Nammalvar Tirutatattu.*
- 4 *Naladiar* with three rare commentaries.

B. TELUGU.

Mairavavana Charitra—A manjari dvipada (97 pages).

The following are nearing completion and will be issued shortly :—

- 1 *Katta Varadaraju's Dvipada Ramayanam*—Bala and Ayodhya Kandas.
- 2 *Andhra Kamandakamu*—Kamandaka Nitisaram in Telugu.
- 3 *Tala Dasa Pranapradeepika*—A work on Tala.
- 4 *Raghunathanayakabhyudayamu.*
- 5 *Kusalavopakhyanamu*—A Yakshagana.
- 6 *Dvipada Bhagavatamu.*
- 7 *Vipranarayanacharitram.*

In addition to these, the following works are being edited for publication :—

- 1 *Katta Varadaraju's Ramayanamu*—Aranya Kandam.
- 2 *Andhra Prayoga Ratnakaramu*—A work on Prosody.
- 3 *Rangajamma's Ushaparinayamu*—A drama.

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C. SANSKRIT.

Mudra Rakshasa Nataka Katha with introduction and notes.

The other Sanskrit publications are yet in the press, some of them nearing completion. They are—

- 1 *Ayurveda Mahodadhi—Annapana Vidhi*—A work on dietetics.
- 2 *Sahendra Vilasam—Cholachampu.*
- 3 *Dharmakutam—Sundarakandam*—A commentary on Ramayana.
- 4 *Anandakandam*—A work on medicine and chemical process.
- 5 *Gilagovindam with Abhinayam.*
- 6 *Vishnutatva Deepika*—Philosophy.
- 7 *Sangita Darpanam.*
- 8 *Rajamrigankam*—Medicine.
- 9 *Jalakasara.*
- 10 *Bijapallava*—Algebra in Sanskrit.
- 11 *Samrajya Lakshmi Pectika.*

In addition to these the following works are being edited for publication :—

- 1 *Aswasastram.*
- 2 *Dharmakutam—Aranyakandam and Kishkinda Kandam.*
- 3 *Medical Dictionary*—Sanskrit and Tamil.
- 4 *Nadichakram*—On feeling pulse.

D. MARATHI.

Pratapasimhendra Vijaya Prabandha.

In addition to this, the following works are nearing completion and will be issued shortly. They are—

- 1 *Sloka Badha Ramayana.*
- 2 *Devendra Koravanji*—Geography in Songs.
- 3 *Bhaktavilas.*
- 4 *Satya Sandha Vijaya.*
- 5 *Lok Git.*
- 6 *Sarabendra Tirtha Yatra Lavani.*
- 7 *Gija Sastra Sangraha.*
- 8 *Sarabendra Thirthavalai.*
- 9 *Pakshi Lakshana Chikitsa.*
- 10 *Literary works of Tanjore Rajas.*
- 11 *Dora Dharun Veni Chalasha Padhaditi, etc.*

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(a) The following works are also being edited for publication:—

- 1 *Natagasatra Sangraha* (with Tamil, English translation).
- 2 *Ramamrita Taranga*.
- 3 *Serfoji Raja Vaidya Chintamani*.

(b) The Saraswathi Mahal Library has submitted proposals for further publication of the following works:—

(a) The remaining volumes of *Sarabendra Vaidya Muraigal* in Tamil.

(b) *Telugu*.—The remaining Kandas of *Kattavaradaraju's Ramayana* in *Dvipadas* Musical compositions and collections of *Raja Sahaji* in Sanskrit, Telugu, Marathi and Tamil.

(c) *Sanskrit*.—The remaining Kandas of *Dharmakutam*.

(d) *Marathi*.—*Madhavaswami's* work on *Bharata* and *Bhagavata*.

(c) The amount so far spent for publication of work is Rs. 61,807-11-0—

	RS.	A.	P.
Up to 31st July 1948	13,000	0	0
1st August 1948 to 31st March 1949	8,532	9	5
1st April 1949 to 31st March 1950	26,112	0	0
1st April to 20th September 1950	13,163	1	7
	<u>61,807</u>	<u>11</u>	<u>0</u>

APPENDIX II.

[Vide answer to starred question No. 384 asked by Sri S. Nagappa at the meeting of the Legislative Assembly held on the 14th November 1950, pages 40-41 supra.]

Names of the districts in the Rayalaseema.	Number of miles of roads under Government (Highways Department) in each of the districts.	Cost of maintaining these roads per mile (based on expenditure incurred in 1949-50).	Cost of maintenance per mile in 1949-50 under district boards.	Amount of increase in 1949-50 compared with the expenditure in 1948-49.
		RS.	RS.	RS.
1 Bellary	539	1,536	381	1,154
2 Kurnool	682	1,480	400	1,080
3 Anantapur	552	1,532	404	1,128
4 Chittoor	723	1,491	347	1,144
5 Oddapah	408	1,770	417	1,353

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APPENDIX III.

[Vide answer to starred question No. 386 asked by Sri K. S. Nataraja Goundar at the meeting of the Legislative Assembly held on the 14th November 1950, page 42 supra.]

I. *Relief works*.—(A) The following road works have been completed:—

- (1) Forming a road from Navanari to Kungummampalayam, to meet Putharichal to Senjeri hills road.
- (2) Extension of Navanari-Kungummampalayam road.
- (3) Forming a road from Navanari to Bommanaiickenpatti (via) Pottakampalayam.
- (4) Forming a road from Surianallur to Eragampatti.
- (5) Forming a road from Kolimangali to Echipatti.
- (6) Forming a road from Utthiyur to 2/2 of Thayampalayam road.

(B) The following irrigation works have been completed or are in progress:—

- (1) Silt clearance in Nanjaithalayur channel—Completed.
- (2) Silt clearance in Kolinjivadi channel—Completed.
- (3) Silt clearance in Alangiam channel—Completed.
- (4) Silt clearance in Dalavoipatnam channel—Completed.
- (5) Silt clearance in Dharapuram channel—Completed.
- (6) Excavating silt in trenches and strengthening bund of Kolinjivadi channel—In progress.
- (7) Extension of Lower Bhavani Project canal—In progress.

II. *Fodder*.—The usual concessional rates of railway freight for the transport of fodder from stations outside the Coimbatore district to stations within the district were introduced, the difference between the ordinary rates and the concessional rates being borne by the Government. These concessional rates were in force till 4th October 1950. Also special priority has been given by the railway authorities to fodder movement. The Board has authorized the Collector of Coimbatore to incur expenditure up to Rs. 20 lakhs for granting fodder loans, etc., in the district, during 1950-51.

III. *Remissions*.—The Government have granted wet and dry remissions, on a liberal scale, as indicated below:—

- (i) Full remission for wet lands with an outturn of four annas and below.

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(ii) All wet fields on which there has been 'constructive total loss' are eligible for full remission irrespective of whether a dry crop was successfully raised or not.

(iii) Lands left waste owing to lack of supply in the irrigation source are eligible for full remission except for mamul wastes in reckoning which however the two previous faslis should be excluded.

(iv) Full remission for dry crops including groundnuts harvested after 1st November 1949 with an outturn of four annas and below, and

Half remission for dry crops harvested after 1st November 1949 with an outturn of above four annas and below eight annas provided in both cases that the crop for which remission is to be granted was the only crop raised during the fasli.

(v) Current wastes on dry land, i.e., lands which are not mamul wastes will also be eligible for remission.

THE MADRAS LEGISLATIVE ASSEMBLY.

Wednesday, the 15th November 1950.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Vanaspathi Prohibition Bill.

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

(a) whether the Central Government have asked for the opinion of this Government regarding Vanaspathi Prohibition Bill; and

(b) whether this Government have given the opinion sought for and if so, what it is?

THE HON. SRI C. PERUMALSWAMI REDDI:—“(a) Yes, Sir.

“(b) Yes. It will not be in the public interest to disclose the opinion given by this Government.”

SRI B. S. MURTHI:—“Is the Hon. Minister aware that there is a dislike for vanaspathi among the people?”

THE HON. SRI C. PERUMALSWAMI REDDI:—“There is an agitation going on, Sir.”

SRI V. RAGHAVAYYA:—“Does the fact that the Government have subsidised or given state aid to several vanaspathi factories in this State in any way weigh with the Hon. Minister in keeping this information confidential, especially as it is a matter in which the public are deeply interested?”

THE HON. SRI C. PERUMALSWAMI REDDI:—“It is true, Sir, the Government have given loans to some vanaspathi factories. But the opinion given by this Government to the Government of India is very confidential and I cannot disclose it here.”

SRI A. VEDARATNAM PILLAI:—“Are the Government aware that quite a good number of Hon. Members of this House have given their opinion against vanaspathi and have asked for either banning or colouring it? If so, may I know whether the Government will reconsider their opinion?”

THE HON. SRI C. PERUMALSWAMI REDDI:—“I am not aware of it, Sir.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I ask, Sir, whether the Madras Government have conducted any independent research with regard to the nutritive value or otherwise of vanaspathi and if so what the result of the enquiry is?”

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THE HON. SRI C. PERUMALSWAMI REDDI:—"This Government have not conducted any research."

SRI M. S. PATTABHIRAMIAH:—"May I know whether it is the policy of the Government to encourage vanaspathi industry in this State?"

THE HON. SRI C. PERUMALSWAMI REDDI:—"I have already answered the question, Sir. The opinion of this Government is confidential and I cannot divulge it."

DR. S. SUBRAMANIAM:—"Are the Government aware, Sir, that pure ghee is being adulterated with vanaspathi and sold in the market?"

THE HON. SRI C. PERUMALSWAMI REDDI:—"It is adulterated with vanaspathi and it is adulterated with fat also, Sir."

Revenue collection in zamindari villages.

* 391 Q.—SRI GONA SITARAMASWAMI: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether it is a fact that in the case of zamindari villages where revenue was collected in kind, reduced rent was fixed in kind only as per Madras Estates Land (Reduction of Rent) Act, 1947; and

(b) if so, the difference in value in cash, between the rents paid in kind and rents paid in cash under that Act?

THE HON. SRI H. SITARAMA REDDI:—" (a) Yes. The scheme for reduction of rents embodied in the Act does not affect the system of payment of rent. If in an estate village, before the rates of rent were reduced under the Act, the rent was payable in kind, it is payable in kind even after the reduction."

" (b) The money value of the rent payable in kind in any place depends on the price of grain obtaining in that place and the price of grain varies from place to place with reference to local market conditions. If the hon. Member will specify the place in respect of which he wants the information, it will be obtained and furnished to him."

SRI M. G. NATESA CHETTIYAR:—"May I know how the collection of rent in kind is appropriated by the Government? Is it given to the landholder or is it retained by the Government?"

THE HON. SRI H. SITARAMA REDDI:—"The collection is made by evaluating the rent at the market price and cash is collected."

SRI M. G. NATESA CHETTIYAR:—"In the matter of the collection of rent in kind, why do the Government collect the value of the grain? Is it not necessary that they should stick to the collection in kind when it has been arranged like that and when the reduction has been made on that basis?"

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THE HON. SRI H. SITARAMA REDDI:—"I do not agree with the hon. Member's proposition, Sir."

SRI V. RAGHAVAYYA:—"May I know what special charm the Government have for this most ante-diluvian and East India Company way of collecting rent in kind, particularly when the price of paddy varies from place to place and also according to quality and as collection of paddy may involve the Government in loss due to various reasons?"

THE HON. SRI H. SITARAMA REDDI:—"I was under the impression that my hon. Friend was an admirer of certain ante-diluvian things. Now that I know what he likes, I may tell him that there is nothing wrong about the collection of rent in kind. As I said, we are not collecting it in kind. For the purpose of reduction of rent, a certain deduction is made and then it is evaluated in terms of the market value of the grain and the amount is collected in cash. There is nothing ante-diluvian about it. It is absolutely as modern as my hon. Friend himself wants."

SRI M. G. NATESA CHETTIYAR:—"Are the Government aware that the collection of rent in kind is only in respect of the seasonal cultivation of land and not on ryotwari land?"

THE HON. SRI H. SITARAMA REDDI:—"The question relates to, if I may draw my hon. Friend's attention, the collection in kind of the reduced rent under the Rent Reduction Act. After the rents are reduced, if they are in kind, as I said, they are evaluated in terms of money, taking the local market price into consideration and cash is collected. After the reduction of the collection charges, the amounts are paid to the proper person concerned."

Prohibition of drugs containing alcohol.

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

(a) the names of the drugs which are prohibited as they are supposed to contain alcohol;

(b) whether any casualties are reported by drinking such drugs; if so how many and wherefrom;

(c) who the persons manufacturing these drugs are;

(d) wherefrom they get alcohol to prepare such drugs;

(e) whether the Government have taken any steps to prevent the supply of alcohol to those who are manufacturing these drugs; and

(f) if so, what steps, and if not, why not?

THE HON. SRI N. SANJEEVA REDDI:—" (a) No medicinal preparation is prohibited merely because it contains alcohol. As certain spirituous medicinal preparations were being misused as substitutes for alcohol, it has been ordered that

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they should be sold only under a special licence issued by the Collector in limited quantities. A list of such preparations is placed on the table of the House."

"(b) Recently a petition was received by Government alleging that there were some deaths in the Nilgiris district due to the drinking of spirituous preparations. It was also reported in newspapers that a man died in the Salem district by drinking spirituous preparations. None of these reports has been verified. The Government have called for reports in these cases."

"(c) Spirituous preparations are manufactured in the pharmaceutical laboratories of this State. They are also imported from other States."

"(d) From the distilleries in this State ;

"(e) & (f) As these preparations are of medicinal value and as they have to be manufactured for *bona fide* medicinal purposes, supply of alcohol for the manufacture of the preparations cannot be stopped. However, alcohol is supplied only in limited quantities to meet the actual requirements. The Government are also considering whether any and if so what further steps should be taken to prevent the misuse of the spirituous medicinal preparations."

SRI A. VEDARATNAM PILLAI :—" May I know whether the Government have taken any action to implement the resolution passed by the House during the last session and if so what it is? "

THE HON. SRI N. SANJEEVA REDDI :—" I do not follow the hon. Member's question. If he makes it clear to what resolution he refers, I will be able to answer the question."

SRI V. I. MUNISWAMI PILLAY :—" In answer to clauses (e) and (f) the Hon. Minister said that these drugs are manufactured for medicinal purposes. May I tell him, Sir, that the position with regard to the use of these drugs has become very bad and there is a great agitation in the country? Will the Government consider the advisability of supplying these drugs only to such medical men who will honestly deal with them? "

THE HON. SRI N. SANJEEVA REDDI :—" That is the reason why I said in my answer, that the Government are controlling the sale of these drugs. Collectors are giving licences for sale only of limited quantities and only to *bona fide* dealers. It is not to everybody that a licence is given. It is only to a limited number of people that licences are given."

SRI T. VISWANATHAM :—" May I know whether the Government have given instructions that the grant of licences for the sale of these drugs should be confined to dealers who have not been booked for black-marketing? "

THE HON. SRI N. SANJEEVA REDDI :—" I do not know anything about black-marketing. In cases where the people have not misused the drugs, we will give licences for selling them only to people who want them as medicine."

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SRI V. I. MUNISWAMI PILLAY :—" Besides the number of drugs mentioned in answer to clause (a) of the question, are the Government aware that essences also are being used for alcoholic purposes? "

THE HON. SRI N. SANJEEVA REDDI :—" Whenever such things are brought to the notice of the Government, we are trying to include them also in the list."

SRI P. NATESAN :—" Has the attention of the Government been drawn to one or two cases filed by firms which are using alcohol in the preparation of the drugs? "

THE HON. SRI N. SANJEEVA REDDI :—" Where alcohol is necessary for medicines, almost all companies will have to use it. Such medicines alone are controlled and licences are issued to *bona fide* users."

SRI P. NATESAN :—" I want to know whether the attention of the Government has been drawn to the cases filed in the court by some firms in Madras."

THE HON. SRI N. SANJEEVA REDDI :—" Yes, Sir, it has been brought to the notice of the Government. Because the Government felt that they were misusing the things, we cancelled the licence. They have taken the matter to the High Court, as is generally done by everybody now."

SRI M. G. NATESAN CHETTIYAR :—" Are the Government aware of the wide use of a drink called ginger beer which contains more alcohol than beer and which has a very deleterious effect on the body? "

THE HON. SRI N. SANJEEVA REDDI :—" There are a good number of drinks. The Government would certainly consider their control wherever they are harmful in their effect. Many of the medicines also contain alcohol and so we cannot say everything is bad."

SRI P. NATESAN :—" In view of the recent strictures passed by the High Court in regard to the enforcement of prohibition in Salem, is there a possibility of the Hon. Minister considering the withdrawal of prohibition? "

THE HON. SRI N. SANJEEVA REDDI :—" The Police who have been doing such good work have been entrusted with the enforcement of prohibition in Salem as one of their normal duties. They are doing very good work in the district and I should say that the remarks of the High Court in this connexion are rather uncharitable, Sir."

SRI B. S. MURTHI :—" Has the attention of the Hon. Minister been drawn to the resolution given notice of by Mr. Punjab Rao Deshmukh in the Indian Parliament and may I know whether that resolution will have any effect on the prohibition policy in this State? "

THE HON. SRI N. SANJEEVA REDDI :—" The question can be considered after the resolution finds a place in the agenda

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of the Parliament and is discussed and passed by it. The State Government will then certainly consider what further steps should be taken in the matter."

11-15 a.m. DR. M. J. SAMUEL :—" In view of the fact that a large number of asavas and arishtas of the ayurvedic system are being freely used as substitutes for alcohol, will the Government please take note of the fact that they should also be sold under control and under a prescription from the doctors? "

THE HON. SRI N. SANJEEVA REDDI :—" Even such preparations are now controlled; ayurvedic physicians are emphatically of opinion that these arishtas and asavas are absolutely necessary as medicines; and as I said, these preparations are controlled even now."

SRI N. M. R. SUBBARAMAN :—" May I know whether any maximum percentage of alcohol is fixed for use in making medicines? If so, what is the percentage; and if not, will the Government fix a maximum percentage, so that there may not be much of abuse? "

THE HON. SRI N. SANJEEVA REDDI :—" The maximum percentage of alcohol that should be included in a medicine should be decided by the doctors; if it is absolutely necessary to include even 75 per cent of alcohol in a particular medicine, it will have to be done when the doctors think so and I do not think the Government can interfere with it. The Government can only control the distribution and leave the percentage of alcohol in a medicine to be fixed by the doctors."

DR. S. SUBRAHMANYAM :—" Are the Government aware that drug licences are issued by the drug controller in forms 20 and 21 indiscriminately to all sorts of persons and it has led to this abuse? Will the Hon. Minister please see to it that these licences are confined to qualified chemists and druggists who get prescriptions from qualified doctors? "

THE HON. SRI N. SANJEEVA REDDI :—" We are going to tighten up the procedure in regard to this, as it is found that the licences are misused somewhere. This matter will certainly be looked into."

SRI L. N. GOPALASWAMI :—" Since the whole mischief has arisen out of this alcohol, will the Government see that stricter control is maintained over the distribution of alcohol, which is the main cause of this mischief? "

THE HON. SRI N. SANJEEVA REDDI :—" We are supplying it to the laboratories where it is absolutely necessary for the preparation of medicines; if the laboratories are misusing it, we are cancelling their licenses in such cases, and that has led to the filing of cases, as hon. Mr. Natesan said, in the High Court. It is because we have taken stronger action recently that these cases have arisen."

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JANAB MUHAMMAD RAZA KHAN :—" The Hon. Minister may feel satisfied in saying that the Judge's remarks were uncharitable; but is it not a fact that the recent judgment has proved beyond any doubt that prohibition has failed in Salem district? When such is the situation, what is the point in not having a stricter control? After all, prohibition is the controlling of alcohol."

SRI V. RAGHAVAYYA :—" On a point of order, Mr. Speaker, even before the reply is given. Is it in order for us to discuss the correctness of a judgment of the High Court or the pertinent observations made relevantly in the course of the judgment or pass adverse remarks in respect thereof? "

MR. SPEAKER :—" I don't think anybody made any adverse remarks."

THE HON. SRI N. SANJEEVA REDDI :—" I only said, from the administrative point of view, that the Police has been doing their best in this respect; I did not say that the judgment was wrong or incorrect; I did not mean any disrespect to the High Court or the Judges."

SRI V. I. MUNISWAMI PILLAY :—" Since the Government are out to restrict the abuse in the sale of these drugs, will they consider the desirability of entrusting the sale of these drugs and tonics to co-operative institutions such as the Central Co-operative Stores and others, wherever they are in existence? "

THE HON. SRI N. SANJEEVA REDDI :—" No, Sir; I think we will have to allow medicines to be sold by chemists who are in the line. In fact, I do not know if co-operative institutions will be prepared to take up the work of chemists and druggists and sell these drugs. I don't think it will be possible for them to take up this work."

SRI T. VISWANATHAM :—" The Hon. Minister said that the remarks of the High Court Judges are uncharitable. May I ask whether instead of making a counter reflection upon the High Court, the Government will be prepared to remove the defects in the enforcement of prohibition? "

THE HON. SRI N. SANJEEVA REDDI :—" We have been trying to do it to the best of our ability; more particularly in the Salem district, we have entrusted the whole of this work to the Police, so that the work may be done more effectively there. And if in spite of that, certain cases here and there are brought to our notice, it cannot be said that the work in connection with this in the whole State is bad. That is what I said."

SRI A. VEDARATNAM PILLAI :—" May I know, Sir, whether there is any proposal to remove the mushroom dealers who are dealing in these drugs, and if so what it is? "

THE HON. SRI N. SANJEEVA REDDI :—" We have done that, and it is because we cancelled a number of licences, that we are now facing a number of suits in the High Court. If the enforcement is to be very much better, naturally the action taken in some cases has to be stricter."

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SRI M. S. PATTABHIRAMIAH :—“ Has the attention of the Government been drawn to the enormous increase in the consumption of alcohol by drug manufacturers in our State, and if so, do the Government propose to check this enormous increase immediately? ”

THE HON. SRI N. SANJEEVA REDDI :—“ The number of producing centres have increased. That is why we have to give a lot of licences. Now that some of the licences have been cancelled, the question of giving new licences should be considered again and the quantity will be reduced.”

SRI P. NATESAN :—“ I am glad to hear that the Hon. Minister is working hard to put down these abuses; but how does he reconcile this with his statement that the masses are behind this prohibition policy? ”

THE HON. SRI N. SANJEEVA REDDI :—“ The people are behind the Government in this respect; but there are some elements which are bad and they have to be controlled. It is not that everybody is against it; for the matter of that, even if 90 per cent are for it and 10 per cent only against, that 10 per cent would create trouble and they have got to be dealt with.”

* 393 Q.—

MR. SPEAKER :—“ This question will be taken up tomorrow, as the hon. Member himself has written to me that it may be taken up tomorrow.”

Government Ceramic Factory, Gudur.

* 394 Q.—SRI V. RAGHAVAYYA : Will the Hon. the Minister for Industries be pleased to state—

(a) the standard (in point of quality) of articles manufactured in the Government Ceramic Factory, Gudur; and

(b) whether the Factory is working at gain?

THE HON. SRI C. PERUMALSWAMI REDDI :—“ (a) The quality of the articles produced in the Government Ceramic Factory, Gudur, compares very favourably with other Indian products and even with imported products especially in sanitary ware. The production is at present mostly confined to sanitary ware and the products of the factory in this line are being used by Municipalities, Co-operative House Construction Societies and Public Works Department, etc., throughout the State.

“ (b) The working of the factory for the year ending 31—3—1950 has resulted in a loss of Rs. 96,482. The Government are taking measures to improve the working of the factory.”

SRI P. NATESAN :—“ May I know how the Hon. Minister accounts for the serious loss of Rs. 90,000 and odd in one year? And may I know how it would be possible to make it good in subsequent years? ”

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THE HON. SRI C. PERUMALSWAMI REDDI :—“ Because this is the first year of working of the factory on commercial lines, there has been loss to some extent; the labour also being inexperienced, we had to incur this heavy loss. Hereafter, with experienced labour, we will be able to make up this loss.”

SRI V. RAGHAVAYYA :—“ Am I right in assuming that the quality of articles made in this factory is not up to the mark, that the colour is still brown and it has not yet come to be white? May I also know if much of the loss is entirely due to too many servants being employed in the factory? ”

THE HON. SRI C. PERUMALSWAMI REDDI :—“ It is not so, Sir. The colour is white now; we have employed experienced foreign-trained men to do this work, and we have also retrenched the staff and are observing economy in the factory. I think the loss will be minimised.”

SRI D. V. RAMASWAMI :—“ May I know whether the so-called defect in the quality of the product is due to the policy of economy pursued by the Government and there is actually need to appoint another expert in addition, to assist the present expert? ”

THE HON. SRI C. PERUMALSWAMI REDDI :—“ I cannot accept that suggestion, Sir.”

SRI B. S. MURTHI :—“ May I know what new arrangements have been brought into force in this factory in order not only to avoid the loss but to show some profits? ”

THE HON. SRI C. PERUMALSWAMI REDDI :—“ We want to improve the output, and by improving it, we may reduce the cost of production.”

SRI P. NATESAN :—“ What is the turnover of this factory per year in terms of rupees, Sir? ”

THE HON. SRI C. PERUMALSWAMI REDDI :—“ Notice, Sir.”

SRI V. RAGHAVAYYA :—“ What is the extent of unsold material in this factory and how long has it been left unsold? ”

THE HON. SRI C. PERUMALSWAMI REDDI :—“ I want notice for that also.”

SRI L. N. GOPALASWAMI :—“ May I know the total capital cost involved in this factory and what is the percentage of the loss to the capital? ”

THE HON. SRI C. PERUMALSWAMI REDDI :—“ A separate question may be put.”

SRI V. M. RAMASWAMI MUDALIAR :—“ May I ask whether the Government will, with a view to make this factory work on a self-paying basis, consider the desirability of manufacturing cups and saucers and plates which are in great demand, and not confine the manufacture to only sanitary ware? ”

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THE HON. SRI C. PERUMALSWAMI REDDI :—" Sanitary-ware is now in very great demand, and I think this year we may not incur any loss."

Revenue from Excise in Nellore district.

* 395 Q.—SRI K. SHANMUGAM : Will the Hon. the Minister for Prohibition be pleased to state—

(a) the revenue from Excise in Nellore district last year; and

(b) the expenditure for the same during this year?

THE HON. SRI N. SANJEEVA REDDI :—" (a) The revenue under 'Excise' realized in the Nellore district during 1949-50 was Rs. 1,25,356.

" (b) The expenditure from the 1st January to the 31st July 1950 in the Nellore district is as follows :—

(i) Expenditure on the collection of Excise revenue, Rs. 2,065.

(ii) Expenditure on the enforcement of Prohibition, Rs. 1,74,373."

SRI K. SHANMUGAM :—" May I know what is the income from the confiscated arrack and other intoxicants that have been discovered by the Police in the course of last year? "

THE HON. SRI N. SANJEEVA REDDI :—" I do not think we have separate figures for that, but a separate question may please be put."

SRI B. S. MURTHI :—" May I know whether this income includes the fines realized from addicts? "

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

SRI V. RAGHAVAYYA :—" In view of total prohibition having been in force in this State for the past two years, may I know how this income has bulged out into a lakh and odd rupees? "

THE HON. SRI N. SANJEEVA REDDI :—" The figure does not relate only to this year; it includes collection of old arrears which amounted to about a lakh of rupees."

Lands to Harijans.

* 396 Q.—SRI K. SHANMUGAM : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the number of cases in which the assignment of lands and house-sites was refused to Harijans in Nellore district since 1947, and the reasons therefor; and

(b) the amount spent for house-sites to Harijans last year?

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THE HON. SRI H. SITARAMA REDDI :—" (a) Since 1943, there was a ban on the permanent assignment of agricultural land pending settlement of the policy to be followed with regard to the grant of isolated plots of land to ex-servicemen. This ban was lifted in June 1949. Since then, there was only one case where assignment of agricultural land to Harijans was rejected. The land applied for was a P.W.D. tank poramboke and was within the F.T.L. of the Kovur tank.

Since 1947 eight cases of assignment of house-sites to Harijans were refused. This was because there was either sufficient vacant space in the village site to provide for the new families or there was no real necessity for shifting their present house sites. In four cases out of the above eight, proposals for acquisition of house-sites were dropped on the ground that patta lands could not be acquired as they were costly and the Harijans were asked to settle down on other suitable lands. This was not agreed to by the Harijans.

" (b) No amount was spent for acquisition of house-sites for Harijans last year."

SRI K. SHANMUGAM :—" Are the Government aware of the fact that much delay is being caused in assigning house-sites to Harijans? May I request the Government to issue directions to the officers concerned for speedy disposal? "

THE HON. SRI H. SITARAMA REDDI :—" Special officers have been appointed who are looking after this work specially, and I am sure they will expedite the acquisition."

SRI B. S. MURTHI :—" Arising out of the answer that, in four cases, house-sites had not been acquired because they were patta lands and were costly and so the Harijans have been asked to select other places, may I know whether the suitability of the land is the criterion or the price is the criterion in such cases? "

THE HON. SRI H. SITARAMA REDDI :—" Price is a very important criterion; but I have gone through the cases I have mentioned specifically and I can assure the hon. Member that it was not merely a question of the cost of land to be acquired. In the same village, there were other house-sites available, but these people refused to occupy them and insisted upon having particular pieces of land which were costly and unnecessary."

SRI V. RAGHAVAYYA :—" May I know why the Harijans of the Stonehousepet Madigapalayam in the Nellore district have been denied the facility of acquiring neighbouring sites particularly when in municipalities like Nellore, the Government could not have expected to get lands for a site and they must

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necessarily pay a high cost for them and why the Rs. 2 crores allotted for Harijan welfare by hon. Mr. Prakasam should not be utilized for this purpose?"

11-30
a.m.

SRI V. I. MUNISWAMI PILLAY :—" Arising from the answer of the Hon. Minister, will the Government be pleased to refer the whole matter to the District Welfare Officer to know exactly why the people refused to go to places where land is available? "

THE HON. SRI H. SITARAMA REDDI :—" There is no need, Sir; the reasons furnished in the report sent by the Collector are quite satisfactory."

SRI S. NAGAPPA :—" In view of the fact that generally a lot of time is wasted and great hardship is experienced in acquiring lands for the houseless poor and Harijans, will the Government consider the desirability of applying emergency provisions so far as acquisition of lands for these purposes is concerned in order that it may be expedited? "

THE HON. SRI H. SITARAMA REDDI :—" As I have already said, there are Special Officers who are at it and we are doing our very best to see that there are no delays; I can assure the hon. Member once again that the Government are anxious to see that there are no delays in these matters."

SRI L. N. GOPALASWAMI :—" May I know, Sir, in how many cases applications from Harijans have been assented to and lands acquired."

THE HON. SRI H. SITARAMA REDDI :—" I want notice of the question."

SRI B. S. MURTHI :—" Is the Hon. Minister aware, Sir, that in very many cases it is the opposition of the landed aristocracy which is mainly responsible for the Harijans being shown one place after another and may I know whether the Government are aware that in one case in Nellore the Harijans were shown sixteen places one after the other? "

THE HON. SRI H. SITARAMA REDDI :—" I am not aware of it, Sir. The proposition that my hon. Friend mentioned does not apply. In the case in which I have got information."

SRI V. RAGHAVAYYA :—" The answers given by the Hon. Minister are thoroughly unsatisfactory and contrary to the principles laid down by the Government's previous policy of providing house-sites for Harijans. The Government have promised time and again that this would be done. I therefore request you, Sir, to allow a half-hour debate."

MR. SPEAKER :—" The hon. Member will have a half-hour debate."

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Muslims in the Arts College, Madras.

* 397 Q.—

MR. SPEAKER :—" The hon. Member is not in her place and so it will be printed in the proceedings."

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

(a) the number of Muslims who applied for admission in the Government Arts College (formerly known as Government Muslim College), Madras, this year in the various classes, and the number rejected in each class; and

(b) the percentage of Muslims admitted in the above college in each class as compared to the total number of admissions in each class, this year?

THE HON. SRI K. MADHAVA MENON :—" (a) The number of Muslims who applied for admission is I U.C. 141, III B.A. 32 and III B.Sc. 29.

"The number rejected in the I U.C. and III B.Sc. class is 55 and 7, respectively. All the applicants have been admitted into the III B.A. class.

"(b) I U.C. 19.
III B.A. 40.
III B.Sc. 37."

Madras Industrial Investment Corporation.

* 398 Q.—JANAB MUHAMMAD RAZA KHAN (on behalf of Janab Mohamed Abdul Salam): Will the Hon. the Minister for Industries be pleased to state—

(a) the amount that has been invested by the Government so far in the Madras Industrial Investment Corporation; and

(b) the amount so far collected by the Corporation as share capital?

THE HON. SRI C. PERUMALSWAMI REDDI :—" (a) Rs. 51 lakhs.

"(b) The total amount so far collected by the Corporation as share capital is Rs. 54-895 lakhs including the sum of Rs. 51 lakhs subscribed by the Government."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—" May I know from the Hon. Minister how much has so far been lent—I am using the word lent so that there may not be any confusion regarding the money invested in the Corporation—by the Corporation to industrial concerns? "

THE HON. SRI C. PERUMALSWAMI REDDI :—" I want notice, Sir."

SRI P. NATESAN :—" Sir, I have not been able to catch the Hon. Minister; I thought he said that the Government had subscribed Rs. 51 lakhs and the capital subscribed so far is Rs. 54 lakhs; am I right in assuming that only Rs. 3 lakhs has been collected from outsiders? "

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THE HON. SRI C. PERUMALSWAMI REDDI :—" Yes, Sir, only three lakhs and odd from outsiders."

SRI P. NATESAN :—" Do the Government consider this position satisfactory, Sir? For an Industrial Corporation sponsored by the Government, do they consider that three lakhs is a sufficient response; what does that mean, Sir? "

THE HON. SRI C. PERUMALSWAMI REDDI :—" The Corporation must try to get shares from institutions."

SRI B. S. MURTHI :—" May I know, Sir, whether the shares of the Corporation are open to the public and were any proposals made to the industrial and business concerns in that behalf? "

THE HON. SRI C. PERUMALSWAMI REDDI :—" It is open to institutions only."

SRI V. M. RAMASWAMI MUDALIAR :—" Am I correct in assuming, Sir, that the authorized capital of the Corporation is Rs. 200 lakhs, of which only about 26 per cent has been subscribed so far and whether they will consider the desirability of certain Central Co-operative Stores and Banks which are making large profits subscribing to the shares of the Corporation? "

THE HON. SRI C. PERUMALSWAMI REDDI :—" Yes, Sir, the suggestion has been made to the Registrar of Co-operative Societies to suggest to co-operative institutions to subscribe to the shares of the Corporation."

SRI M. R. APPA RAO :—" May I know, Sir, what objection the Government have to allow private individuals to take shares in the Industrial Investment Corporation? "

THE HON. SRI C. PERUMALSWAMI REDDI :—" No, Sir, it is not open to private individuals; but the question is under consideration and if, on consideration, it is found desirable, it will be thrown open to them."

SRI N. M. R. SUBBARAMAN :—" May I know Sir, which are the companies to whom loans have been given and what is the rate of interest? "

THE HON. SRI C. PERUMALSWAMI REDDI :—" I want notice."

DR. S. SUBRAHMANYAM :—" Will the Government consider the question of winding up this Corporation in view of the fact that the public is not very enthusiastic about it? "

THE HON. SRI C. PERUMALSWAMI REDDI :—" No, Sir."

JANAB MUHAMMAD RAZA KHAN :—" Is it not a fact, Sir, that before this Corporation came into being, our energetic Finance Minister had a series of conferences and consultations with industrialists and financiers and other institutions and am I to take it that all his efforts only yielded Rs. 3 lakhs? "

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THE HON. SRI B. GOPALA REDDI :—" All my conferences were not with regard to the Industrial Corporation but with regard to my own loans."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—" May I know, Sir, whether there is any alignment for the receipt and consideration of applications for loans, between the Government with reference to the State Aid to Industries Act and the Industrial Investment Corporation? In order to make myself clear, as I have done on several occasions, may I ask whether there will be any limit like this: Government will consider applications under Rs. 5 lakhs or Rs. 2 lakhs or Rs. 10 lakhs and all applications of a bigger nature will be considered by the Corporation, otherwise there will be the risk of duplication in that the applications rejected by the Government may be considered by the Corporation and those rejected by the Corporation may come to the Government? "

THE HON. SRI C. PERUMALSWAMI REDDI :—" That is the arrangement and there is alignment; The Corporation has to deal with approved industries whereas the Industries Board tackles with nascent and new industries."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—" I am thankful to the Hon. Minister for the alignment in respect of policies; but I request an answer to my question as to what is the alignment in respect of the amount of the loans, whether it is Rs. 10 lakhs, 5 lakhs or 2 lakhs? "

THE HON. SRI C. PERUMALSWAMI REDDI :—" That is being examined and a final reply can only be given afterwards."

JANAB ABDUL HAMEED KHAN :—" Is it not a fact, Sir, that what was intended was that there should be some relation between the representation given to them on the Board and the amount expected from them, industrialists and businessmen; it was in the ratio of 51 for the Government and 49 for the others and why, may I ask, have the Government invested Rs. 51 lakhs when they have not got adequate response from the industrialists to the extent prescribed? "

THE HON. SRI C. PERUMALSWAMI REDDI :—" The Government have promised to invest Rs. 51 lakhs and they have kept up their promise but other institutions have not come forward to invest their money."

SRI P. NATESAN :—" May I know what efforts are being made by the Government to see that the entire capital is subscribed? "

THE HON. SRI C. PERUMALSWAMI REDDI :—" The effort must be made by the Corporation itself and not by the Government."

JANAB ABDUL HAMEED KHAN :—" May I know, Sir, if it is not a fact that it was on the basis of a certain prescribed response in the matter of the investment on the part of the

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industrialists and banks that their membership on the Board has been fixed and representation has been afforded to them on that basis?"

THE HON. SRI C. PERUMALSWAMI REDDI:—"No, Sir; it is not on that principle."

SRI T. VISWANATHAM:—"May I know, Sir, why it is that the capital has not been subscribed up to the expected limit and have they gone into the reasons why it has happened like that?"

THE HON. SRI C. PERUMALSWAMI REDDI:—"No, Sir, they have not gone into them; they are trying to get subscriptions from Co-operative Stores and Banks."

SRI R. V. SWAMINATHAN:—"May I know, Sir, whether any steps have been taken by the Corporation to invite banks and insurance companies which are operating here, to invest their surplus funds and take shares in the Corporation?"

THE HON. SRI C. PERUMALSWAMI REDDI:—"Yes, Sir, an appeal has been made to the several institutions to subscribe to the shares of the Corporation."

RAJA MUTHIAH CHETTIYAR, OF CHETTINAD:—"I am fully aware, Sir, of the fact that representation on the Board of the Industrial Corporation was given to some of the members on the understanding that the institutions which they are supposed to represent, will subscribe for a certain amount of capital and so, Sir, may I request the Hon. Minister's indulgence to look into the records in the Secretariat and give an answer at a later stage instead of saying that there is no such understanding? I know that representation has been given by the Government before the Chairman took charge and conducted the affairs of the Corporation to some members on the understanding that those members through the institutions represented by them have to subscribe a certain amount of capital. Therefore, will the Government look into the records and try to collect the money at least now? I am not bothered about the members but I am worried about the capital that should come into the hands of the Industrial Corporation."

THE HON. SRI C. PERUMALSWAMI REDDI:—"I am not aware of it, Sir; anyhow, I will look into the records and see if it is so."

Podu cultivations in Gudem taluk.

* 399 Q.—SRI V. RAGHAVAYYA (on behalf of Sri K. Veeranna Padal): Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the public of Gudem taluk in the Jeypore Estate area has recently submitted any petition to the Government regarding the troubles caused by the Forest department in respect of podu cultivations; and

(b) if so, what action the Government propose to take in the matter?

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THE HON. SRI H. SITARAMA REDDI:—" (a) No.

" (b) The question does not arise."

SRI V. RAGHAVAYYA:—"May I know, Sir, if the Forest officials are still interfering with podu cultivation and whether the Government will be prepared to consider introducing provisions adopted by Madhya Pradesh and set apart areas for podu cultivation as the hillmen cannot easily be induced to give it up?"

THE HON. SRI H. SITARAMA REDDI:—"I do not think this arises out of the question. The question was whether representations have been received by the Government in respect of podu cultivation and the answer is 'no'."

Hindi Pandits.

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

(a) the reasons for extending the period of Pracharak training for Hindi Pandits; and

(b) whether other language pandits also are having such Pracharak Training courses?

THE HON. SRI K. MADHAVA MENON:—" (a) The Pracharak diploma course consists of two parts, literary and technical. To meet the demand for qualified Hindi teachers, the Dakshina Bharat Hindustani Prachar Sabha decided to train Hindi teachers by imparting instruction in technical part only for a short period of three months and such trained teachers were required to complete the literary part by private study within two years. As a sufficient number of teachers had already been trained, the Sabha has decided to stop the concession and to conduct the course for nine months giving instruction in both literary and technical parts from the current year.

" (b) Pandits in languages other than Hindi have to undergo Pandit's training courses. This course which extended to nine months has been reduced to six months from the current year as it was found in actual practice that the syllabus could be covered in six months."

SRI A. VEDARATNAM PILLAI:—"May I know, Sir, whether it is a fact that the period of the Pracharak training has been extended but their salary has not been enhanced and on account of the new policy of the Government a number of Hindi Pandits have to be removed from service. May I know, Sir, what action the Government propose to take in the matter?"

THE HON. SRI K. MADHAVA MENON:—"I do not find any connection between the period of training which is fixed by the Hindi Pracharak Sabha and the pay of the pracharak."

SRI B. S. MURTHI:—"Now that Hindi is to be taught in all schools may I know whether the Government are proposing to have their own training schools to train these Hindi teachers?"

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

SRI S. NAGAPPA :—" Sir, in view of the fact that the Government are not going to start their own training schools to train Hindi pandits and in view of the fact that the Hindi Prachar Sabha is to train the necessary Hindi teachers, both in quality and quantity, may I know whether the Government will give any grant to the Hindi Prachar Sabha, and if so, how much?"

THE HON. SRI K. MADHAVA MENON :—" The Hindi Prachar Sabha does get a grant; but what it is, I cannot say now."

SRI V. I. MUNISWAMI PILLAY :—" May I know, Sir, what are the qualifications prescribed for these new recruits, and who is the agency authorised for such recruitment?"

THE HON. SRI K. MADHAVA MENON :—" There must be a basic qualification, perhaps Visharad (I do not know exactly what it is); and I think, they are recruited by the Hindi Prachar Sabha and by the department concerned."

Narasaraopet Electric Corporation.

* 401 Q.—SRI K. BRAHMANANDAM REDDI (on behalf of Janab Mohamed Abdul Salam): Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that the Narasaraopet Electric Corporation has asked the Government to take over their concern as long ago as March 1950; and

(b) if so, what action the Government have taken in this matter?

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

" (b) The Government have already served on the licensee an order under section 4 of the Madras Electricity Supply Undertakings (Acquisition) Act, 1949, declaring that his undertaking shall vest in them on 25th January 1951."

SRI K. BRAHMANANDAM REDDI :—" Sir, is it the intention of the Government to take over the concern, put in any machinery necessary there to generate the current and run the concern, or do they propose to bring the current from Bezwada thermal station, and if so when, Sir?"

THE HON. SRI M. BHAKTAVATSALAM :—" As soon as the Government take over the concern on 25th January 1951, they will put the concern in order and run it; till they are able to get power from elsewhere they will take power from the Bezwada thermal station."

SRI L. N. GOPALASWAMI :—" Is it a fact, Sir, that this corporation has been working at a great loss for the last few years?"

THE HON. SRI M. BHAKTAVATSALAM :—" I do not have the balance sheet of the corporation with me, Sir."

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Marine College, Visakhapatnam.

* 402 Q.—SRI B. S. MURTHI :—" Will the Hon. the Minister for Education be pleased to state whether this Government have been consulted by the Government of India as regards the shifting of the Marine College from Visakhapatnam?"

THE HON. SRI K. MADHAVA MENON :—" I presume the hon. Member means the site of the College. No Marine College was located at Visakhapatnam. Some time ago the Government of India proposed the acquisition of some lands for starting a Naval College at Waltair. This proposal has since been dropped by that Government."

SRI B. S. MURTHI :—" The question was as understood by the Hon. Minister for Law. May I know why has the Government of India dropped the proposal of acquiring a site at Visakhapatnam?"

MR. SPEAKER :—" The Government of India! How is it relevant; what has the State Government to do with it?"

SRI B. S. MURTHI :—" I am coming to the point, Sir. I want to know why the proposals have been dropped; whether the Government of Madras have anything to do with that?"

THE HON. SRI K. MADHAVA MENON :—" The Madras Government have nothing to do with it. In a letter received from the Government of India, I find, on account of the financial stringency, they have dropped the proposal."

Repair of minor irrigation tanks.

* 403 Q.—SRI S. PARAMANANDA RAYAR : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the annual repairs to the minor irrigation tanks have been carried out in Srimushnam firka of Chidambaram taluk; and

(b) if not, why this has been delayed?

THE HON. SRI H. SITARAMA REDDI :—" (a) & (b) Repairs to the minor irrigation tanks are not carried out annually. Under the circle system in vogue in this State each taluk is divided roughly into 4 or 5 circles and the minor irrigation sources in each circle are investigated and attended to in the course of one year. Thus the minor irrigation tanks in a firka (which is roughly of the size of a circle) will get their turn for repairs only once in 4 or 5 years. The minor irrigation tanks in Srimushnam firka of Chidambaram taluk last came up for investigation in the year 1940-41 and for execution in 1941-42 and the repairs to all the minor irrigation tanks except two were carried out. In pursuance of the Grow More Food campaign the circle system is not being followed in that district and repairs to sources are taken up forthwith as and when they are considered necessary."

SRI S. PARAMANANDA RAYAR :—" Sir, has this in any way affected timely cultivation?"

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THE HON. SRI H. SITARAMA REDDI :—" I do not understand what the hon. Member means."

MR. SPEAKER :—" Will the hon. Member repeat his question? "

SRI S. PARAMANANDA RAYAR :—" Has this in any way affected timely cultivation? " (Laughter.)

THE HON. SRI H. SITARAMA REDDI :—" Not to my knowledge." (Laughter.)

Rivers in Pudukkottai.

* 404 Q.—

MR. SPEAKER :—" The Hon. Member, Mr. Natesan, is not in his place; the answers will be printed in the proceedings."

SRI R. NATESAN : Will the Hon. the Minister for Public Works be pleased to state—

(a) the number of rivers and rivulets in the Pudukkottai area; and

(b) how many of these rivers are at present used for agricultural purposes?

THE HON. SRI M. BHAKTAVATSALAM :—" (a) There are ten rivers and rivulets in the Pudukkottai area.

" (b) All of them are being used for irrigation purposes."

Adult education.

* 405 Q.—SRI K. SHANMUGAM : Will the Hon. the Minister for Education be pleased to state—

(a) the amount spent on adult education in 1947-48;

(b) the number of adult schools on which the same was spent during the said period;

(c) whether the Government have got any revised scheme for adult education; and

(d) if so, what the scheme is?

THE HON. SRI K. MADHAVA MENON :—" (a) & (b) There was no scheme of adult education as such in force during 1947-48. There were, however, 36 night schools for adults in that year and an expenditure of about Rs. 11,169 was incurred on them. A grant of Rs. 7,613 was sanctioned by the Government from State funds towards that expenditure.

" (c) & (d) In 1948-49, the Government formulated a scheme for the education of adults which was continued in 1949-50. In 1949, the Government of India sanctioned a grant and required that an equivalent amount should be spent by this Government also on the removal of adult illiteracy in this State. A scheme for utilising the amounts has been approved by the Government. Copies* of the proceedings of the

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Government are placed on the table of the House (G.O. Nos. 3876, Education, dated 19th December 1949; 846, Education, dated 8th April 1948; and 2521, Education, dated 8th September 1950)."

SRI K. SHANMUGAM :—" Sir, may I request the Government to open night schools for adults in Harijan cheris, so that they may have the benefit of education within their reach? "

THE HON. SRI K. MADHAVA MENON :—" If the hon. Member would write to me where it is required, I shall pass it on to the authority concerned."

SRI B. S. MURTHI :—" May I know whether the Government are prepared to make the emoluments of the teachers working in the night schools for adults attractive so that there may not be any need to appeal to their sentiments to make them take interest in their work? "

THE HON. SRI K. MADHAVA MENON :—" It is not a question of appealing to their sentiments, Sir. We are paying increased emoluments to teachers; and there is an additional emolument of Rs. 8 for the work they are doing in adult schools."

SRI S. NAGAPPA :—" Sir, in view of the fact that there is a high percentage of dearth of qualified teachers in the State, will the Government consider the desirability of compelling every student who sits for the S.S.L.C. examination and comes out successful, before he appears for the examination to give a binding that he would serve as a teacher for at least ten years after he passes the examination? "

THE HON. SRI K. MADHAVA MENON :—" I am afraid the remedy will be much worse than the disease."

Harijans in Forest department.

* 406 Q.—SRI K. SHANMUGAM : Will the Hon. Minister for Prohibition be pleased to state—

(a) the number of Harijans from Nellore district that have applied for the posts of Forest Officers, Guards, Maistries and Watchers under the Forest department in Nellore district for the last two years; and

(b) the number of Harijans in the gazetted and non-gazetted posts in the Forest department?

THE HON. SRI N. SANJEEVA REDDI :—" (a) & (b) Statement* furnishing the information is placed on the table of the House."

SRI K. SHANMUGAM :—" May I know whether Harijans have been given exemptions regarding qualification for these posts? "

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THE HON. SRI N. SANJEEVA REDDI :—" Yes, Sir. Age restrictions are a bit relaxed; in so many ways we are giving concessions; but yet, we are not able to get proper type of candidates."

SRI B. S. MURTHI :—" Sir, a perusal of the statement placed on the table of the House is revealing paucity of Harijan representation. So, may I know, if the Government will take immediate steps to see that suitable Harijans are either recruited immediately or qualified Harijans in service promoted, both in the gazetted and non-gazetted cadres, so that full representation may be had for Harijans? "

THE HON. SRI N. SANJEEVA REDDI :—" Last year we tried to appoint a Harijan as Assistant Conservator of Forests; we called for applications from Harijans; but unfortunately we were not able to get one. This year we have called for Andhra Harijan applicants; and if applicants are not available, I do not know how we can help ourselves. Regarding promotion, the second part of the hon. Member's question, if there are qualified or deserving men in service, they will be promoted. But there should be some merit for a candidate to be appointed."

SRI B. S. MURTHI :—" Is the Hon. Minister aware that there is a fully qualified Harijan, educated in the Forest College, Coimbatore; he has been in the department for the last twelve years, and yet no promotion has been given to him? "

THE HON. SRI N. SANJEEVA REDDI :—" So many other considerations are there; he must be deserving; he must have served in the department to the satisfaction of his superiors; so it is not on the only qualification that he is a Harijan he will be promoted."

High schools in Rayalaseema.

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

(a) the number of high schools in Rayalaseema, district-war; and

(b) the number among them that has been granted building grants for the last three financial years?

THE HON. SRI K. MADHAVA MENON :—" (a) The total number of high schools in Rayalaseema is 123 and the number in each district is as follows :—

Cuddapah—26.

Kurnool—26.

Bellary—21.

Anantapur—20.

Chittoor—30.

" (b) No building grant was paid to any of these institutions in 1947-48. Building grants were paid to one high school in

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Cuddapah district in 1948-49, to one high school in Kurnool district, two high schools in the Anantapur district and two high schools in the Chittoor district in 1949-50."

SRI S. NAGAPPA :—" Sir, may I know why though there are several high schools in Rayalaseema, only one high school in one district and two high schools in another district have been granted building grants in 1948-49? "

THE HON. SRI K. MADHAVA MENON :—" The grant for building does not depend upon the number of high schools there are in a district. If a school lacks a building or wants to have an additional building, and if it proposes to go in for a building and if it applies for a building grant it will be given."

House construction.

* 408 Q.—**SRI V. M. RAMASWAMI MUDALIYAR :** Will the Hon. the Minister for Prohibition be pleased to state—

(a) the number of new houses that were constructed by the Government or Co-operative Societies or private agency in the State during the last five years, year-war; and

(b) the percentage of increase of population in the State and in the several cities and towns? -

THE HON. SRI N. SANJEEVA REDDI :—" (a) The number of new houses that were constructed by the Government and the Co-operative Societies during the last five years are as follows :—

Year.	Houses constructed by the Government.	Houses constructed by the Co-operative Housing Societies.
1945-46 ..	122	135
1946-47 ..	239	30
1947-48 ..	63	204
1948-49 ..	40	410
1949-50 ..	175	960

Figures regarding the number of houses constructed by private agencies are not readily available. Collection of such statistics will involve much labour that is not commensurate with the purpose served.

" (b) The figures will be available only after the 1951 census."

SRI V. M. RAMASWAMI MUDALIYAR :—" May I ask, Sir, whether the Government are aware that about three thousand applications from Government servants for accommodation are still pending with the Controller for Accommodation in the City, and that with regard to other Government servants who cannot afford to pay more than Rs. 30 as rent, there are very many more

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without adequate housing, and may I know whether there are any proposals with Government for having a housing scheme for their non-gazetted officers and those below that rank?"

THE HON. SRI N. SANJEEVA REDDI:—"We have been considering it, but find it is not possible, as our finances do not permit it."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I ask, Sir, whether the Government are aware that in the cities and towns of this State on account of inadequate provision of houses there is a lot of congestion and thereby there is a lot of insanitation and thereby public health has gone down?"

THE HON. SRI N. SANJEEVA REDDI:—"Government are quite aware of the difficulties of people, and it is also sympathetic; but unfortunately they are not able to take up the matter immediately."

Development of Rayalaseema districts.

* 409 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Land Revenue be pleased to state what steps are being taken to develop Rayalaseema districts industrially?

THE HON. SRI H. SITARAMA REDDI:—"The following steps are being taken to develop Rayalaseema districts industrially:—

- (i) An amount of Rs. 22,95,000 has been sanctioned as financial assistance under the State Aid to Industries Act, to the industrial concerns in Rayalaseema including textile mills, oil refining plants, vanaspathi plants, straw board mills and foundries;
- (ii) A polytechnic has been established at Bellary for training students up to the Diploma standard in Civil and Chemical Engineering and Textile Technology;
- (iii) The establishment of an Oil Technological Institute at Anantapur to carry out research work in oil seeds and oils and their processing to promote fuller industrial utilization of oil seeds has been sanctioned;
- (iv) A glass bangle and bead training centre has been established at Kalahasti;
- (v) A Special Officer has been appointed to prepare project reports for the establishment of paint and lithophone factories in Rayalaseema;
- (vi) A comprehensive scheme for the development of cottage industries has been sanctioned under which enterprising artisans in selected firkas in Rayalaseema districts are being supplied with improved tools and implements free of cost. Steps are also taken to supply at cost price the raw materials required by the artisans;

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(vii) An Advisory Board has been constituted for the development of woollen cumby and blanket weaving industry in Kudligi, Kudatani and Bisalahalli areas in Bellary district;

(viii) The establishment of silk farms at Harpanahalli and Hindupur and an ericultural farm at Kudligi in Bellary district have been sanctioned; and

(ix) A peripatetic demonstration party has been staging demonstrations on improved methods of flaying, preserving and tanning of leather and manufacture of leather goods.

The Government have also under consideration proposals for (i) the appointment of a Special Officer to be charged with the task of drawing up a scheme for the development of woollen industry in the Ceded districts; and (ii) the opening of a cement factory at Kurnool.

Besides, the comprehensive proposals for the industrial development of Rayalaseema contained in Chapter V. of Sri P. V. Subba Rao's report, are also under examination."

SRI S. NAGAPPA:—"Arising out of the answer of the Hon. Minister that there is a polytechnic at Bellary, will the Government consider the desirability of starting some more polytechnics in Rayalaseema in view of the fact that the Government want to develop Rayalaseema industrially?" 12 noon

THE HON. SRI H. SITARAMA REDDI:—"It is not necessary to have a polytechnic for each district. The Government have planned a polytechnic for each region and the institution at Bellary is intended for the entire Rayalaseema region just as one or two polytechnics in the region serve the needs of the entire Andhra, Tamil and Karnataka areas."

SRI M. R. APPA RAO:—"In view of the fact that Bellary is a rich cotton growing tract, will the Government consider the possibility of establishing a textile mill there?"

THE HON. SRI H. SITARAMA REDDI:—"There is already a textile mill established with Government aid."

SRI S. NAGAPPA:—"In view of the fact that Bellary is at one end of Rayalaseema, will the Government consider the shifting of the polytechnic at Bellary to some central place like Cudadah, Kurnool or Anantapur?"

THE HON. SRI H. SITARAMA REDDI:—"No, Sir."

SRI S. NAGAPPA:—"Why, Sir?"

SRI B. S. MURTHI:—"May I know whether the Government are making any special effort to find out the mineral resources of the Ceded Districts with a view to exploit them for the benefit of the people there?"

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

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

II.—FOOD DEBATE.

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ Mr. Speaker, Sir, I want to make a representation to you. We were hoping that on the first day of the Assembly, the Government represented by the Hon. Leader of the House would announce the programme of business of the Assembly during this sitting, so that we could know when the most important question concerning all of us namely the food crisis will be discussed in this House. In the August sitting we were given to understand that there would be a food debate in the September sitting. It was on that understanding we dispersed in August. Nothing happened in the September sitting and I was not present then to raise this question. I may be allowed to submit to you that no greater work can there be for the Government than to attend to the food problem. It is most disappointing that the Food Minister himself has been absent for the first few days of this sitting. ”

MR. SPEAKER :—“ His absence is unavoidable. ”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ I do realize the situation and accept the position that his absence is unavoidable. In his absence, any one of the eleven other Ministers can answer questions on his behalf as they usually do on other occasions. We would like to know from the Hon. Leader of the House when there will be a food debate. I see the Hon. Chief Minister saying ‘ No ’. It is most unfortunate that the Hon. Chief Minister should have made up his mind that it is not necessary to have a food debate even before I have finished. I beg of you and this House to read and re-read the discussion that took place in August. It is said therein that there will be a debate on food at the next sitting. Let not the Government have the satisfaction that with the passing of days and weeks they have tided over the food crisis. We shall be utterly false to ourselves if we imagine like that. If we have got over the food crisis, it is by not supplying food to the people. People have been put to the necessity of eating even grass. I would not have spoken at this length but for the fact that the Hon. Chief Minister decided even before I finished my representation to you against having a food debate though the Assembly is meeting for ten days. I hope that he and his colleagues will think over this subject very seriously. I am not speaking for myself ; I am anxious that the Congress Party should not become unpopular. ”

THE HON. SRI P. S. KUMARASWAMI RAJA :—“ We know how to look after ourselves. ”

MR. SPEAKER :—“ Let the hon. Member finish his speech. ”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ We are not anxious to criticize. We are only anxious that food must be made available to the people. The situation in 1951 is likely to

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be worse. The prospect of increased food production in the country is very bleak due to drought, flood and other causes and there is no possibility of import from other countries. ”

MR. SPEAKER :—“ If the hon. Member finishes, the Hon. Minister can reply. ”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ In view of the negative answer of the Hon. Chief Minister, I was forced to say a few words more than what I intended. ”

THE HON. SRI K. MADHAVA MENON :—“ Sir, I rise on a point of order. The hon. Member may make a request to the Hon. Speaker. But is he in order in speaking on the subject of food when that item is not on the agenda ? ”

MR. SPEAKER :—“ I have been reminding him. ”

THE HON. SRI K. MADHAVA MENON :—“ Is it sufficient if you merely remind him without calling him to order ? ”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ I shall conclude by appealing to the Government to give an opportunity to have a food debate during this sitting. ”

THE HON. SRI B. GOPALA REDDI :—“ We have had enough of food debates and these food debates have not created any food at all. Therefore a food debate will not meet the requirements of the people. We are trying to get food. A mere food debate will neither create food nor help the Government of India or the Government of Madras to get and give more food to the people. If there is need for a food debate, certainly we will come forward with a motion. I think hon. Members can put questions and elicit whatever information they want. ”

MR. SPEAKER :—“ I suggest to the Party Leader to have a talk with the Hon. Leader of the House some time later and come to an understanding. ”

SRI B. S. MURTHI :—“ On a point of order, Sir. The Hon. Leader of the House said that we have had plenty of food debates and that they had not produced any food. Is it not a reflection on the debates we are having in this House? We discuss to make the position clear to the Government. ”

MR. SPEAKER :—“ There was no reflection. What he meant was that speeches will not make rice grow. ”

JANAB ABDUL HAMEED KHAN :—“ With reference to what the Hon. Leader of the House was pleased to say, may I ask whether he does not realize that all that has been done by this Government and the Government of India for solving the food problem is to some extent due to the debates that we had in this House ? ”

[15th November 1950]

III.—HALF-HOUR DEBATE ON DEVELOPMENT OF RAYALSEEMA DISTRICTS.

SRI S. NAGAPPA:—"Mr. Speaker, Sir, I could not catch your eye at the appropriate time. My question No. 409 is a very important one, and I should like to have an half-hour debate on it."

MR. SPEAKER:—"I cannot allow. I have already promised an half-hour debate to-day to hon. Sri V. Raghavayya."

IV.—GOVERNMENT BILL.

THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS BILL, 1949 (L.A. BILL NO. 10 OF 1949)—*Discussion • continued.*

MR. SPEAKER:—"The Government have given notice of an amendment to clause 3. Since the clause has already been passed in this House, the Hon. Minister will now move a motion that the clause be re-opened."

THE HON. DR. T. S. S. RAJAN:—"Sir, I move—
'That clause 3 be re-opened.'"

MR. SPEAKER:—"The motion is—
'That clause 3 be re-opened.'"

* SRI K. BHASHYAM:—"Sir, I wish to move an amendment to the motion seeking to re-open not only clause 3 but all the clauses from clause 1 passed by this House up till now, because some of us did not have the opportunity to send in our amendments in time."

MR. SPEAKER:—"The hon. Member wanted time till yesterday evening and I allowed it."

SRI K. BHASHYAM:—"Please allow me to finish. On the last occasion when the matter was taken up, I complained that we had not enough time to give notice of amendments to the few clauses that had already been passed. When the Government think that they can go back, reconsider the matter and come to a better decision and want to re-open clause 3, I think we are also entitled to move as an amendment to that motion to re-open not only clause 3 but all the clauses from clause 1 that have already been passed so that we can also think over and suggest amendments. We did not have enough time to give notice of amendments. It is not as if I am making this complaint for the first time. I made this complaint in this House even on the last occasion."

MR. SPEAKER:—"Let the hon. Member move a separate motion."

a The consideration of the Bill was adjourned at the meeting of the Assembly on 14th November 1950.

THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS BILL, 1949 (L.A. BILL NO. 10 OF 1949)

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RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"What is the chance of success of such a motion?"

MR. SPEAKER:—"I cannot help it."

SRI K. BHASHYAM:—"I think it is open to me to move my proposition by way of an amendment to the motion."

MR. SPEAKER:—"The hon. Member cannot move an amendment to the motion. Let him move a separate motion."

SRI K. BHASHYAM:—"May I ask for your ruling?"

MR. SPEAKER:—"My ruling is that, if the hon. Member wants to re-open all the clauses that have been passed, he will have to move a separate motion."

SRI K. BHASHYAM:—"Then I have nothing to say."

THE HON. SRI K. MADHAVA MENON:—"We have passed clauses 1 to 5. After disposing of the remaining clauses of the Bill, the motion to re-open clause 3 may be moved."

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, the motion to re-open clause 3 arises from the fact that the Government have modified certain clauses of the Bill as amended by the Select Committee. Some of the changes made may be of far-reaching importance and others may be of less importance. It is better that the Hon. Minister in charge of the Bill summarises the changes made and their effect. It will help discussion as to why clause 3 should be re-opened, clause 7 should be omitted or clause 8 should be re-cast in another form and put in in another place. The objection has been that certain clauses are contrary to the Constitution. The Government seem to have recognized the force of this objection, and come to the conclusion that certain clauses may not fit in with the scheme of things as envisaged by the Constitution."

MR. SPEAKER:—"I will ask the Hon. Minister to explain."

SRI N. S. VARADACHARI:—"Instead of giving the explanation under each clause, I suggest that the Hon. Minister summarises all the changes made and their effect even at the very beginning. Then the discussion will be more informed than it would otherwise be."

MR. SPEAKER:—"The question is—
'That clause 3 be re-opened.'"

The motion was carried and clause 3 was re-opened.

Clause 3.

THE HON. DR. T. S. S. RAJAN:—"Mr. Speaker, Sir, I 12-15
move— 1.m.

'That for clause 3, substitute the following:—

"3. Where the Government have reason to believe that any Hindu or Jain public charitable endowment is

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being mismanaged and are satisfied that in the interests of the administration of such charitable endowment it is necessary to extend thereto all or any of the provisions of this Act and of any rules made thereunder, they may, by notification in the "Fort St. George Gazette", extend to such charitable endowment the said provisions and thereupon the provisions so extended shall apply to such charitable endowment as if it were a specific endowment:

Provided that before issuing such a notification, the Government shall publish in the "Fort St. George Gazette", a notice of their intention to do so, specifying the reasons for the action proposed to be taken by them and fixing a period which shall not be less than two months from the date of publication of the notice, for the persons interested in the endowment concerned to show cause against the issue of the notification, and consider their objections, if any."

MR. SPEAKER:—"Amendment moved—

'That for clause 3, substitute the following:—

"3. Where the Government have reason to believe that any Hindu or Jain public charitable endowment is being mismanaged and are satisfied that in the interests of the administration of such charitable endowment, it is necessary to extend thereto all or any of the provisions of this Act and of any rules made thereunder, they may, by notification in the *Fort St. George Gazette*, extend to such charitable endowment the said provisions and thereupon the provisions so extended shall apply to such charitable endowments as if it were a specific endowment:

Provided that before issuing such notification, the Government shall publish in the *Fort St. George Gazette*, a notice of their intention to do so, specifying the reasons for the action proposed to be taken by them and fixing a period which shall not be less than two months from the date of publication of the notice, for the persons interested in the endowment concerned to show cause against the issue of the notification, and consider their objections, if any."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I submit that legislation by notification in this manner has been objected to by certain High Courts in this country and I think it has also been adversely remarked upon by the Supreme Court. If the Government really want to treat charitable endowments also on the same level as the religious endowments, they might do so now. After all, we are discussing the entire Bill as it is, and the Government want to make this a comprehensive measure covering charitable institutions also. It is only a matter of historic accident that differences have been made with regard to the treatment of the various trust properties, such as temple endowments and other charitable trusts, but the underlying idea in all these endowments is that they are public charities and public trusts, in which the

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public have an interest. I submit, therefore, that when we are considering certain strict and stringent measures with regard to the administration of institutions of the same nature, we should not make any difference in respect of the treatment of charitable endowments alone. It also, in a way, offends the provision of the Constitution, giving equal protection to all such institutions. I submit that the Government should not have this power of notification under this clause. If there is any mismanagement in any charitable endowment, the Government have ample powers to bring it under their control. I therefore submit that a separate treatment need not be given to charitable endowments.

"Moreover, Sir, I have got another great objection to this clause, which makes a certain discrimination with regard to charitable endowments. These charitable endowments may be for Jains, or Hindus or Christians or Muslims and there must be some law governing these public endowments satisfying the intentions of the founders of such endowments. It is also the duty of the Government to see that the general laws relating to trust properties are properly observed and that such properties are not mismanaged and that the beneficiaries get the benefit of the trust. I submit, it is not fair or proper to make a distinction between endowments made by members of one religion and endowments made by members of another religion. It offends almost all the principles for which a modern Government stand. In this amendment, a discrimination is sought to be made between one religious endowment and another, and it also provides legislation by notification, which is wrong in principle. I therefore oppose this amendment and I submit that neither this amendment nor the original provision be accepted by this House."

* SRI K. BHASHYAM:—"Mr. Speaker, Sir, apart from any legal question involved in this procedure, on principle also I object to the amendment, because it seeks to extend the provisions of the Act, the regulations and even the rules made under this Act to certain specified classes of cases by notification. We cannot anticipate what will be the nature of mismanagement in these charitable endowments and perhaps each case will have to be dealt with in a particular way. To say that in all such cases only the provisions of this Act should be applied, will not meet the needs of a particular situation. There may be other laws and other provisions which should be brought into operation to meet certain situations created by the mismanagement complained of in certain specific charitable endowments. Why should the Government limit themselves by saying, 'Where we have reasons to believe that there is mismanagement in any charitable endowment, we shall extend by notification all or any of the sections of this Act or the rules made under this Act', and thus deny themselves the right of bringing to their aid other laws and other provisions of law, for the purpose of dealing with such cases of mismanagement? I submit, Sir, that this amendment is wholly unnecessary and uncalled for, because, if the Government think that there is

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a widespread and large-scale abuse or mismanagement of charitable endowments and trust properties, they can bring forward any legislation at any time to deal with such cases, because they are all powerful and command the majority in this House. At the same time, I may submit, that so far, there has been no investigation made in the matter and the Government have no idea as to the total number of charitable endowments which would come under this legislation and how many of them are treated as family trusts and how many of them are hereditary trusts and how many are mismanaged and so on. In fact, they have no information and no statistics in regard to any of these things. To say in general terms that a lot of mismanagement is going on in these endowments is just like some people saying that everybody is corrupt, that every Member of the Legislature is corrupt or that every Minister is corrupt and so on. Unless an investigation is made, we cannot make such a sweeping statement like that. I think it is a dangerous principle to entrust the Government with the power to extend this Act by notification. If there is widespread abuse of trust properties, let them bring in a separate legislation. But this sort of legislation by notification is wholly wrong in principle and against all canons of law. I therefore oppose the amendment."

SRI. V. RAGHAVAYYA :—" Mr. Speaker, Sir, while I am not very keen on making a distinction between a charitable endowment and a religious institution, to which this Bill may be applied, I want to draw the attention of the Government to one thing and that is, that in the amendment, they want to give some reasons for their intention to apply the provisions of this Bill to charitable endowments and to specify the reasons for the action proposed to be taken by them, and also to fix a period and give an opportunity to the persons concerned to make their representations and so on. I ask, Sir, what is all this farce, for? If the idea is to treat the charitable endowments on a different basis and run to the rescue of the various charitable endowments which are mismanaged, and if they want to appear to be just, fair and reasonable to them and give an opportunity for them to make their representations, does it not also follow that they should put in a judge to give a decision on these matters? Here, the prosecutor, the complainant and the judge are one and the same, namely, the Government. If the Government have made up their mind to extend this Bill to the charitable endowments also, let them do so plainly. That is why my hon. Friend Mr. T. Viswanatham said, let the Government straightaway apply this Act here and now to the charitable endowments also. That would be a very good thing, because then the Assembly will have an opportunity to discuss threadbare the various aspects of that question. When once the Government have given an opportunity to the parties concerned to state their reasons and make their representations against the Act being extended to these endowments, is it not fair that they should leave the matter to be decided

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by the tribunal which has been provided for under this Bill? If these charitable endowments deserve to attract the provisions of this Bill, then by all means, let the Government appoint a tribunal to decide whether the reasons given by the parties concerned are adequate for proving the mismanagement of the endowment, or whether there is at least a ghost of a chance of its being proved in a court of law and then apply the Act. That will be the proper way to deal with the matter and therefore I oppose this amendment."

* SRI K. VARADACHARI :—" Mr. Speaker, Sir, I support the amendment moved by the Hon. Minister. So far as this clause is concerned, we are committed to the principle that charitable endowments should get under the control of the Government, and that the provisions made for religious endowments in this Bill should be made applicable to them also. If hon. Members who opposed this amendment want to have this clause redrafted, they must have given notice of their amendments to the Government amendment itself. So, when the matter has been re-opened and when the Government have moved an amendment to the original clause, my hon. Friends who have now opposed it, should have taken the opportunity and given their own amendments to the Government amendment. Therefore it comes with very much less force from them, when they are simply opposing this amendment without suggesting an alternative to it. Suppose this amendment goes, what happens? The original clause 3 as passed by the Assembly will remain. Then what will be the consequence? We will have the same unsatisfactory provision which has been already there, and we will not be any the better for that. That should not be our purpose. In the original clause, which has been passed by the Assembly, the Government said that they would apply the provisions of this Act to any charitable institutions, even without their being any reason to believe that there is mismanagement there. Now they have restricted the scope of this clause and have taken only limited powers to extend the provisions of this Act to such charitable institutions in which they have reason to believe that there is mismanagement. To that extent, we must be thankful to the Government for the small mercy they have shown and in having reconsidered this clause and in having brought forward this amendment. Therefore, Sir, I support this amendment of the Government and request all Members to support this amended clause moved by the Hon. Minister."

* SRI N. S. VARADACHARI :—" Mr. Speaker, Sir, I submit that the clause as amended is very much an improvement on the original clause. But, at the same time, I would ask the Government to consider whether it is necessary to centralise the control over all these charitable endowments and keep it in their hands. Even if they want to take up only limited powers of control over these public trusts, the psychology that would be left behind these institutions will be this. The Government are

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going to control all types of charitable endowments, and so let them look after the things which are now looked after by the private charities. That would be the kind of feeling that would be created in the minds of those people who are charitably disposed. But my objection is not to the redrafting of this clause as such, because, in substance, it seeks to mitigate the evil contained in the original clause for I suppose, the Government will not lightly notify any charitable endowments unless there has been some flagrant mismanagement or grave frauds having taken place in their administration before such notification. No doubt, the clause relates only to any Hindu or Jain public charitable endowments. I suppose it means that such endowments should have been founded by a Hindu or a Jain, although the beneficiaries might belong to all communities. If that were so, I am afraid, that sometimes the character of the charitable endowments themselves would be altered or changed in order to escape the provisions of this legislation altogether. That is a point that strikes me, which the Government might consider, although it is a very small one.

"But my main and fundamental objection to any change in the present position, so far as these public charities are concerned is this. Please, do not at this stage of our country's progress and development, introduce any legislation which might create an atmosphere where private charities would get stifled altogether and where there would be no incentive whatever for people to create more private charities than have hitherto existed.

12-39 P.M. "It is difficult to get at money. It is difficult to appeal for charities and raise funds. Money is wanted for colleges. But money collections have fallen short and those attempts have become infructuous. I know of at least one institution in the City suffering very much for want of funds, and in spite of the most influential citizens going round to collect funds for that institution, they have not reached even a quarter of the measure of success which they had hoped to reach. If we want that public charity should be developed, and if we want to see that the flow of public charity is unceasing and that there should be enough response from the public to appeals made for charity, it is but natural that people should expect that they should be allowed to manage the very gifts they made, and that the Government should stand at as far convenient a distance as they would expect. There are other remedies for mismanagement. Even to-day there are remedies in the law provided for setting right mismanagement of private charities. If people are not taking advantage of those remedies, it only shows that they are not blind to the mismanagement going on, but that they really do not think that the mismanagement is of such a grave character as to justify its being taken to a court of law. My objection is only this. That is that Government should not take more power than they can digest. The Government should not create a centralized administration for everything leaving nothing for private effort, as it were, in the country. In fact there should

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be one sphere of activity for the Government and another sphere of activity for private enterprise and public charity. And if these two spheres are practically delimited, then there is bound to be co-ordination and a constant interflow, and then the State's resources will be augmented. What the Government say is that, if there is mismanagement, and if after the enquiry is made, the mismanagement is proved to their satisfaction, they will extend any or all the provisions of this Bill to that endowment. Sir, I am afraid that Public charity will get very much stifled, and that is not a good thing. That will happen under the circumstances. So, I would ask the Hon. the Minister to consider whether the provisions of this Bill should be made applicable at all in the present circumstances to public charities. Of course, private charities are not covered by this Bill at all. I want a clear answer on this point and the opinion of the Government as to what its general effect will be on the flow of public charity."

* SRI M. S. PATTABHIRAMIAH:—"Mr. Speaker, Sir, I quite agree that the language of this amendment is more liberal, and I welcome it. But I am not very happy over it, because this Bill is a Religious and Charitable Endowments Bill. According to our Constitution we have less right to interfere with the religious institutions. There is not that great objection to see that the management of the charitable endowments is properly carried out. Charity is common to all religions. If the charitable endowment is not properly conducted and administered, it should be the consideration of the Government to reform or control it, and see that it is properly administered. When the Government take over all the religious endowments, Jain and Hindu, of the State, why should they not take over all the charitable endowments also? Many of the charitable endowments made by the original founders, whether they are Hindus or Jains, were intended, I believe, for all people. For instance, I know of a charity in my district founded by Queen Mangammal of those days. The beneficiaries of her charity belong to all religions. Because it was founded by a Hindu will it be called a Hindu charitable endowment? Or is it to be defined as the Hindu endowment only if the beneficiaries are Hindus? This is a point which should be clarified by the Government. Further, these charities, as was pointed out by my hon. Friend Mr. N. S. Varadachari, will not freely flow, if Government go against the will and intentions of the original founders. But charities which are already in existence with large funds at their disposal, and which are not properly administered, should be taken over by the Government. The Government have a duty in this regard. Government are more bound to take first the charitable endowments than the religious endowments. Religion is entirely a private matter. Charity is intended for all people. Therefore, charity is a non-religious subject. I say that this liberalising provision for taking over the charitable endowments should not in the end develop into a neglect of the charitable endowments by the Government. While I support this amendment, I wish to say that the original provision is not really so bad, as it was pointed out

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by my hon. Friend Mr. K. Varadachari. The charitable endowments should be properly administered, and the Government have a duty to see that they are properly administered. With these words, Sir, I support the amendment."

* SRI V. M. RAMASWAMI MUDALIYAR :—" Mr. Speaker, Sir, having already agreed to clause 3 of the Bill, and the principles underlying that clause having been already accepted, I think it is not necessary to re-open the underlying principles of this clause. Two objections, so far as I could follow the debate, have been raised, namely, 'why include charitable endowments in clause 3; it will dry up, so to speak, private charities'. The psychological aspect of the question was raised. I would like to draw the attention of the House to the fact that in England, Charity Commissioners have taken ample powers for the proper administration of public charities in that country. Public charity in that country has not dried up. They flow in large numbers. That I understand is due not to the fact that the State has interfered. But it shows that it is the death duty levied by the administration in that country that is prompting the people to endow their moneys to go to specific charities instead of to the State Exchequer. The whole law embodying the proper administration of charities is in existence in England. In this country also we have endowments dedicated for charitable purposes. Something has to be said against the management of these endowments. No doubt the donors of these charities have founded the endowments with all good intentions. They made endowments for laudable and charitable purposes. But the persons who succeeded them may not have the same motive, the same sense of duty or the same sense of public benefit. The misdeeds of the successors, I believe, have prompted the Government to bring them under the provisions of this Bill. In cases where there is proven mismanagement, the Government take the power to extend the provisions of this Bill to those charities. After all, the Government are responsible to the legislature. No Government can have the hardihood to do a wrong thing when they have to face the legislature at some time or other on that question and get exposed to public criticism. Therefore, I say that the Government, where there is proven mismanagement, can extend the provisions of this Bill to those charities. No serious objection can be taken to that. My hon. Friend Mr. Bhashyam suggested 'why not bring a separate legislation in respect of those charities where there is mismanagement'. Legislation, Sir, as we know, is a cumbersome process. It has to go through the first reading stage; then there is the select committee stage; then the Bill has to pass through its second reading stage, and so on. For instance take this very Bill. This was introduced some eighteen months ago. Still, we are on the discussion of first few clauses. That is why I say that legislation is a cumbersome process. Separate legislation in respect of each charity, where there is proven mismanagement, is not called for. And I do not also think that it is practical politics. Therefore, I think that, where there is proven mismanagement, the Government should have the power to apply the provisions of this

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Bill, and bring that charity under the administration of the Commissioner. My hon. Friend Mr. Viswanatham and some others suggested that this amendment went against the fundamental right affecting Hindu temples and Jain temples. The hon. Member Mr. M. S. Pattabhiramiah said that it interfered with the freedom of religion. I do not think this administration or control of the management of Hindu temples or maths or charities can be said to go against the fundamental right. Nor the question of describing charities as Hindu charities or Jain charities, can be stated as discriminatory legislation. Even in the Indian Parliament, there is the Hindu Code Bill. It affects the Hindus only of the Indian Union. Such legislation cannot be stated to be discriminatory and likewise when legislation is brought forward to bring within its provisions a certain type of charities. I, therefore, Sir, think that clause 3, as amended, is an improvement. I support the amendment."

* SRI L. N. GOPALASWAMI :—" Mr. Speaker, Sir, at the 12-45 P.M. outset when the Hon. Minister yesterday spoke on the introduction of the new amendments, he was kind enough to say that, because of the Constitution which he alleged had crept in after the framing of this Bill, he had to make certain amendments so that the provisions of this Bill might not contravene the provisions contained in the articles relating to fundamental rights and other articles of the Constitution. If that were so, I am afraid that this clause 3 which offends the fundamental rights guaranteed in the Constitution—as I shall presently show—is again brought in, in spite of the provision at a later stage in the Bill which runs as follows :—

'Nothing contained in this Act shall be deemed to confer any power or impose any duty in contravention of the rights conferred on any religious denomination or any section thereof by clauses (a), (b) and (c) of Article 26 of the Constitution.'

Clause 3 that is now proposed wants power to extend the provisions of this Bill to Jain or Hindu charitable endowments. I may point out to the Hon. Minister and also to my hon. Friend Sri Ramaswami Mudaliyar that this conflicts with Article 15 of Part III of the Constitution which says that the State shall not discriminate against any citizen on ground only of religion, the only exception being as follows :—

'Nothing in this article shall prevent the State from making any special provision for women and children.'

In no other case can there be any discriminatory legislation on the ground of religion. I am really surprised how they are able to argue that this clause does not contravene the provisions of the articles relating to fundamental rights.

" My hon. Friend Sri Pattabhiramiah said that these endowments had nothing to do with religion. I am really not able to understand it. Most of our endowments have been made by persons possessing religious faith, in favour of a particular religious sect, and, if I may go further and say, they have provided endowments for the particular sub-sect in our communities. As such, I am at a loss to know how these endowments can be said to have nothing to do with religion and therefore these endowments can be interfered

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with by the Government as and when they please. Therefore, I would like to point out that we must see that this legal difficulty does not once again crop up and when we make an attempt to pass a legislation we should also safeguard ourselves. I am thankful for all the small mercies that the Government have shown us. We made some protests once or twice long ago regarding clause 22 of this Bill. I want the Government to go into the articles relating to fundamental rights once again and find out whether any discriminatory legislation can be made on this point. When I make the suggestion, it should not be understood that we are all opposed to the proper management of religious or charitable institutions or that we want people to misuse the funds of these endowments. Far from it. What this Government should do is not to discriminate the Hindu and Jain institutions only but should take up all charitable endowments in the State and have the courage to say that no man on this earth shall misuse the Trust entrusted to him, be he a Jain, Hindu, Mussalman or Christian. If that were the case, I will wholeheartedly support this Bill. But if we are to discriminate and confine it to particular religions in our State, then I beg to submit that it not only offends the Constitution but it offends the principles of common justice between man and man. While a man of another religion can do whatever he pleases with the endowment of which he is a Trustee, a man because he happens to be a Hindu or a Jain is sought to be brought within the provisions of this Bill. This is far from any reason, and the purpose of which I am not able to understand."

SRI V. I. MUNISWAMI PILLAY :—" Mr. Speaker, Sir, I rise to support the motion made by the Hon. Dr. T. S. S. Rajan. The mismanagement of charitable endowments has given rise to a lot of criticism in this country especially in our State. So, the Government thought it necessary to bring a Bill of this nature. It is admitted on all hands that the charitable endowments have been mismanaged for a very long time in this country and people connected with religious institutions have thought it necessary that there must be some law whereby these endowments may be properly utilized for the purposes for which they have been endowed. Though many of us have taken objection to the inclusion of mathas in this legislation, I do not think for a moment that the management of charitable institutions should be left alone. I think the passing of this clause will go a long way to purify the management of these endowments and the objects with which they were endowed will be properly served. I think under the control or management of the Commissioners that may be appointed under this Bill the purposes for which these endowments were made will be served. With these words, I support the motion, Sir."

* **SRI K. LINGA RAJU :—**" Mr. Speaker, Sir, this provision seems to be too wide and sweeping and gives rise to a possibility for misuse. Under the present law, I understand that if the Government want to interfere with a religious or charitable endowment, they will have to obtain a certificate from the Advocate-General. Under the provisions in this Bill, it looks as though the

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Government can come down on any endowment rather arbitrarily. There is no provision for appeal or opportunity for the parties to make adequate representations in any Court. I, therefore, feel that such a power in the hands of the Government will be too wide. I am afraid that the net result of such legislation will be to check the tendency on the part of individuals to give substantial charities. I am afraid that this law may interfere with the management of educational institutions and things like that. Therefore, I am unable to support this amendment."

THE HON. SRI K. MADHAVA MENON :—" Sir, as my hon. Friend Sri Ramaswami Mudaliyar pointed out, we have already accepted the principle of taking power to control the administration of charitable endowments, in the original clause 3 that was passed. We have only sought to make certain changes in the original provision. The principle has not been changed. Most hon. Members have agreed that the proposed amendment is an improvement on the original clause that was passed. I do not think it is necessary for me to go into everything that was spoken about on the last occasion when the original clause 3 was passed and to repeat the same answer."

SRI T. VISWANATHAM :—" On a point of order, Sir. The Hon. Minister says that clause 3 has been passed. I understand that his motion is for the substitution of another clause. So, he has reopened the matter. When the matter has been reopened, why not he reply to the points raised? The original clause is not here."

* **THE HON. SRI K. MADHAVA MENON :—**" Sir, either he has not heard me or I have not made myself clear. (Interruption.) Sri Prakasam says it is sharp practice. I do not know very much about that. What I said was this. Clause 3 was once passed. The matter has been reopened now. The question of the principle involved, viz., having control over the administration of charitable endowments, was discussed then and it has been reopened. So, I have nothing more to add to what I said then. It may be that there is difference of opinion on the principle between the hon. Members who objected to it and the Government. I did not say that the original clause 3 is still there."

" According to the original clause, it was open to the Government to extend the provisions of this Bill to any charitable endowment, without assigning reasons. Now, in order to make it absolutely clear, we have proposed that the Act can be extended to charitable endowments only if there is mismanagement, unlike in the case of religious institutions. That is the principle of the amendment that has been proposed. Whether it is wise or right to take power to control the administration of charitable endowments is a matter on which there may be considerable difference of opinion."

" My hon. Friend Sri Viswanatham said that the extension of an Act by notification was wrong, and that it had been held so by

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the Supreme Court. As regards the principle of this objection, we have already passed clause 2 also. It has got the identical wording. (Interruption.) My hon. Friend says it is equally bad. But I want to point out to him that what the Supreme Court held about the extension of legislation by notification was this. The Government can, by notification, extend a legislation for one, two or three years. In the particular case, it said that the Government can, by notification, modify the legislation passed. It was this that was objected to by the Supreme Court. I refer my hon. Friend to that latest decision. Regarding the Civil Courts (Amendment) Act, the Government have been given power to extend the jurisdiction of the City Civil Court from Rs. 3,000 to Rs. 10,000. The Bombay Government extended a provision like this by notification. The Bombay High Court by a Full Bench set aside that legislation by notification. But it has been reversed by the Supreme Court. Though I have not got a copy of the judgment here, I inform my hon. Friend that I am also conversant with the decision.

"According to the original clause, the Government may, by notification, extend the provisions of the Act to any Hindu or Jain charitable endowment. It might give room to arbitrary discrimination between public charitable endowments. To avoid that, we have now proposed as follows:—

'Where the Government have reason to believe that any Hindu or Jain public charitable endowment is being mismanaged and are satisfied that in the interests of the administration of such charitable endowment it is necessary to extend thereto all or any of the provisions of this Act and of any rules made thereunder, they may

So, it is only under the above condition that the provisions of the Act can be extended.

"My hon. Friend Sri GopalaSwami spoke about the fundamental rights. Some can say that this offends the fundamental rights and I may assert that it does not offend them. However much the strength of the assertion may be, the final decision does not rest with us. Somebody else only can say whether it offends or not. Article 16 of the Constitution only says that every citizen shall have equality of opportunity and that there shall be no discrimination against anybody. But that is not applicable in this case.

1 p.m. "Apart from that, according to the advice that we have at our disposal, we feel that it does not offend the fundamental rights. That is all what I can say. Regarding the objection of hon. Sri Linga Raju that we are trying to interfere with the management of the Charitable institutions, I would like to put it the other way and say that we want to interfere with the mismanagement of these institutions and not with the management as such. I do not want to go into more details as this is a question of principle whether we should have control over the administration of charitable endowments. That is all what I wish to say with regard to this amendment."

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MR. SPEAKER:—"The question is—

For clause 3, substitute the following clause:—

"3. Where the Government have reason to believe that any Hindu or Jain public charitable endowment is being mismanaged and are satisfied that in the interests of the administration of such charitable endowment it is necessary to extend thereto all or any of the provisions of this Act and of any rules made thereunder, they may, by notification in the *Fort St George Gazette*, extend to such charitable endowment the said provisions and thereupon the provisions so extended shall apply to such charitable endowment as if it were a specific endowment:

Provided that before issuing such a notification, the Government shall publish in the *Fort St. George Gazette*, a notice of their intention to do so, specifying the reasons for the action proposed to be taken by them and fixing a period which shall not be less than two months from the date of publication of the notice, for the persons interested in the endowment concerned to show cause against the issue of the notification, and consider their objection, if any."

The amendment was carried.

Clause 3, as amended, was put and carried.

Clause 6, Sub-clause (10).

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, I move the following amendment standing in my name:—

'That in sub-clause (10), after the word "institution" in the first line, add the words "recognized as such".'

This is a very simple change. In the definition for the word 'math' it is said a Hindu religious institution with properties. I want that the words 'recognized as such' may be added. I do not want that we should make any mistakes in this matter. The definition says religious institution with properties attached thereto and presided over by a person. Such institution need not necessarily be a math. Every institution should not be made to come under this clause. It is only such institutions which are well-known in the country and which are recognized as such should be brought under the clause. There may be some little property attached to some of these institutions which may not be managed by the person who is presiding over the institution, but may be managed by other people. I want that the words 'recognized as such' should be added as everybody will know the well-known maths in the country. There may be cases and I know many of them, where certain institutions have come into existence for a specific purpose and which may not be recognized as maths. That is why I want that the words 'recognized as such' should be introduced so that it may be easy to operate."

SRI T. VISWANATHAM:—"Sir, I second the amendment."

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MR. SPEAKER :—" Amendment moved—

' That in sub-clause (10), after the word " institution " in the first line, add the words " recognized as such " . ' "

THE HON. SRI K. MADHAVA MENON :—" Sir, it is very difficult to accept this amendment. Hon. Sri Varadachari wants that the words ' recognized as such ' should be added after the word ' institution '. I do not know which is the authority to recognize these institutions and what rule or laws have to recognize them. Unless we understand the implication and meaning of the words ' recognized as such ' and know what is the recognition that is intended, we cannot consider the amendment. The wording is very vague. Who will recognize these institutions and what is the law to recognize them? Sir, these are matters which will lead to endless disputes and troubles once we leave the wording vague. The words ' recognized as such ' have no meaning as it is. So the amendment cannot be accepted."

* SRI N. S. VARADACHARI :—" I do not wish to say anything more in this matter. I beg leave to withdraw the amendment."

The amendment of Sri N. S. Varadachari was, by leave, withdrawn.

* SRI N. S. VARADACHARI :—" I beg to move the following other amendment to the same sub-clause (10) :—

' In sub-clause (10), for the words " whose duty it is to engage himself in imparting religious instruction," substitute the words " who engages himself in imparting religious instruction " . '

This amendment relates a formal change in the wording to make the language polite. The dignity of the person who is at the head of the math should be protected. In fact I do not like the definition which says, ' presided over by a person whose duty it is to engage himself ' . Who are you to prescribe the duties for such people? If, however, the Government want to give a description of the person concerned, I would suggest that a more polite language should be used. I will read the original clause so that the hon. Members may understand the full implications. It says—

" " math " means a Hindu religious institution with properties attached thereto and presided over by a person whose duty it is to engage himself in imparting religious instruction or rendering spiritual service to a body of disciples or who exercises or claims to exercise spiritual headship over such a body; and includes places of religious worship or instruction which are appurtenant to the institution."

My objection is that the Government are using a language which is not very pleasant. Why not they make it more agreeable and pleasant by saying, ' presided over by a person who engages himself in imparting religious instruction ' . We should not say, ' whose duty it is . . . ' and all that. Let the definition

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remain as it is, but let the language be pleasant. The Government cannot prescribe the duties for these persons. My amendment only seeks to alter the language so that it may be proper and in accordance with the rules of courtesy and culture."

MR. SPEAKER :—" Who is seconding the amendment? "

SRI V. RAGHAVAYYA :—" Sir, I second the amendment."

SRI T. VISWANATHAM :—" Sir, with regard to these amendments, you can take it that one of us will second the amendments."

MR. SPEAKER :—" We have to observe certain formalities. At least to enable the reporters to record who is seconding the amendment, the name of the hon. Member who seconds the amendment must be known."

SRI V. RAGHAVAYYA :—" While seconding the amendment moved by my hon. Friend Sri Varadachari, I wish to observe that the Government have forgotten for a moment that they are dealing with the religious institutions and in most cases very venerable and sacred persons are the heads of such institutions. Simply because there are a few black sheep here and there, the Government ought not to mete out the same treatment to all the dignitaries. While they are very careful to recognize the temporal greatness, I do not see any reason why in such matters they should not be more polite, and I may even say over-polite. The purpose which is sought to be imported into this amendment by hon. Sri Varadachari can very well be satisfied by changing the word ' duty ' into ' function '. The Government may be anxious to define their control over certain institutions. Even for that purpose they could say, ' presided over by a person whose function it is . . . ' . Duty is different from function. Duty is one imposed by the Government or defined in the law; whereas function is a more comprehensive thing which includes not only duties which are cast upon him by external authority but also duties which are imposed upon him by the position itself. I think there will not be any difficulty in accepting this suggestion."

* SRI K. BHASHYAM :—" Mr. Speaker, Sir, I want to oppose this amendment. I will now tell the reason why I do it. If only the words suggested by hon. Sri Varadachari are to be inserted in the clause, it will include cases those where the Professor of Philosophy or Professor of Spirituality founds a College and wants to teach Philosophy and Spirituality to all persons concerned. Of course the Professor concerned will be engaging himself in imparting instruction in those institutions. Now according to the amendment, it will not be his duty to do so and he may stop giving instruction to-morrow. Take a further instance. There is the Theosophical Society. It engages itself in religious and spiritual teaching. We do not call that Society a math. It is only a Society registered under the Societies Act. Therefore I would like hon. Sri Varadachari to leave things as

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they stand at present, as I feel that his purpose will be served by leaving things as they stand and by not asking for such an amendment which will really mean that a large number of institutions, which are not really intended to be brought under the Bill, will have to be taken up by the Government."

* SRI M. S. PATTABHIRAMIAH:—" Mr. Speaker, Sir, I rise to support the amendment moved by my hon. Friend Sri Varadachari. If we have the sub-clause as it stands, it will be derogatory to the head of the math. The heads of the maths are generally people who explain the doctrines which they propagate. They are not Government officials or Ministers who are bound to answer questions. In this connection I wish to quote a Sanskrit sloka from Santhi Parva in Mahabharatham which says—

यश्चाधमेण वे ब्रयात्

यश्चाधमेण पृच्छति ।

तयोरन्यतरः प्रैति

विद्वेषं वाधिगच्छति ॥

Our religious heads are not bound to answer questions which are not properly put and they may refuse to answer questions; but our Ministers are bound to answer questions. (Interruption.) If they do not do that to-day, it is a different thing. The Government are simply trying to prescribe duties for the heads of maths who are held in great veneration and who are viewed with great respect as the Pope is viewed by the Roman Catholics. Therefore, if the Government say that it is the duty of these religious heads to do a particular thing, it is not desirable. These religious heads will explain things only when they are pleased and only when they find that the man who approaches them for the purpose of learning is a suitable person. So the whole matter should be left entirely to their discretion. For these reasons I think that the amendment moved by my hon. Friend Sri Varadachari is quite reasonable and I hope that the Government will not find any difficulty in accepting it."

* SRI T. VISWANATHAM:—" Mr. Speaker, Sir, the term 'math' itself is a well-known term throughout India. It is a Sanskrit term. It has got a special meaning. When we say Sringeri math, everybody knows what it is. We do not find the definition of math. It is only translated into three words, Hindu religious institution. It need not necessarily be a religious institution. Sometimes, it happens to be merely a philosophical institution. For instance, my hon. Friend Sri Pattabhiramiah has quoted some slokas from the Mahabharatha. In Naimisharanyam, the sage Vyasa used to hold gatherings for the purpose of imparting instruction to his disciples. Surely that cannot be called a religious institution. As I said, the word "math" is only translated as a Hindu religious institution. It is an English term and it is not defined here. I am unable to get the proper English translation

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for it because the idea of math is foreign to English. I strongly 1-18
feel that 'math' itself cannot be translated as 'Hindu religious p.m.
institution'.

"The other point which my hon. Friend, Mr. Bhashyam, raised is a very important one. It is necessary that we should understand the implications of the point not because we rely on him generally for enlightenment on matters of this kind (laughter) but because there is considerable force in it. For example, he brought in the case of the Theosophical Society. Whether it is a math or not under the provisions of the Bill we cannot say and it is not easy for us also to say. But we always think of it as a seat of religious instruction although it has got cultural activities and had some twenty-five years ago political activities also. And yet we are unable to say whether it is a religious institution in the sense in which we understand, for example, the Meenakshi temple at Mathurai as a religious institution. Now, what will happen if my hon. Friend, Mr. Varadachari's amendment is accepted? A philosophical association will automatically become a religious institution. There is the Aryan Path Society in Bombay which deals generally with matters which, after a particular level change their names; it deals with matters religious which after a certain stage change into philosophy. After all, the difference between religion and philosophy is little because religion in its higher, sublime stages becomes mere philosophy which is but a sublimated portion of the religious practices and religious observances. Therefore, if the amendment is accepted societies like the Aryan Path Society may become religious institutions. Then there are the colleges of Philosophy. Let us assume there is one such college now. It may also come within the mischief of the definition if it is amended. While this secular State seeks to constrict religion to the four corners of certain well-known stone structures called temples, etc., the amendment would enlarge the scope of the definition which will then apply to every society, every college and every other institution engaged in teaching philosophy although it is not their duty to do so. Such associations and colleges have disciples of their own who are not necessarily Sadhus. They are just disciples in the same way as the hon. Mover (Mr. Varadachari) himself is a disciple of my hon. Friend, Mr. Bhashyam (laughter) in several matters. The fact that they have disciples cannot mean that they are regular religious institutions. There is also a famous institution in Bangalore, whose advertisement we see almost daily in the newspapers, which practises Hata Yoga according to Hindu religious principles. Are we to declare such bodies also as maths? Sir, I may point out in this connection that it is for this reason that such definitions would raise a crop of difficulties in the administration of the measure, hon. Mr. Bhashyam suggested the exclusion of maths from the scope of the Bill. The word 'math' as I have said, has no English equivalent. The maths are sacred institutions and certainly it cannot be the duty of the head to impart religious instruction. The head is a big man and is always one who has

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reached a high level in religious practices. Take, Sir, the case of Ramanamaharishi. Is it our intention to bring his Ashram within the purview of 'math'? Surely, it is not, I know, the intention of the Government. But yet the definition would include it and most certainly it would if we remove the words 'whose duty it is'. There is no duty cast upon the Matadhipatis to teach anything. On account of their religious, cultural and philosophical attainments people go to them and become their disciples. They do not teach anything. They simply sit in meditation and contemplation. By merely observing them meditate, the disciples learn something and develop their own inner mind. The Matadhipati, therefore, need not teach anybody, and this is the reason why I say the present definition is unhappy. At the same time I oppose the amendment also since it will make it more unhappy. In the circumstances, I submit that though the existing expression 'whose duty it is' is not quite happy, there is substance in what my hon. Friend, Mr. Bhashyam, has said. I would go even a step further and say, though I have not given notice of any such amendment, that 'math' may be excluded from the list of definitions under clause 6."

SRI R. V. SWAMINATHAN:—"Sir, while I rise to oppose the amendment moved by my hon. Friend, Mr. N. S. Varadachari, I would like to say a word about the remarks made by the hon. Member, Mr. M. S. Pattabhiramiah. He said that the matadhipati should not be made answerable to anybody. In support of this, he quoted certain slokams from the Mahabaratha. His line of argument may be correct according to Mahabaratha but my idea is anyone who manages public funds, whether in an honorary or paid capacity, should be made answerable for his actions to the people or their representatives. Let us take the case of this House. Though no outsider can come into this Assembly and put questions to the Hon. Ministers, yet the public have a right to question the Ministers while they are out on duty and the Ministers are bound to answer them. In the same way the Matadhipatis who are responsible for the proper administration of public trusts should be made answerable to the Government. With these words, I oppose the amendment."

THE HON. SRI K. MADHAVA MENON:—"Sir, I oppose the amendment. The arguments put forth by my hon. Friends, Mr. Viswanatham and Mr. Bhashyam in support of the original sub-clause strengthen me in my belief that the amendment, if accepted, will widen the scope of the provision. There is also another objection to the amendment. The sub-clause says '... a person whose duty it is to engage himself'. Suppose it is the duty of the head of a math to impart religious instruction and he does not do so himself. According to the sub-clause such a math also will come within its purview since there may be other persons who may impart instruction under directions from the head. But according to the amendment the head must himself give instruction so that a person who may have a duty to do so may not do so

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and thus escape. So, there is room for such a danger. Even Naimisharanyam would become a math if the amendment is accepted. Therefore, it would serve no purpose if we say that the head of a math should engage himself in imparting religious instruction, etc."

* SRI N. S. VARADACHARI:—"Sir, I am very sorry that the Government have not been able to understand the meaning of my amendment. I am really sorry for it. I am more sorry, Sir, for my hon. Friend, Mr. Bhashyam, who could not understand even this very simple thing. We are here concerned with the definition of the word 'math'. If my first amendment had been accepted, viz., the addition of the words, 'recognised as such' after the word 'institution' it would have avoided all this trouble. But the Government having overruled it, I have moved the second amendment which seeks to substitute the words 'who engages himself' for the words 'whose duty it is to engage himself'. This is a simple thing, and I feel that the analogy of the Theosophical Society here is sheer nonsense. . . . (Sri T. Viswanatham: 'If it is nonsense, I am willing to withdraw my statement'.) I shall presently explain how. Neither the Theosophical Society nor the Ramanashramam has any place here nor even the Aurobindo Ashram will ever become a math. They have never claimed to exercise spiritual headship. Even Mahatma Gandhi has declared so on many occasions. It is only those who are to exercise spiritual headship that will come within the purview of this definition. How would we describe a zamindar, for instance? Would we say that a zamindar is a person whose duty it is to go round and collect rents? No. We would say that he is a person who collects rents on behalf of Government, which is the simpler language. That is the polite language. Is a professor to be defined a person on whom is cast the duty of studying his lessons beforehand pouring midnight oil, coming to the classes and explaining the lessons? Certainly not. We would say that a professor is a person of culture who teaches his students. There is another difficulty also. Suppose a math is so clever as to say that there is no duty cast on its head and that he does not claim spiritual headship. Is it not then for the Government to go to a Court and disprove that fact? Are they to take the onus of proof on themselves? The hon. Member, Mr. Bhashyam, nods his head. I see the trick he is playing on the Government. I warn the Government not to be caught in his net (Laughter). The Government must be polite when they describe a matadhipati. I would have convinced people who were determined to be convinced. But I cannot convince those who refuse to be convinced. Let us try to understand what it is that is sought to be done by this amendment. The sub-clause says '... who exercises spiritual headship' but not 'whose duty it is to exercise spiritual headship'. This being so, I ask, what is the objection in saying 'who engages himself' instead of 'whose duty it is to engage himself'? Then, there was the talk about the Theosophical Society. It is not a Hindu religious institution at all. It is a conglomeration of various

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peoples, Hindus, non-Hindus, Whites, non-Whites, in fact every nation in the world is represented there. It is a convention. It is a school of thought. Similarly, there are hundreds of schools of thought. There is the Visishtadvaitham school of thought which belongs to no math. My unfortunate difficulty is that the Hon. the Law Minister does not know what a math is. (Laughter.) Let me give an instance. There is a small place of worship at which students gather and study. Kalakshepams on important and valuable treatises in Sanskrit are offered there and it is presided over from generation to generation, from master to master, by various individuals. There is a beautiful garden attached to it and the person who presides is one who engages himself in imparting religious instruction. There is no duty cast on him or for the matter of that on anybody. Yet, it cannot be said that the man will escape saying there is no duty cast upon him. If we want to control such institutions properly let us call the matadhipathis by dignified names. The definition should be more dignified. Because these men are all men of culture who engage themselves in imparting religious instruction, rendering spiritual service and exercising spiritual headship, I have proposed the amendment. "Why are the Government prescribing a duty in the first clause and cast it on him? No vital or important change is asked for. The Government need not press such unimportant things. All I can say is there will be more advantage in the language being respectful, polished and refined."

1-30
p.m.

THE HON. SRI K. MADHAVA MENON :—"I concede, Sir, I have not as much knowledge about maths as my hon. Friend Sri Varadachari has but I have only this much to say, that a similar legislation passed in Bombay in May 1950 has practically copied out definition of 'math'. The definition in the Bombay Act is "Math" means an institution for the promotion of Hindu religion presided over by a person whose duty it is to etc., more or less identical wording as is used in this Bill. This is therefore fortified by a similar legislation passed elsewhere with similar wording."

The amendment was by leave of the House withdrawn.

HALF-HOUR DEBATE RE. LANDS FOR HARIJANS.

MR. SPEAKER :—"Regarding the half-hour debate asked for by the hon. Member Mr. Ragavayya, he wants to say something."

SRI V. RAGAVAYYA :—"Some hon. Members have expressed to me Sir, that the inclement weather does not permit them to continue. I, therefore, withdraw my motion for a half-hour debate."

MR. SPEAKER :—"There will be no half-hour debate this afternoon."

I adjourn the House till 2-30 p.m.

The House then adjourned.

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(After lunch—2-30 p.m.)

* SRI K. BHASHYAM :—"Sir, I move the amendment standing in my name, viz :—

'That in sub-clause (10) to Clause 6 omit the words "and includes places of religious worship or instruction which are appurtenant to the institution".'

"Sir, I want to make my position clear so far as the temples of the heads of maths or matadhipathies are concerned. These heads of maths or matadhipathies are also trustees of various temples such as the matadhipathi of Sankaracharya Math is also the trustee of the Kancheepuram temple. There are many other cases like these. I am not speaking about these trusteeships. I am not saying that the Government should not take up the temples for which these heads of maths are trustees or have hereditary rights. What I am thinking of or what the clause speaks of is a sort of temple inside the math. I think the Hon. Minister in charge of the Bill knows that in the case of all heads of maths there is a sort of a 'Vigrahm', or a 'Lingham' which is intended for the personal worship of the head of the Math. If only we make a little research into it, we can know how these maths came into existence. Justice Muthuswamy Ayyar has said how these Maths came into existence. He says—he did not think of this Bill then,—as a matter of research he says : 'The best men, learned men originally gathered round him for the purposes of religious instruction and they wanted to put up a shelter for him, which started with a hut; then a house and finally it became a sort of a big building'. Thus these Math buildings came into existence. So it started as a cottage or a hut for what he had, a sort of a 'Vigrahm' or a 'Saligram' or even a 'Lingham' in his hand for the purposes of personal worship, just as there is a prayer room in every householder's house in which a small 'Vigrahm' is placed and worshiped every day either by the householder or a priest employed for the purpose and the 'prasadam' is taken every day. It is the belief among the Vaishnavites that no food which has not been consecrated by being offered to God shall be taken by him. So much so it is necessary at any rate for Vaishnavites—I do not know about others—that there should be the worship of the idol at home. It is in that way that the head of the math has also got the 'Vigrahm' or the 'Lingham' or 'Saligram' for his personal worship and because it is a big math he consecrates a room and puts his idol there and worships. Now you say in the definition of the math, 'places of religious worship or instruction which are appurtenant to the institution.' The Government want to include the temple or the place of instruction. The Government say they are not interfering with the personal belonging of the head of the math. But when the Executive Officer is appointed he will take possession of these things. Of course the Government say that in the later portion of the Bill there is provision to see that he does not interfere with the religious portion of it and something of that kind. Why then are the Government anxious to include it here?

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If the profession of the Government were true, if they are sincere in their statement that they do not want to interfere with the religious or internal affair of the maths or these religious institutions, they ought to accept this amendment. The personal rooms or other places reserved by the head of a math where he has placed his idol and dedicated for the purpose of personal worship should not come under the scope of the Bill. In some cases, as the Hon. Minister in charge of the Bill himself knows, the idol itself is carried from place to place with the head of the math. Alaghasingar, the titular deity of the math of Ahobilam is being carried along with the Swami whenever he goes on pilgrimage or for instructing his disciples. The worship is a personal worship as much as in the case of the householder having a prayer room in his own house. According to the definition contained in the Bill it would be very difficult to say that the Bill will not be interfering with the sanctity or the inner management of the worship of the idols.

As regards religious instructions, the point is this. The heads of maths are persons selected for special knowledge on particular philosophy or religion and they are there. People gather round them to get religious instructions. It is not like a modern college where you get admission by putting in an application and paying an admission fee. But here a definite atmosphere is necessary for the imparting of the religious instruction and the person must be prepared to receive it. Every man cannot go into it. The teacher is not bound to instruct anybody unless he finds the man fit to receive instructions. The teacher may refuse to give instructions if the pupil is not qualified to receive his instructions. Therefore I say the Government ought not to take possession of these, what I call the personal effects and buildings of the maths. They are really part of the daily life, that is to say, as soon as he gets up every morning, finishes his bath and ablutions and 'Sandhya' he has got to worship the idol which is carried with him or has dedicated it in a portion of the building, call it a temple or anything you like. It is a private place of worship for personal salvation or purification. Nothing more than that. In this case the head of the math is not bound to admit even his own disciples into it. So I appeal to the Hon. Minister in charge of the Bill who knows something so far as these maths are concerned to exclude from the definition of the maths, the whole of the math temples. I have nothing to quarrel with the Government in regard to other temples. But these are idols that are put in the temples and worshipped not only by the Swami but so many others who congregate there. That is the point."

THE HON. DR. T. S. S. RAJAN :—" I should like to point out this. If the hon. Member says that the temple should not be considered as part of the math, there is no special temple built for the special purpose."

* SRI K. BHASHYAM :—" If the head of the Math by virtue of his office is also the trustee of a particular temple I have no quarrel with the Government. These temples may be taken

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up by the Government. But what I am actually concerned with at present is that portion of the math which is utilized for locating the Personal God only for the purpose of his own personal purification. Therefore, so far as this is concerned, if the Government are sincere that they are only trying to improve the administration, they must accept my amendment. I strongly appeal to the Hon. the Minister in charge of the Bill to accept the amendment."

THE HON. DR. T. S. S. RAJAN :—" I just want to explain, Sir. Most of the heads of the maths receive all their emoluments during the time when they worship the Personal God. The Personal God is worshipped in the presence of so many people. Immediately after the worship is over, the Archaka or whoever is responsible for the job makes collections from all those who attend the worship. Most of the income of the temple is derived in front of the God he worships, and it is not meant for his personal benefit but for his trust and for the discharge of whatever duty is cast on him, and he has got to do that as the head of the math. The place of seclusion and the place of worship is all there. I wish to inform my hon. friend that in the case of the Vaishnavas, the very branding instrument with which the people are branded is kept near the God so that it could get the sanctity of the God by constant contact with Him. After the worship in the presence of the devotees, the silver plate is taken round and collections are made and kept before the God. Then, the branding instrument is taken from the seat of the God and the people are branded with it. These are religious ceremonies which only Vaishnavites could ever appreciate or understand. As my attention was drawn to it I wanted to inform the House the actual facts, and how these good people derived their income. There they worship an image which they call as Personal God. But from the point of view of the discipline, it is worshipped by all as it is considered glorious and great. Offerings are made; one gives Rs. 5 another Rs. 50 and so on. It is only a fee voluntarily raised from the people and it is considered that such offerings will bring greater income. Can it be said by any stretch of imagination that this public income should be considered as personal income, and nothing can be done by law with regard to it?"

* SRI K. BHASHYAM :—" Mr. Speaker, Sir. I am glad that the Hon. the Minister has explained his point of view as a Vaishnavite."

THE HON. DR. T. S. S. RAJAN :—" Sir, I am not a Sri-vaishnavite and I do not claim to be one in this House."

* SRI K. BHASHYAM :—" It does not require the Hon. the Minister to make a declaration for everybody knows it, and everybody proclaims from the housetops that he is not a Vaishnavite. What I was pointing out is that, if as a matter of fact a Gurukul or an Archaka in a particular temple for the purpose of carrying

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on the worship is paid 2 annas, 4 annas or 10 annas, you exclude them from the religious endowments. Let me explain the position further. So far as the matadhipathi is concerned, even if he is unconnected with worship, people give him some gifts and they come under math endowment. But, when one worships in a private room on a Deepavali or Pongal day, persons from other houses come, attend the worship and pay some small moneys to the Brahmin. But, this is for the Brahmin who worships and gives some *prasadam* or sacred water to the disciples. And I do not understand why you want to take those amounts which are really paid in the presence of God and which is really a personal gift, as part of the math income. You may say "I have no objection to any money received in the temple for the purpose of worship being included" because it adds to the temple funds. I do not mind it at all. But, I do not want the definition of 'math' to include places where personal worship is carried on.

"So far as the place inside a math is concerned (in which the matadhipathi personally worships everyday), it may be excluded from this definition. If this place were to be excluded from the scope of the Bill, it will be a test of the sincerity of the Government in saying that they will not interfere with the internal management of the matadhipathi, and that all that they were concerned with was only in regard to the secular management of the institution."

SRI T. VISWANATHAM :—"Mr. Speaker, Sir, the Hon. the Minister has said that although the gifts are made to the matadhipathi, they become the public property. I am deeply interested in the gifts given to the matadhipathis which the Hon. Minister would said become public property. I have now got in my hand certain memoranda presented to the Joint Select Committee on this Bill—which are 9 or 10 in number, which say that such gifts need not be treated as public property. For example, Sri G. Vadivelayudham Pillai, M.A., Professor in Tamil, American College, Mathurai, says :—

"The personal wearings of the matadhipathis and the presents by way of *patha-kanikka* have not been spared in the Act. *Patha-kanika* or *Guru-kanikka* are presents or offerings by the disciples or devotees to the Guru as personal gift, in appreciation of his spiritual achievements or as a return to the spiritual services rendered."

So, Sir, opinions are not clear and the Government cannot all of a sudden say that these gifts are public property. Besides, the points raised by the hon. Member Sri K. Bhashyam are very clear. It is all right if you define the 'math' without the appurtenances. Therefore, I second the amendment."

* SRI N. S. VARADACHARI :—"Mr. Speaker, Sir. In supporting this amendment, I wish to say a few words. What is a 'math'? It is a Hindu religious institution including places of religious worship or instructions which are appurtenant to the institution. In fact, Sir, if the whole object of the legislation is to keep a proper check and control in the case of certain institutions

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and not to disturb the other side of the administration with which the Government are not concerned at all, I think the omission of these words would very well serve the purpose. What is this place of religious worship, which my hon. Friend Sri K. Bhashyam referred to. It is not a temple. It is a place where personal meditation is done for the purpose of meditation. In it are included disciples also; and it may stand. It is not the same religious teaching that takes place in an ordinary temple. It is not *aradhana* done to the Swami himself. There is no person employed and there is no service rendered. It is not a place where one comes and performs the *pauja* to the Swami and attends to the temple service. In fact, Sir, the place of religious worship is the place at which these things take place. I am surprised to note that at these places of worship, the gifts that are given, go to the matadhipathis who use them as their personal gifts. Even if it does take place, no such gifts are collected. So far as I know, there are no such places in this State. There may be some outside the State. But the custom is the same throughout.

"The idea is that a 'math' is supposed to hold some classes on philosophy. It is generally presided over by a learned scholar who has renounced the worldly things and has taken to *sanyasam*. He has no property of his own. Whatever he collects, he collects as a trustee for others. He performs the duties better than most of the so-called secular trustees. I must say that without fear of contradiction.

"It may be that there are some exceptional cases or some mismanagements here and there. But, in general the disciples assert and even without their assertion, the *sanyasi* or the scholar will see that the worship is properly carried on, that the moneys are properly accounted for and the use to which these gifts are put is in conformity with the traditions and the usages of the 'math'.

"Then, Sir, what is the particular thing you want? There is no such thing as 'pathakanika'. So far as I know, we do not give 'pathakanika'. I am not a disciple of a 'math'. But, I know the usage in 'maths'. And I can tell you that, if you put these also, it will lead to much misunderstanding amongst the people. If you exclude the places of religious worship inside a 'math' and the places of instruction, which are usually used as places for *kalakshepam* and where important books on philosophy or treatises and commentaries on the original vedic literature, are read, you will perhaps have a more cultural body passing the legislation which will only touch the secular side and leave absolutely untouched the religious side of worship. The exclusion of these does not mean that you do not exercise your control over the property. The 'math' has property and they are endowments. You will have full control over that property and if you want to exercise your control, the provisions relating to the 'math' may be amended. You don't see the susceptibilities of those who in their own right and in their own responsibility are expected to discharge their duties in a pleasant manner. Don't disturb the peaceful life in these places.

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At times, they may take, for instance, the idol of Srilaxminarayana along with them and then worship at the places where they visit. Then disciples may flock and give some small moneys at those places. Why do you wish to include them also in the definition which will give rise to misinterpretation and perhaps misunderstanding in the actual working of the Act. If you exclude these, there is no harm done. The control over 'math' is there and nobody escapes it. On the other hand, you will be saving yourselves being called unhelpful and uncertain. That is my point.

"The Hon. the Minister is kind enough to explain that he is careful enough that gifts made at such places should not escape control. Now, by putting them in the definition, you do not bring them under your control. On the other hand there are ways and means of escaping from the control of Government.

"Pathakanika' is non-existent. I don't know anything about it. I am a Vaishnavite and I am not ashamed of saying so here. I wish to remain so. I, therefore, feel very strongly for the exclusion of these words. By excluding them, you don't exclude your control and so there is all the more reason why you should agree to the modest and most reasonable proposition which does not in any way take away your authority and the jurisdiction that you want to exercise over certain Hindu Religious institutions."

3 p.m. * Sri M. S. PATTABHIRAMIAH :—" Mr. Speaker, Sir, I support this amendment. I agree that these words 'and includes places of religious worship or instruction which are appurtenant to the institution' should be omitted. From the explanation given by the Hon. the Minister and from what was pointed out by the hon. Member Sri N. S. Varadachari, it is clear that the Government are particular to take only the *kanikkas* or gifts given in the Vaishnava maths. But, so far as I know, in the Ahobila and other maths, there is no such ritual performed where any such money is collected. For instance, in the Sringeri math, to which I am bound to owe my allegiance in spiritual and religious matters, this practice is not observed. We invite the *matadhipatis* to our homes and offer worship and make gifts or *pathakanikas* by placing some specific sums such as Rs. 108 or Rs. 1,008 at their feet. It is an offering made to them. It is not offered to any deity. I am not here elaborating on the spirituality or the rightness or wrongness of any particular theory. You say, 'the appurtenances to the place where religious worship is being conducted by the *matadhipati*.' If the Government take possession of the appurtenances, it will be going entirely against the Constitution of our land. I am sure that can be reversed by any court of law. Of course, our Government do not care very much for the proper or prospective findings of any court. But they have very wisely or unwisely put in a Clause towards the end which reads: 'Anything offending the Constitution would be null and void.' Such a provision would be unnecessary if they exercise a little more care and avoid such phrases where it really affects the Constitution and offends our moral sense also.

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"As regards the amendment for the omission of the explanation

MR. SPEAKER :—" That amendment will be moved later. Only the first part of the amendment has been moved. When the second part is moved, the hon. Member may speak on it."

SRI M. S. PATTABHIRAMIAH :—" The dropping of the words I have referred to are necessary and such dropping will not affect the effect of this legislation. Those words are an unnecessary addition and can be dropped. I only appeal to the Hon. the Minister to accept the amendment."

SRI K. T. KOSALRAM :—" கனம் சபாநாயகர் அவர்களே! கனம் பாஷ்யம் அவர்கள் கொண்டு வந்ததுள்ள திருத்தத்தை நான் எதிர்த்தேன். அவர்கள் இப்போது சாதாரணமாகப் பார்க்கும்போது இந்த பில்லை எவ்வளவுக்கெவ்வளவு தள்ளிப்போட்டு இது விஷயத்தில் காலம் கடத்தவேண்டுமோ அவ்வளவுக்கும் வேண்டிய முயற்சி எடுக்கிறார்கள் என்று தெரிகிறது. கனம் பாஷ்யம் சென்னை நகரிலே பிரபலமான வக்கீல். அவர் ஒரு வக்கீல் என்ற முறையில்

SRI K. BHASHYAM :—" Sir, is the hon. Member in order in referring to me like that? "

THE HON. SRI K. MADHAVA MENON :—" He was only referring to the experience of the hon. Member Sri Bhashyam as a lawyer."

SRI K. BHASHYAM :—" He has no right to refer to my practice as a lawyer in those terms. I protest against it. If he is a gentleman he should withdraw what he said about me."

SRI K. T. KOSALRAM :—" தலைவர் அவர்களே! கனம் பாஷ்யம் அவர்களின் கிறைமையைப்பற்றி கூறினேனே தவிர அவரைப் பற்றியோ அவர் தொழிலைப் பற்றியோ குறைவாக நான் கூறவில்லை."

"நீற்க, மடாதிபதிகளைப் பற்றியும் மட கணிக்கைகளைப் பற்றியும் நண்பர்கள் பேசினார்கள். ஆனால் ஒன்று சொல்லுகின்றேன். அரசாங்க மென்று ஒன்று இருக்கிறதென்றால் பொது ஜனங்களாகவே மடங்களுக்கு காணிக்கை செலுத்தினாலும், அல்லது பொது ஜனங்களிடமிருந்து காணிக்கைப் பறிக்கப்பட்டாலும் வசூலாகின்ற ஒவ்வொரு பைசாவும் ஒழுங்காகவும், சரியாகவும் செலவழிக்கப்படுகின்றதா என்று கணக்குப் பார்ப்பதற்கு அரசாங்கத்திற்கு அதிகாரம் இருக்கவேண்டும். ஆனால் குறிப்பாக ஒன்று சொல்லுகின்றேன். மடாதிபதிகள், மத குருமார்கள், மத விஷயங்களை மாதிரியும் போதிப்பவர்கள் என்ற நிலைமையை மாறி அவர்கள் அரசியலிலும் கூட தலையிடுகிறார்கள் என்று கூறுகிறேன். எங்கள் ஜில்லாவில் காங்கிரஸ் தேர்தல் நடந்தபோது இந்த மடாதிபதிகள் மடத்தின் பணங்களை ஏராளமாக தேர்தலுக்காகச் செலவு செய்திருக்கிறார்கள். அரசியலில் கலந்து இந்த மாதிரி வேலை செய்யக்கூடிய நிலைமைக்கு அவர்கள் வந்து விட்டார்கள்."

SRI T. VISWANATHAM :—" May I ask for an English translation of what the hon. Member is saying? It is impossible for me to follow his Tamil."

SRI K. T. KOSALRAM :—" The heads of maths are interesting themselves in political organisations and participating in political activities."

SRI T. VISWANATHAM :—" They are doing worse things."

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SRI K. T. KOSALRAM :—“இந்த நிலைமையில் அவர்களிடத்தில் ஒரு பைசா இருந்தாலும் சரி அதை கணக்குப் பார்க்கவேண்டிய நிலைமை அரசாங்கம்திறகு இருக்கவேண்டும். ஆகையால் கணம் பாஷ்யம் அவர்கள் கொண்டு வந்த திருத்தத்தை எதிர்க்கிறேன். அரசாங்கமும் அதை எதிர்க்கு மென்று நம்புகிறேன்.”

*** SRI L. N. GOPALASWAMI :—**“Sir, I wish to say a few words in support of this amendment. This sub-clause (10) deals with the definition of ‘maths’. So far as I can see, a math includes a religious institution. But here we are begging the question. In sub-clause (15) we have the definition of ‘religious institution’. It says: ‘‘religious institution’’ means a math, temple or specific endowment.’ This carries us nowhere. I wish the Government had taken pains to say what really they want to include under ‘maths’. From what the Hon. the Minister told us it is clear that the Government want to grab at all moneys offered in the name of religion to a matadhipati. I am not able to agree with my hon. Friend Mr. Kosalram that whatever money is given to anybody should be accounted for and that the Government should have the right to ask for accounts in all such cases. The Constitution says, and the same has been referred to at the end of this Bill itself, in Article 26, ‘Subject to public order, morality and health, every religious denomination and section thereof shall have the right to establish and maintain institutions for religious and charitable purposes and manage its own affairs in matters of religion.’ That being so, when it is a religious matter, and acceptedly religious as mentioned in sub-clause (10), and includes places of religious worship. I do not see how, by bringing in places of religious worship under a math, the Government can lay their hands on a math and on the funds that the person in charge of it has been offered in the name of religion. It would be a different matter altogether if it is a question that does not relate to religion. But in so far as it relates to religion, irrespective of what my hon. Friend Sri Kosalram may say, the religious head of the institution is entitled, as per Article 26 of the Constitution, to gather such moneys as are offered to him for his worship and manage them as he pleases. Nobody, in spite of what the hon. Member Sri Kosalram may say, can have any right or access to it. If anybody wants to dispossess the matadhipati of that right to dispose of the money offered to him as the head of a religious denomination he will be certainly violating of Article 26 of the Constitution.

“That apart, I do not see why the Government should include in the definition of ‘math’ the places where the matadhipatis go in any part of the State. This definition as it stands will bring within its scope the places or houses where the head might have his *pūja* including that even a poor man who has invited the matadhipati to his abode. If the matadhipati were to deliver a lecture at the Victoria Hall for instance, even that place will be brought under the category of ‘place of religious instruction’ and included in the definition of ‘math’. Let there be a limit put on this temptation to expand the scope. Let us not interfere

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too much in religious matters. The Government are a secular Government and what we are concerned with is only the proper management of the maths. Even to this there is a limit, under the Constitution, up to which the Government can go. I request the Government to drop the definition of the word ‘math’.”

SRIMATHI V. LAKSHMI AMMAL :—“கணம் அக்கிராஸ்திபதி அவர்களே! கணம் பாஷ்யம் அவர்கள் தொண்டி வந்த திருத்தப் பிரேரணையை நான் ஆதரிக்கின்றேன். அதை ஆதரித்து இரண்டொரு வார்த்தைகள் சொல்ல விரும்புகிறேன்.

“மடம் எப்பற்றுகு விரிவான அர்த்தம் இதில் கொடுத்திருப்பதால் எல்லாவிதமான மடத்தையும் ஹிந்து மடங்கள், கிறிஸ்தவ மடங்கள் எல்லா வற்றிற்கும் விரிவான அர்த்தம் கொடுக்கிறது. மடத்திற்குள்ளிருக்கும் விகிதாசூதையை பூஜை பண்ணுகிறவர் மடாதிபதி. இப்போது சிருங்கேரி மடத்தை எடுத்துக்கொண்டால் சிருங்கேரி மடத்தில் சாரதா தேவியை பூஜை பண்ணுகிறவர் ஸ்ரீ. சங்கராச்சாரியார். அவ்விதம் பூஜை நடக்கும் காலத்தில் நிறைய ஸ்திரீகளும், புருஷர்களும் போய் கற்பூர ஹாரத்தி சமயத்தில் ஏராளமான காணிக்கைகளைக் கொடுப்பார்கள். பெண்கள் நல்கைகளைக் கூட கொடுப்பார்கள். விசேஷமான பூஜை நடக்க வேண்டுமென்றும், விசேஷமான அன்னதானங்கள் செய்ய வேண்டுமென்றும் அவர்கள் நினைத்து பொதுவாக காணிக்கைகளை சமர்ப்பிப்பார்கள். இது மட்டும்தான் அல்ல. இன்னும் மடாதிபதிகளுக்குப் பாத பூஜை செய்கிற காலத்தில் ஆங்காங்குள்ள ஏழை எளியவர்களுக்கு சாப்பாடு போடுவதற்கு செலவு, செய்வார்கள். ஆகையால், இவ்விதமான பாத காணிக்கைகளை இதில் சேர்க்காமல் இருப்பது தான் உத்தமம். அதில் போய் தலையிடுவதென்பது முற்றும் பிழைப்பதை நான் தெரிவித்துக்கொண்டு முடித்துக் கொள்ளுகிறேன்.”

SRI V. RAGHAVAYYA :—“Sir, I have a great mind to tell the Government that they must make a distinction between gifts made to a temple and gifts made to a person. The Government motion seems to smack of a little predatoriness. Some disciple thinks it necessary—perhaps not as wise as the hon. Member Mr. Kosalram Nadar—out of his little or great wisdom, to go and offer something to God or to a divine man. He offers *pathram* (leaf), *pushpam* (flower), *phalam* (fruits) or *thoyam* (water) or perhaps a thousand rupees. One cannot assess the piety of a person from the value of the offering he makes. There is an invisible contract between the person offering and the person offered. It is not the medium of communication that matters much in these contacts. What I wish to know is what is the power of this Government to stretch out their hand like a beggar and go about scrambling over offerings that come in the way and lay their hands, as it were for plunder, on everything that looks like money?

“Is it the idea of this Government—God forbid that it should be so—that they should post a man at the grave-yard, like Veerabahu p.m. in the story of Harischandra, and collect all the coins that are thrown there? There must be some limit to the avarice and greed of the Government. Simply because it is the Government, it cannot escape certain laws of decency prescribed for all decent men. Sir, my submission is this. Here is a gift given to a person. You are not maintaining the matadhipati. You are not contributing a pie towards his welfare. Enough if you save him from income tax, profession tax, sales tax and all the other

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taxes. The matadhipati simply says: 'I am here by dint of my piety. I am here because God made me so. I do not want any help from the Government. I only want to be left in peace. There are some people in the world who somehow or other like me, who have got some respect and devotion to me and who flock to me now and then with their offerings. I may use that money for charity or for any purpose I like.' Sir, were not the Hon. Ministers promising many things that have been given, that are yet to be given and that have not been given? When a human being of a Minister's type can go about promising so many things, why not a religious head do the same? At any rate he does not promise anything in this world; he promises something only in the other world. There may be people and there are gullible persons who believe him when he says that a seat is reserved for them in the other world. Let them believe in it. There is no harm.

"I say, Sir, it is too much for the Government to try to grab at everything. They should halt at some stage and say that these are the things which will be left to others. For instance, how is this great man to equip himself first? Is he not to purchase the literature, and the books on the subject? Do you want him to take a spade and go and work in the fields? The hon. Member Mr. Kosalam was very eloquent about *podu makkal* (common men). Nowadays everybody seems to canvas the *podu makkal* for his own purpose. The *podu makkal* are the only people who say, 'Leave the matadhipati alone. Why do you touch him?' Sir, speaking for the *podu makkal*, let us not deprive them of a little satisfaction in the feeling that they get some temporal or spiritual benefit here or elsewhere. My submission is that the Government should not touch all these offerings. There are certain individuals whose dignity—I am not speaking of worldly dignity but spiritual dignity—must be preserved in a manner which will not compel them to go about begging for bread telling people, 'I have been impoverished. The Government have taken away everything. Give me alms.'"

SRI P. KANDASWAMI PILLAI :—"கனம் தலைவர் அவர்களே, இது ஒரு சின்ன திருத்தம். இதற்காக பெரிய வக்கீல்கள் இவ்வளவு தூரம் வரதல் செய்யவேண்டியதவசியமில்லை. இந்த ஒரு சின்ன திருத்தத்தை வைத்துக் கொண்டு பிரமாதப்படுத்த வேண்டியதவசியமும் இல்லை. இது ஒரு முக்கியமான சட்டம். அதைப் பற்றி விவாதிக்கும்பெய்து ஒரு பழமொழி உண்டு. அதாவது 'மடத்தை விட்டுப் போகும் சத்தி எரிக்கு' பூந்தோட்டத்தைப் பற்றி என்ன கவலை' என்பவைபோல Hindu Religious and Charitable Endowment-ஆனது எல்லா Charitable Endowment-ஐயும் எடுத்தக் கொள்ளும்படி சட்டம் செய்யும்பொழுது இந்த மடாதிபதிகளையும் மடத்தையும் எடுத்தவிட வேண்டுமென்று சொல்லுகிறார்கள். கனம் பாஷ்யமய்யங்கார் தீவிரப்படைப்போலல்லாபல் இவைகளை இனிமேல் சர்க்காரே எடுத்து நடத்தப்போகிறார்கள். அவைப்பொழுது நடத்தப்படும் சர்க்காருடைய மனப்பான்மையைத் தன் பொறுத்திருக்கும். ஆகவே, அதைப் பற்றி சட்டத்தில் மாறுதல் செய்யவேண்டியதவசியமே இல்லை. இது ஒரு சின்ன திருத்தம். இந்த திருத்தம் ஒரு பிரச்சனத்தையும் அளிக்காது யாருக்கு சந்தர்ப்பம் கிடைக்கப்போகிறதோ அவர்களுடைய மனப்பான்மையைத்தான் பொறுத்திருக்கிறது. இப்பொழுது இருக்கிற டாக்டர் இராஜன் மாதிரியல்ல, கனம் மாதவ மேனன் மாதிரியல்ல. யார் இருந்து நடத்தப்போகிறார்களோ

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அவர்களுடைய மனப்பான்மையைப் பொறுத்திருக்கிறது. அதற்கு சட்டம் இருக்கிறது. ஆகவே, மனதில் ஏதோ ஒன்றை வைத்துக்கொண்டு பேசுகின்றார்கள். Beating about the bush என்பதைப்போன்று ஏதோ ஒன்றை மனதில் வைத்துக்கொண்டு பேசிக்கொண்டே போவதில் அவசியமில்லை. ஆகவே இந்த சின்ன திருத்தத்தை அப்படியே விட்டுவிட்டு சீக்கி மாக இந்த சட்டத்தை நிறைவேற்ற வேண்டுமென்று கேட்டுக்கொள்கிறேன்."

THE HON. SRI K. MADHAVA MENON :—"Mr. Speaker, Sir, the hon. Member Mr. Raghavayya said that the Government had no sense of decency."

SRI V. RAGHAVAYYA :—"I never said that. I said, 'not enough decency'."

* THE HON. SRI K. MADHAVA MENON :—"I stand corrected, Sir. I thank him for small mercies. He says that the Government have at least some decency. I request him also to have some little sense of decency in using words like 'plunder, greed, grab' and so on as if that is the business that we have to do here. I appeal to him, Sir, 'Physician, heal thyself; have a little bit of decency in the language you are using'. The Hon. Dr. Rajan of course referred to *pathakanika*. But it has nothing to do with this Clause. With due deference to hon. Members Srimathi Lakshmi Ammal, Sri Gopalaswami, Sri Kandaswami Pillai and Sri Kosalam, I have to say that this Clause has nothing to do with *pathakanika*. Because, unfortunately, *pathakanika* was referred to the hon. Member Sri T. Viswanatham wanted to know what it was. I invite his attention and the attention of the hon. Member Mr. Raghavayya who spoke about 'greed' and so on to Clause 60 of the Bill which refers to *pathakanika*. This Clause does not refer to it." (Sri T. Viswanatham rose to interrupt.)

MR. SPEAKER :—"The Hon. Minister is not yielding."

SRI T. VISWANATHAM :—"If he does not yield, I request him that he may be clear enough."

THE HON. SRI K. MADHAVA MENON :—"The gifts received by the *matadhipati* which are commonly known as *pathakanika* are referred to in Clause 60 of the Bill."

SRI L. N. GOPALASWAMI :—"There are gifts other than *pathakanika*."

THE HON. SRI K. MADHAVA MENON :—"The hon. Member Mr. Bhashyam's amendment does not refer to gifts at all. It only refers to places. I do not know whether gifts include places of religious worship and instruction."

SRI T. VISWANATHAM :—"Places may be property."

* THE HON. SRI K. MADHAVA MENON :—"If places which may be property are given as gifts, then it is the object of the Government that they should be included in the definition of 'Math'. Sir, let us not confuse the issue. The hon. Member Sri N. S. Varadachari spoke about the idol of Narasimhaswami which

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a particular matadhipati always took with him. The hon. Member Sri Bhashyam referred to a particular matadhipati personally worshipping a *Sivalingam* or *Saligramam* in a particular place. They said that these places were like the *pūja muris* in our houses. These are not at all intended to be touched. There are shrines inside the premises of certain maths where people will be allowed to worship. The hon. Member Mr. Bhashyam said that this was a case of the test of sincerity of the Government. Really it is a test of sincerity of the Government, for if the hon. Member Mr. Bhashyam's amendment is accepted, these shrines within the maths will become temples, because the people are allowed to go and worship there. When they become temples, it is open to the Government or the Commissioner to appoint trustees. But we have specific provisions for maths and these are not controlled like temples. Only a very little administrative control is proposed to be had over them. But if the amendment is accepted and if these shrines become temples, it will be open to the Government or the Commissioner to appoint trustees for them. It is to avoid that exactly, so that these shrines may not be treated as temples but may be treated as part of the maths that they are included in the definition. Therefore all the imaginary things about the *pathakanika* and the greed of the Government are out of place here. There is a proverb that to the eyes of a jaundiced person everything will appear yellow; similar ideas of plunder, greed, etc., will occur only to some people. But that is not at all the case here. No question of greed or *pathakanika* comes in here. This Clause says that a math includes places of religious worship or instruction which are appurtenant to the institution. By including these places in the definition of a math, it does not mean that they will all go to the Government. There are other Clauses in the Bill relating to the control of the administration of maths. This is only a definition of a math.

"Sir, I may be accused of quoting precedents and bad precedents. The hon. Member Mr. Gopalaswami has become a Constitutional expert and he has been saying at every stage that this will infringe the Constitution and that will infringe the Constitution. I have not become a Constitutional expert. At least the hon. Member Mr. Bhashyam did not say that this would infringe the Constitution. (Interruption.) It is open to us to become wiser. We do often become wiser and sometimes *vice versa* also. In the existing Act of 1927, the definition is the same. It may be said that it is bad enough. It says that it includes places of worship and instruction which are appurtenant to the institution. We have not found any difficulty so far. The Bombay Act of May 1950 also includes places of worship and instruction. It is nothing very strange that we have done. Therefore references to *pathakanika* and gifts have nothing to do with this Clause."

* SRI K. BHASHYAM:—"Sir, I think the Hon. the Minister for Law who is practically in charge of this Bill is more specious than sound in what he has said. He says that we have been beating about the bush in talking about *pathakanika*. I agree with

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him, Sir. But who started it? Sir? It is the Hon. the Minister who is in charge of the Department who started it. He said that in places where worship goes on when the swami goes round, he collects any amount of money and puts them in his pockets. (The Hon. Sri K. Madhava Menon rose to interrupt.) I do not yield to him as he did not yield to my hon. Friend a little while ago. My point is, it is not as if all this money is put into the pocket of the swami, if he has a pocket, and it is all mis-spent altogether. This point arose because it was started by the Hon. Dr. Rajan. When he raised the question, I at once recognized that there is a separate provision about it and we know that it allows the person to spend it as he pleases. What I am concerned with is not with the money collected, but with the portion of the math which is used for the purpose of personal worship by the swami. It should not be touched. That is what I am anxious about. When the swami goes round on *sishyadanam* as it is called, the idol is always carried with him in a palanquin. Wherever he goes, there is a temple at once and he really worships there. Money is presented to him there. Do you want to say that a temple inside a math is a temple and when he goes out to other places and when money is presented to him in connexion with the worship of the idol in those particular places, then those places also must be considered to be temples? It is so illogical to assume that such things could be done. I also want to quote in this connexion what one Santanagopalan and Rajagopala Pillai say. If I quote a Brahman, it may be stated that the opinion is prejudiced. I want you to see what a Pillai says about it—

"The definition in the present Bill includes within the term *murti* 'places of religious worship or instructions which are appurtenant to the institution'. This again is based on a wrong conception. The Guru, who occupies the *Gurupēta*, has a *murti*, to which he performs *pooja* in the same manner as has been performed for generations. The places where such *murti* is kept for the time being is its place of worship. Hence, it will be a mistake to think these places as being appurtenant to the institution. . . . It is a tragic irony and very deeply to be deplored that, in the name of preventing mismanagement of endowments, things and places held as sacred by Hindu traditions and scriptures should be treated with deliberate indifference as is done in several provisions of the Bill."

This exactly describes what the feeling of an ordinary Hindu is or of a disciple of a math is. It is found at page 236 and is stated to be the memorandum submitted by Sri G. Rajagopala Pillai, Sri Santhanagopalan and others.

"I only want to say a word or two in regard to what hon. Mr. Kosalram said. He said that apparently I am trying to delay the Bill as much as possible. But this is an important Bill affecting the religion of every Hindu. May I ask him whether he has got a copy of the Bill in his hands, whether he has studied all its provisions and whether he knows what are all its implications? May I ask him whether he keeps an account for the Rs. 150 that he gets, how he spends it and all that? I do not know what he means by saying all the bad things he has said. It is really wrong. I think, for him to speak in this irresponsible manner, and it is indeed very regrettable that you should not extract an apology from him in regard to this matter. That is all I have to say to him, Sir."

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* THE HON. SRI K. MADHAVA MENON :—" Sir, in spite of the compliment given to me that I am more specious in my argument than sound and whatever may be my capacity to be specious, I did not get a reply from hon. Mr. Bhashyam to what I said. I said that if these words are omitted, there is a likelihood of a wrong interpretation and it may be held that such places are temples. We want to avoid such misinterpretation. Secondly, hon. Mr. Bhashyam read the memorandum of Mr. Rajagopala Pillai. I may say that is as much a mistaken argument as what hon. Mr. Gopalaswami said, that is, that if a matadhipati brings his idol and keeps it in the Victoria Public Hall, it will become his property. Sir, I may say at once that even if the Bill is passed and even if the Victoria Public Hall becomes a place appurtenant to a religious institution, the law will not permit the Government to treat it as such, because that place belongs to somebody else and the matadhipati will be only a guest in that place for some time. So, I say that the argument of Mr. Rajagopala Pillai is as mistaken as that of my hon. Friend Mr. Gopalaswami."

MR. SPEAKER :—" Is the hon. Member withdrawing his amendment? "

SRI K. BHASHYAM :—" No, Sir; this is the most important portion in the Bill; I feel very strongly about it, I will therefore press it before the House and I may even think of demanding a poll, if necessary, as it is a matter affecting the religion of the people and I may know who vote against it." *

THE HON. SRI K. MADHAVA MENON :—" Sir, as an elderly Member himself, I expected that these threats will not come from hon. Mr. Bhashyam."

MR. SPEAKER :—" The amendment is—

'That in sub-clause (10), omit the words "and includes places of religious worship or instruction which are appurtenant to the institution".'

The amendment was lost.

* SRI K. BHASHYAM :—" Sir, I move—

'That the Explanation under sub-clause (10) be omitted.'

"This is a matter in which nothing important is involved; it is a mere matter of convenience, and that is why I place it before the House untrammelled by any consideration of respect due to a matadhipati or anything like that. The explanation says that when the headquarters of a certain math is not in the Madras State but outside it, some of its properties situated within this State should be governed by these provisions. I may submit there are certain maths called the Vecrasaiva maths situated in Dharwar and there are certain temples attached to them in Bellary, etc. I do not want to refer to any Brahman math because there will be a prejudice attached to it. In respect of such maths, the Bombay State has passed some legislation. That Bombay Act is one

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which was passed after our Bill was framed, and so it is all a question of one copied from the other. The Bombay Act does not give us any special sanctity because after all it has been copied from our Bill, and probably there was no Bhashyam or Kosalram in Bombay to object to it, as we see here. That is, however, a different matter. What I particularly have in mind is the case of the Sringeri math which has its headquarters in the Mysore State and which owns a lot of property in the Madras State. Mysore has all along been a Hindu State—at any rate up to recently—and in Mysore they have a Mozrai department which controls all religious institutions, but the Sringeri math has been treated all along with the greatest respect. As a matter of fact, the State gives the head of that math all kinds of honours including military honours and receptions are arranged for him whenever he goes to any cities in the State. The Mysore State has also appointed a person to look after the math properties as its agent. When there is such a good arrangement in regard to foreign maths—or maths with a foreign domicile, if I may say so—why should this State concern itself with their management, I ask? Suppose there is some difficulty felt by the agent of the math because he is far away, why should this State concern itself with that? That will only be inviting trouble. You have enough maths and their properties to look after in this State; then why burden yourself with other maths? It really means expanding your responsibility without any benefit. I think this explanation has been put in by the department because probably they thought that if they roped in these foreign maths, they could get some 4 or 5 per cent by way of commission. It may be a small matter; but still, why interfere with the control and superintendence of these properties by another equally good Government? Let us leave it to them to make their own arrangements for their proper management. That will bring about the utmost harmony and the closest relation between one State and another neighbouring State."

* SRI T. VISWANATHAM :—" Sir, I second this amendment. Incidentally, I should like to know from the Hon. Law Minister whether he said that there would be no contributions from maths. If we look at clause 81, we will find that contributions have got to be paid by 'every religious institution' and 'religious institution' includes maths. Apart from that, on the basis of the other arguments advanced by Mr. Bhashyam also, I second the amendment moved by him."

* THE HON. SRI K. MADHAVA MENON :—" Sir, the Explanation comes in only where, as hon. Mr. Bhashyam said, the headquarters of a math is outside this State and it has properties here. Whatever administrative control this Government may exercise over properties of maths within the State must necessarily apply to them also. In fact, this amendment is more or less connected with the amendment of hon. Mr. Varadachari which comes next. That amendment is to the following effect: He wants an additional explanation that—

'except in so far as they do not contradict the provisions of similar Acts passed in the State where the math is situate.'

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That practically means that he wants that properties belonging to foreign maths situated in this State should be governed by the law of this State. It is quite reasonable and I think it should be so."

* SRI K. BHASHYAM :—" Sir, if the Government think that by exercising some administrative control over them, they should get some income from these maths, let it be so; but I think it will be only ordinary courtesy to the other States that we should respect their laws so far as their properties are concerned. I think Hon. Mr. Madhava Menon asked: 'Why not our laws which are prevailing in our own State be made to apply to properties situated in our State?' 'Why should the laws of other States prevail in respect of their properties here?' I can only say it is a sort of courtesy to be shown to a sister State that we should respect their laws in respect of their own properties."

MR. SPEAKER :—" I wish to know whether hon. Mr. Bhashyam is withdrawing his amendment."

SRI K. BHASHYAM :—" No, Sir."

MR. SPEAKER :—" Then I shall put the amendment to the vote."

The amendment to omit the Explanation under sub-clause (10) was put and lost.

* SRI N. S. VARADACHARI :—" Mr. Speaker, Sir, my amendment has been summarily dismissed by the Hon. Minister without even caring to see what its effect is. My amendment says—

'except in so far as they do not contradict the provisions of similar Acts passed in the State where the math is situate.'

Supposing there is a law here and a law there in relation to this matter. There may be one set of obligations imposed under this law and quite a different set of obligations under the other law, so far as the same math is concerned. There will thus be duplication in the arrangements for management of properties, etc. On the other hand, if my amendment is accepted, it saves the control in so far as their properties situated within our jurisdiction are concerned; and our control over them will be only in accordance with your law, except in those rare cases where their law is not the same as your law. In fact, your Bill was published in 1948 and your Select Committee reports must have been available to the Bombay Government before they passed their law, and we find that almost all these definitions are simply copied there, as hon. Mr. Bhashyam pointed out. Again, we know there are not many maths in Bombay, at any rate not so many as we have in Madras. Our legislation was taken up first and Bombay followed us, and therefore there is no use quoting Bombay. We should see that our State law is made in such a manner as not to roughen our control—I am using this phrase deliberately, I am coining this phrase anew in order that the Government may understand the effect of what they do in regard to this matter.

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" My argument is very seriously made and it is made in this way; the Government will have control over these properties. Supposing the Government are levying a contribution but there the other Governments contribution is a little less; there is no meaning in saying that we will take more; why not be lenient and show some kind of tolerance? The position is that when the laws are contradictory, we would prefer the other law, because the other law makes it obligatory to control the management of properties outside their own jurisdiction, the State jurisdiction in which they are situated. It is for the convenience of such people that I am pressing this amendment. I suppose the Hon. Mr. Madhava Menon will see the difference between the two proposals: if we omit the explanation, we lose control over maths whose headquarters may be outside the State. I do not say that we should lose control over the math properties in so far as they are situated here. We are not going to lay down the principles of management by this Act only; we will be making rules and regulations with a view to close supervision and control and one thing might differ from another and it would only mean imposing additional burden on the management of the math. That is why I am saying that this should not be so lightly dismissed. If we take the State of Mysore they have a separate department dealing with religious institutions and they do not even levy contributions and I know it they subsidize maths and they pay certain sums of money to maths according to ancient usage and custom. The Maharajah himself is a disciple of one of the maths. In such a case why don't the Government recognize that there would be differences and why should we want to take control over such institutions when the other States themselves are looking after them in a particular manner. It may be they may have full autonomy and it is also true to say that whatever control exists there should also continue here in so far as the laws do not contradict each other. I submit that this is a very reasonable amendment; it is no use brushing aside every amendment as it comes. I am not asking for the deletion of the explanation because I want that the Minister should have control even with regard to them in so far as they are here. It is a very modest amendment and I would request the Hon. Minister to re-consider his very summary decision in this matter. I move that in sub-clause (10) of clause 6, the following be added at the end of the Explanation :—

'Except in so far as they do not contradict the provisions of similar Acts passed in the State where the math is situate.'

* SRI M. S. PATTABIRAMIAH :—" Mr. Speaker, Sir, in modern political life, we find that properties are not taxed twice. Supposing in Mysore State in the case of Sringeri Math, they pass a law like this and want some contribution from the math then they will have to pay to that State and also to Madras. Even criminals are not tried twice for the same offence and why should a person, for the crime of being made the religious head of a particular denomination, pay the contribution twice? Its headquarters may be in Mysore and it may have some properties in our part of the country and why should it be administered according to

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our law; it is not administration, as has been generally conceived, in the matter of contribution but it includes superintendence and control according to our own ideas which may not be quite right in their view and it may be considered to be harassment; why should they be subject to our laws? As has been pointed out by my hon. Friend, Mr. Bhashyam, there is a department in Mysore which takes care of the properties and it will be good for our State at least to copy this part of the administration of Mysore. The Sringeri Math has been in existence for a very long time, since the days of the Vijayanagar Empire and during the time of Bednur Nayak, a feudatory of Vijayanagar, the grant was consolidated and properties were given to the Sringeri Math and a jagir was also formed. Even the Muslim Rulers that followed continued the old traditions and of course the Mysore Government is maintaining the properties of the math. When that is so, why should a new innovation be brought in to harass the particular math which is quite unnecessary? I have given this only as a typical instance and there are some of our maths which have headquarters in our State but properties are situated outside, as for instance the Dharmapuram Math in Tanjore which has got the Kedharghat in Benares which I quite well remember. If the U.P. Government makes a law like this and requires contribution from that math, it will not be just. If the Government are pleased to see the justness of the amendment, they may accept the amendment and I wish they will."

* SRI K. BHASHYAM :—" Mr. Speaker, Sir, my amendment has been defeated and I hope at least the more reasonable amendment of my hon. Friend, Mr. Varadachari, might be accepted. I foresee many complications by not accepting this amendment. Apart from the question of courtesy in the matter of inter-State law, there is this complication. There is a math in Pondicherry and there are properties in Madras State. Supposing succession takes place in the headquarters in Pondicherry, are you going to recognize that person as the head of the math here, or will the Government make their own enquiries and come to a decision? Supposing the head of a math in Mysore is of unsound mind; according to law the mere fact that the head of the math is of unsound mind does not entail forfeiture of matadhipathiship; he cannot be put aside on that ground and just as in the case of royalty somebody has to be appointed regent and in the same way also this thing will have to be disposed of. It is just in the same way as is being done in the sections. Supposing he commits default or breach of trust, he can be removed; supposing he commits default like this and others come and ask you to take possession of the properties. As a matter of fact, you will hold your own enquiries whether the person is entitled to do it or not. If sections 57 to 61 are made applicable to all these cases of control, I am sure complications will certainly arise. If it is a foreign State, I can say that the provisions of International Law shall apply according to which if it is immovable property, it must be according to the law of the place where it is situated and otherwise, the law of the place where the person is born applies. I submit, Sir, that we can avoid all these question of International and Inter-State law, if we

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only accept the position placed before the House by Mr. Varadachari. It may be a matter of pride for our own institutions and our law and it is asked 'Why should not our law be supreme in our own country in preference to the law of other States?' I agree and I share in the pride. Apart from the question of courtesy to the laws of a neighbouring State, what I mean to say is, 'Should we apply a certain portion of our Act to them?'. There is this question of contribution; Madras leads in everything and they have this system of contribution and there they may also levy contribution as we have a secular State established in Mysore; if they levy a contribution there, are you really going to ask for contribution here also? I know a case which has come to my notice in my professional capacity where the present Board has been levying contribution from matadhipathis on their lands in Hyderabad and income which was secured by way of pathakanikas in that State has been taken as part of the income for contribution. Therefore, all these complications will vanish if the amendment moved by my hon. Friend, Mr. Varadachari, is accepted. He is a very, very reasonable man and never wants to go against the Government's policy. It may be I am a person opposing the Government on many matters; I am a critic no doubt but I want to help them to see the other point of view. I believe Mr. Varadachari is much more reasonable than myself according to the Government's opinion and therefore, I should like the Hon. Minister to accept the amendment."

* SRI L. N. GOPALSWAMI :—" Mr. Speaker, Sir, apart from the question of reasonableness or otherwise of the Explanation, I would request the Government to throw some light on the necessity for the Explanation itself. To my mind, it seems to me that if some person extraneous to our State has some properties in our State, he is at best the owner of some property as any other member of the State. The intention of this Act is to administer and regulate the conduct of endowments. I am asking why on earth the owner of that property for whose endowment and for whose other things we have not done nor propose to do anything, simply because he happens to be the owner of some properties here, why should the owner of such properties be brought under this Explanation, I wish to ask what will be the purpose that will be served by this provision apart from the emoluments that may be realized by the Government from such properties by the Government. Otherwise, the reasonableness or otherwise of the Explanation cannot be easily understood."

* SRI T. VISWANATHAM :—" Mr. Speaker, Sir, the Hon. Minister was good enough to say that there is an Act in Bombay where they have similar provisions. I want to know what would happen to the properties of maths, the headquarters of which are here but certain of its properties lie within the State of Bombay and similarly if the Mysore law has got a similar provision; we can have the inter-State legislative and administrative courtesies as they have been narrated by my hon. Friend Mr. Bhashyam. The question that really arises is that there will be conflict of jurisdiction as hon. Mr. Bhashyam has explained by the Government exercising

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control over such properties within the State under this Act which is a special piece of legislation which provides for certain special remedies and imposes certain disabilities upon owners of properties. It does not, however, refer to the general law of property, to the Transfer of Property Act or the general provisions with regard to the acquisition, enjoyment or disposition of properties; it does not refer to the general law of testamentary dispositions but it refers to certain special disabilities. Therefore, the point raised by my hon. Friend is a point for very serious consideration, whether we have a conflict of jurisdictions. If, we refer to the chapter which
4 p.m. deals with maths separately, we will find there is no particular clause dealing with immovable properties. I believe the property the Hon. Minister has in his mind is only immovable property. If I remember right, in the special provisions relating to maths, there is no mention of immovable property. Therefore, I am not able to see what purpose is served by this Explanation. What is the sort of control sought to be exercised over properties situated outside this State? Is it with regard to their transfer; is it with regard to the acquisition of properties; is it with regard to the disposition of properties? Such things are all governed by other Acts. So, I want to know what exactly is the scope of this Explanation? Unless he explains the position I am not able to comprehend the discussion now going. My hon. Friend, Mr. Bhashyam—of course there is no reflection on other lawyers—who is an eminent lawyer, has put forth certain difficulties. My hon. Friend, Mr. Varadachari, has said that we should not interfere with the control of properties in other States, that there should be a law of reciprocity. If it is reciprocity, it is good. But what about conflict of jurisdiction; what about conflict of laws of one State with those of the other States regarding the removal of trustees and other disabilities upon trustees? I shall be glad if the Hon. Minister will explain the intention of Government in this Explanation."

* THE HON. SRI K. MADHAVA MENON :—" Sir, it must be understood that we are now dealing with the definition clause. So, it should be remembered we are now only defining what particular words used in the main body of the Act do mean. This Explanation was added by the Select Committee deliberately, because there are certain provisions in the Act which refer to property. Hon. Mr. Viswanatham wanted me to state in what particular purpose this Explanation is used. I cannot now make a roving examination at this stage. I can only say that the properties of a math, the headquarters of which is not in this State, will be governed by the provisions of this Bill. Whatever applies to other maths in this State will apply to these maths also. It was suggested that there might be contributions to maths situated outside this State. Clause 51, I think, governs cases of services rendered by Government or their servants to such maths. So that, the question of compensation can arise only if Government render a service to an institution. In case the Government does render the service to such a math, it is only then that contribution can be claimed. When that contribution is given, then, those maths would be subject to the same administrative control as other maths in the Province.

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"The amendment of hon. Member Sri Varadachari, is certainly different from that of hon. Member Sri Bhashyam. Hon. Sri Bhashyam wants the Explanation to be omitted altogether. Hon. Sri Varadachari wants the Explanation should not conflict with the provisions of similar Acts passed in other States where a math belonging to this State is situated. As was pointed, it is a matter of mutual courtesy. There are temples belonging to other States in this State. Travancore has got such temples, Cochin has got such temples. There are big temples in Malabar owned by Travancore. Now, with regard to them, it is a matter of courtesy; and such courtesy we are bound to exchange. It is a thing we can do by executive orders. In that way we can see that our law does not work any hardship on another person. It is a matter of arrangement, which can be achieved by executive orders, and so there is no need for an amendment of the Explanation."

* SRI N. S. VARADACHARI :—" Sir, I will not take more than a minute, my amendment does not seek to subtract even a little of the control which Government seek to exercise. My amendment only seeks to make the position clear so as to render the working of the Act smooth. There is a special chapter relating to maths no doubt. But that enables the special officer empowered by the Commissioner to call for accounts and similar acts of details of management. There is nothing in that chapter with reference to maths situated outside this State or maths belonging to other States situated in our State. I do not think the Explanation, as it stands, will enable people to understand things properly. When did Government discover the need for this Explanation? Why do they think that my amendment is far-reaching? The Hon. Minister said that my point can be clarified by executive orders. Sir, I would prefer my amendment to be carried out rather than be embodied in an executive order. I have already explained the purpose of my amendment, and so, I need not repeat it. I do not want an executive order for this. I have suffered very much from the promise of executive orders in respect of inams when the Estates Abolition Bill was on the legislative anvil. Government then said that many things could be clarified by executive orders. I could quote chapter and verse on this point. Only I do not want to do it now. But later on not only did they not fulfil that promise; they withdrew from their position, and amended the Act in a different way. Therefore I can attach very little weight to their promise of relief by executive orders. In view of these reasons, I would urge for the acceptance of my amendment. There is no harm in accepting my amendment. There is no liability involved in accepting it. The control to be exercised by the Government over maths will be rendered full. So there is every reason for Government to accept my amendment."

THE HON. SRI K. MADHAVA MENON :—" Sir, I forgot to mention to hon. Mr. Viswanatham, that in the Bombay Act, there is no 'Explanation'."

SRI T. VISWANATHAM :—" Why not you write to the Bombay Government to put it? " (Laughter.)

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MR. SPEAKER :—" The question is—

'Add the following at the end of the Explanation to sub-clause (10) :—

"except in so far as they do not contradict the provisions of similar Acts passed in the State where the math is situate "' "

The amendment was lost.

Sub-clause (11).

* SRI K. BHASHYAM :—" I beg to move—

'That in sub-clause (11) (a), omit the words " or a person of the religious persuasion to which the math belongs "' "

Sir, if my motion is carried, then the sub-clause will read as follows :—

'(a) In the case of a math, a disciple of the math.'

I have done this to make the working of the math smooth. If we are to have the words ' or a person of the religious persuasion to which the math belongs ', then, any person who belongs to the same religious persuasion of the math may be appointed a trustee or may bring a suit with respect to the math. Such a person need not necessarily be a disciple of the math. I am a Vadagalai, and so is Dr. Rajan. I may be a disciple of a math or may not be a disciple of it. Still I will be classified as one who has an interest in a Vadagalai math, as I belong to the same religious persuasion of that math."

MR. SPEAKER :—" What about the other amendment relating to sub-clause (11) (c), of which the hon. Member has given notice? "

* SRI K. BHASHYAM :—" I am not moving it. Now, Sir, in the case of a disciple, one can believe that he is really interested in the math of which he is a disciple. But can that be said of any person who belongs to that same religious persuasion. Sir, in fact there has been in the past some sort of trouble between the disciples and those who are not disciples but all the same they belong to the same religious persuasion of the math. So to ensure the smooth working of the math I have moved for the deletion of those words in the sub-clause. Of course, there will be the difficulty felt as to who are the disciples. If you will look at the amendments I have given under Chapter V, you will find that I have suggested a way for this. Therein I have suggested that every matadhipathi should give a list of disciples as soon as this Act comes into force; and, if, within six months he does not give such a list, the Collector of the district should call for a meeting and prepare a list of disciples. And, then, year by year, or at stated intervals, that list may be revised, new disciples added or existing disciples being deleted from the list. This would ensure smooth working of the math and will lead to absolute confidence in the head of the math by the disciples. All this is in harmony with the doings and practices of ordinary maths; and therefore I request my amendment may be accepted."

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* SRI T. VISWANATHAM :—" In seconding the amendment, 4.15 p.m.
I want to draw the attention of the Government to the fact that a matadhipathi is confused with a trustee. Somehow or other it has been taken for granted by the Government that a matadhipathi is a trustee. (Interruption by the Hon. Sri K. Madhava Menon.) The High Court has not said that. On the other hand, the High Court, in one of its old judgments, has said that a matadhipathi is not a trustee in the ordinary sense of the term because he is one of the beneficiaries and that a trustee is not a beneficiary. There is a fundamental difference between a matadhipathi and a trustee. That is the reason why from the beginning hon. Sri K. Bhashyam was insistent on excluding maths altogether from the purview of this Bill. Having decided on retaining the provisions relating to maths, we are trying to make the Bill as innocuous as possible. The Government, on the other hand, want to make it as injurious as possible. The definition given to a ' person having interest ' is too wide. I have gone through some of the memoranda which drew the attention of the Select Committee to the point that a trustee of a math is not beneficiary. If we include any person because he belongs to the same religious persuasion as the math, I think we are simply opening the floodgates of unnecessary litigation and giving a handle to interested persons to move the Government to take coercive steps against the institution. In one of the speeches in Tamil—I did not properly understand it—it was said that some matadhipathis were misusing the funds of the math for political purposes. Already there is that feeling engendered. In the light of that speech, I say there is very good reason for accepting Sri Bhashyam's amendment. A man may be a Smartha, Saivite, Veerasaivite or Visishtadwaithin and yet he may have absolutely no interest in the math representing his school of thought. Now-a-days, generally speaking, people are not very religious though they claim to be religious. Anybody who has a political animosity may say that he belongs to the same religious persuasion as the math and that therefore he is entitled to institute a suit for the removal of the matadhipathi and so on. When we are vesting enormous powers in the Government to deal with property, we ought to be very careful. It was quite a different matter if the same definition had been adopted in the legislation of 1863 relating to religious and charitable institutions. Under that legislation the Government had no power to deal directly with properties. Under this Bill, the Government are taking vast powers to deal directly with properties, and Government means party Government. Particularly after the statement made by my hon. Friend that some matadhipathis are misusing the math funds, I have no doubt that this provision will be misused by several persons who have got political feeling against matadhipathi. Therefore I very strongly support the amendment of hon. Sri Bhashyam to confine the definition to disciples only."

* SRI N. S. VARADAGHARI :—" Sir, I urge the Hon. Minister to consider the advisability of accepting this amendment. A person having interest to move for the better management of a math or for Government interference must be a person who is a disciple

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of that math. There are already quarrels in respect of rituals, etc., between, say for example, Vaishnavites who belong to a math and Vaishnavites who do not belong to any math and are absolutely independent. If we say that a 'person having interest' includes any person of the same religious persuasion as the math, there will be eternal confusion. There will be a chance for petty rivalries and jealousies to prevail and there will not be smooth-sailing. Maths have got very enlightened disciples and it is their concern to see that the maths are properly managed. If this system is not in vogue, then it is a quite a different matter. Belonging to a math carries with it certain obligations. In matters like ritual, mode of worship and order of recitation, there may be differences of opinion. These differences may become more and more pronounced and people, taking advantage of the present definition, may lodge frivolous and vexatious complaints against matadhipathis. The disciples take a lively interest in maths and the Government can trust them to move for the better administration or care of these maths."

* SRI V. I. MUNISWAMI PILLAY :—" Mr. Speaker, Sir, I am not in agreement with what has been expressed by my hon. Friend Sri K. Bhashyam. Every math has got on its management its disciples and students. The disciples are mostly brahmacharis. (An hon. Member : 'No'.) Some of them may be married people. According to my experience, these two categories of people carry on the management of maths. If we delete from the definition the words 'or a person of the religious persuasion to which the math belongs', we are deleting altogether that category of people who have taken initiation from the Guru and are following the dictates of the maths. Moreover, the disciples have to carry on certain functions on the religious side that have been taught by the Guru and followed by the math. Persons other than disciples and who have taken to married life following other avocations collect the sums due to the math and their work also is conducive to the welfare of the maths. Therefore it will be a great hardship if we delete a section of the people who, though not disciples, carry on work pertinent to the math. So I feel that it is better to leave the definition as it is."

THE HON. SRI K. MADHAVA MENON :—" Sir, the Government feel that it will be very dangerous to accept the amendment and particularly so after hon. Sri T. Viswanatham's saying that its object is to make the Bill innocuous. The Government cannot sponsor a Bill and make it innocuous. The object of the Government is that the Bill must be effective.

"The Select Committee took evidence from the disciples of various maths. The trend of the replies to the questions put to them repeatedly was that they believed in the infallibility of the head of their math and that they would not go against his orders. Whether his orders are right or wrong, there is a feeling of infallibility in the judgment of the head of the math. Generally, disciples feel that their Guru can do no wrong. Even assuming for argument's sake that a disciple does not agree with his Guru, he

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does not like to go to the extent of offending the Guru. No disciple of a math will incur the displeasure of its head by doing anything against his wish or desire. If we say that a 'person having interest' means only a disciple of the math, that means nobody else can take any action, and we are giving the power of initiative only to those who feel that their Guru is infallible in his judgment. The hon. Member Mr. Bhashyam himself said that he was a Vaishnavite though he was not a disciple of any particular math. If he is charitably inclined and imbued with a sense of religious devotion and gives a donation to a math, should he not have a voice in seeing that the donation is spent on the purpose for which it was given? The effect of restricting the definition to disciples only will be, in the words of Sri T. Viswanatham, to make the Bill innocuous so far as maths are concerned and that is not the object of the Government.

"The definition is similar to the one in the existing Act and we have not had any difficulty about it so far. The wording in the Bombay Act also is similar. It is not a case of the definition in the existing Act being found to be bad. As I said, it will be very dangerous to accept the amendment."

* SRI K. BHASHYAM :—" Sir, I think the Hon. Minister has been over-clever in his reply. I will take his latter point first: should not the donor of a math be allowed to have a voice and be construed as a person having interest in the math. If his assumption is granted, why then should we restrict the definition to persons of the same religious persuasion as the math? A Saivite may develop an attachment to a Vaishnavite saint or matadhipathi, though he may not subscribe to the Vaishnavite philosophy, and he may contribute a lot of money. According to the argument of the Hon. Minister, he also must have a voice in the management of the institution to which he has made contributions. Why should we say that a person having interest should be of the same religious persuasion as the math? He is proving too much by his argument. That was why I said that he was over-clever. I hope he will excuse me for using that expression.

"As regards the argument about 'infallibility' that he made does he not know the theory that the King can do no wrong? As a matter of fact, we know that a number of suits filed by the disciples against the heads of maths disfigure the pages of the Law Reports, though it is said that the trend of replies to the questions put by the Select Committee to disciples of various maths was that they believed that the heads of their math could do no wrong. Ask the servant of a house whether his master is always right. Even though the master goes wrong some times, the servant will not admit it out of respect for the master. That is a respectful way of saying things. It does not mean that the people will not complain if there is anything seriously wrong. Besides even if there is mismanagement, who are the Government to ask if the disciples are prepared to put up with it? I will give one instance which occurs to my mind. There was an Acharya of South India who went to North India. He was an Acharya of the Maharaja of Indore, Gwalior

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and a number of rich persons. He was very learned and ascetic in his ways. He had a son, but he was quite free in his ways. But he was not put away on that account. When asked some disciples and they said 'There are different avatars, like the Rama avatar and the Krishna avatar of Maha Vishnu.'

4-30 p.m. "Therefore we must put up with all these things. After all, Sir, our Acharyas and Matadhipathis are very respected people and their sentiments should be respected. Sir, as I told you at the beginning, there are millions of people outside the maths who will not agree with the Matadhipathis in their views in certain matters or observe the math practices and acharyams. Therefore, if you put in the words 'or a person of the religious persuasion to which the math belongs' in this sub-clause, you will be only introducing disharmony in these maths. If you want that the administration of these maths should go on peacefully and smoothly, please do not create difficulties in their way by passing definitions like this. The Government will only be getting *kozhi* petitions and frivolous complaints about the things going on in maths from all and sundry. I would only request you to avoid this. There may be various kinds of mismanagements going on in maths and sometimes even the Matadhipathis might be responsible for such mismanagements. But who are we to question them, if the disciples of the math, who are the interested persons, do not complain about such things? Sir, I do not want to talk about these things at any great length, but I submit that it is not proper and healthy to bring in communities and communal denominations in a legislation of this kind. I think also that it is against the spirit of our constitution to encourage communal and sub-communal denominations and bring them within the provisions of a law. I think it is better that we confine ourselves to disciples, for the purpose of the definition of the term 'person having interest' in the case of a math.

"Sir, there is another point that I want to mention in this connection. Mention was made about the Catholic priesthood, and one hon. Member went to the extent of saying that our Matadhipathis are somewhat like bishops in churches with a number of celibates surrounding them. I may inform him, Sir, that neither in the Sankarar math nor in any of the Vaishnavite maths, for that matter, are there any permanent residents who are celibates or bachelors surrounding the Acharyas. People simply go there for worship or for getting blessings from the Acharyas and most of them are family people and are married. But there may be some few persons attached to the math who seek spiritual guidance from the Matadhipathis and they might be living in the math itself, just as some of the disciples of the math. But all others, as I said just now, simply go there for initiation and for getting blessings. So far as the Vaishnavite maths are concerned, there are no bachelors at all and to say that these Matadhipathis are like bishops surrounded by a number of bachelors, only shows that the hon. Member has not properly understood or known what is taking place in these maths. Therefore, Sir, my object is that the Government should not introduce complications and create difficulties within the math

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itself by putting in definitions of this kind. I submit that this question of getting petitions from persons against the Swami or the head of the math, should be confined to persons who are the disciples of the math and they are the people, who are interested in the math and who can give the necessary information for taking proper action in the case of any grave mismanagement in the math and persons outside the math should not be brought in at all. That is all my submission, Sir, in regard to this matter."

THE HON. SRI K. MADHAVA MENON:—"Sir, my hon. Friend Sri K. Bhashyam said that I was rather too clever, for I said that he should not have committed that mistake of using the word 'donor'. But, if I may so say, he has proved himself much too clever by taking his own case as an example and saying that although he is a Vaishnavite, he is not a disciple of any math. That is exactly the reason why we have put it in the definition that the 'person having interest' in the case of math, means a disciple of the math or a person of the religious persuasion to which the math belongs. We have not put in there, that any person in the street may claim as the person having an interest in the math. We have definitely restricted the scope of persons entitled to claim an interest in the math and it is only those people who can make complaints about mismanagement in the math and not all and sundry."

SRI V. I. MUNISWAMI PILLAY:—"Sir, on a point of personal explanation, what I said was with reference to what is happening in our own math, namely, the Dakshinamurthy math and the Ramakrishna math, and not to these Vaishnavite maths, which my hon. Friend Mr. Bhashyam has referred to just now."

MR. SPEAKER:—"Now let me put the amendment of the hon. Mr. Bhashyam to the vote of the house. The amendment is—

'in sub-clause (11) (a) of clause 6, omit the words, "or a person of the religious persuasion to which the math belongs".'

The amendment was lost.

Sub-clause (13).

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I move the amendment standing in my name, namely—

'That for sub-clause (13) of clause 6, substitute the following:—

"(13) 'Religious charity' means charity associated with religions or a religious practice, observance, worship or prayer."

"Sir, the definition as given in the Bill is this. 'Religious charity' means a public charity associated with a Hindu festival or observance of a religious character, whether it be connected with a math or temple or not. I submit, Sir, that it is stated in the first clause that this Act applies to all Hindu public religious institutions and endowments and that only after a notification is made

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that it will be extended to other endowments. My point is that this discriminatory language need not be used in each and every clause in the Bill, when once it has been made clear that the Act applies to all Hindu religious endowments in the first section. Sir, I maintain, that in spite of all that has been said by the Hon. Minister to the contrary, this is a discriminatory piece of legislation and I have no doubt that this matter will have to be thrashed out later on in another place. According to the constitution, we can have only one general law relating to all public charities and religious endowments. We cannot have one law for Hindu religious endowments and another law for Muslim or Christian religious endowments. I therefore submit, Sir, that the word 'Hindu' occurring in this clause may be dropped, because it does not in any way injure the object of the Government, although my object in doing so is entirely for a different reason.

"Then Sir, the rest of my amendment is only to make a slight verbal change. I want also to include 'worship or prayer' along with religious observance to make the definition more comprehensive. There are so many places where religious gatherings are held and if we really want to control public trusts, we must include such gatherings also, because they are also associated with religious practices and observances. That is the reason why I have moved my amendment, Sir."

SRI K. BHASHYAM:—"I second the amendment, Sir."

THE HON. SRI K. MADHAVA MENON:—"I oppose the amendment, Sir. I do not know whether my hon. Friend Mr. T. Viswanatham has really understood the implications of the insertion of the word 'public' and 'Hindu' in the definition by the Select Committee. Sir, it is the Select Committee which made certain changes in the definition of the term 'Religious charity' in the original Bill and according to them, 'Religious charity' means a public charity associated with a Hindu festival or observance of a religious character, whether it be connected with a math or temple or not. Now, if my hon. Friend's amendment seeks to omit the words 'public' and 'Hindu' from that definition, then I think it would alter the entire nature and character of the charity, which is not the intention of the Government. The word 'public' is absolutely necessary, as otherwise the danger is that it may cover any kind of charities, including private charities also."

MR. SPEAKER:—"In the first place, I want to know whether the amendment is in order at all. If the object of the amendment is to bring within the scope of this Bill all kinds of charities, including private charities, then, I am afraid, it would be out of order. The Hon. Minister may examine that aspect of the matter also."

THE HON. SRI K. MADHAVA MENON:—"It is only just for the sake of argument, Sir, that my hon. Friend wants that the word 'Hindu' should be omitted, because in the preamble and in the first section, there is already the mention of 'Hindu public charities'. As I have already said, Sir, if we accept the amendment and if the word 'public' is omitted, then the definition would

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cover any kind of institutions. It is not the intention of the Government to bring private charities also within the scope of this measure.

"Then Sir, my hon. Friend wants to add the words 'worship or prayer'. The words in the present definition are 'observance of a religious character'. The addition of these words would only make the definition too wide and cover everything and every form of worship. I submit, Sir, that there is no necessity to make the definition too wide and therefore I cannot accept the amendment, Sir."

* SRI T. VISWANATHAM:—"Sir, if the object of the legislation is to get the control of all charitable endowments also, then why not let us have a full-blooded legislation and why should we be content with a half-hearted measure like this? It is not as if the Government want to touch only some kind of charitable institutions and leave the rest untouched, by means of this legislation. The whole underlying principle of the legislation is that the Government should have complete control over all religious and charitable endowments, so that they might, on behalf of the people of this State, act as persons having interest and to see that such endowments are properly administered and their funds properly utilized, with the authority of the law behind them. That is, I think, the real intention of the Government behind this legislation. But the Hon. Minister now says that it is not their intention to bring in all charitable institutions within the scope of this legislation. Sir, a little while ago, when I moved an amendment to remove certain provisions connected with the control of charitable endowments, the Hon. Minister said 'No, the Government must have control over all charitable endowments also.' But now, if I move an amendment saying, 'have full and complete control over all charitable endowments', he says, 'No, it is not the intention of the Government to control private charities'. I submit, Sir, that the Hon. Minister is contradicting himself. The Government must have one mind, one purpose and one determination in these matters. There should not be a half-hearted or incomplete piece of legislation, Sir. That is why, Sir, I want to press my amendment."

MR. SPEAKER:—"The amendment is—

'That for sub-clause (13) of clause 6, substitute the following:—

"(13) 'Religious charity' means charity associated with religions or a religious practice, observance, worship or prayer." "

The amendment was lost.

* SRI K. BHASHYAM:—"Mr. Speaker, Sir, I move the amendment standing in my name, namely—

'That in sub-clause (13) of clause 6, omit the words "whether it be", and also the words "or not".'

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"Sir, I submit that the arguments just now advanced by the Hon. Minister for rejecting the amendment of my hon. Friend Mr. T. Viswanatham, will exactly hold good in favour of accepting my amendment, because I am only asking the Government to restrict the definition to all public religious charities alone. What happens if the words 'whether it be connected with a math or temple or not' are added on to the definition?"

MR. SPEAKER:—"Let the hon. Member read the definition as he wants to amend it. Then he will make his point clearer."

SRI K. BHASHYAM:—"Sir, if my amendment is accepted, then the definition of 'Religious charity' will be this—

"Religious charity" means a public charity associated with a Hindu festival or observance of a religious character connected with a math or temple."

Sir, I want my hon. Friend Mr. Kosalram to hear me carefully, because he has been having some wrong notions about public charities to be associated with Hindu festivals. Now take for instance the Hindu festival Deepavali, which we have just gone through. Suppose my hon. Friend Mr. Kosalram has instituted a fund to give aid to the poor people on the Deepavali day in the form of distribution of cloth. This is certainly associated with a Hindu festival and the Government may come forward and say 'This is a religious charity' which comes within the terms of the definition.

"Then again, take another instance, like this. Suppose you donate a fund for the supply of water during the hot weather to the public. Suppose you want to put up a Thannir Pandal or a water-shed during the hot months and endow some money, for the purpose, what happens?"

SRI K. RAJARAM NAYUDU:—"It is a private endowment."

SRI K. BHASHYAM:—"Sir, it is not the person who endows the money that determines the character of the endowment. The persons who receive the benefit are the public and it is that fact that determines the character of the endowment. I think, Sir, it requires some little instruction in these matters, if I may respectfully say so, in order that my hon. Friends Mr. Kosalram and Mr. Rajaram Nayudu may be able to understand the legal implications of these charities, because I know it is going to hit them and others who are charitably disposed, if the present definition is retained. Suppose a person institutes a charity, it is not for himself that he does it. It is for the public benefit that he does and so it becomes a public charity, although it is a private person who is a donor. So long as the recipients of the endowment are the public, the endowment becomes a public charity. The supply of water to the public by putting up a water-shed is a public charitable endowment and the suggestion that though it need not be connected with any temple or math, it should come within the Act, is too much to accept. Under the Act as it stands it becomes a public charity. When it becomes a public charity, it need not be connected with any temple or math. Therefore the Government will come down upon the charity. I want hon. Members to

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understand the implication of this sub-clause. Suppose on the *sraddha* day a man has to feed about one hundred people, and for this purpose an amount of Rs. 2,000 had been left with him by the deceased, it becomes a religious charity not connected with any temple or math. It is of a religious character, and that person has to feed a number of people according to the wishes of the person who made that endowment. Under this sub-clause that also becomes a public charity subject to the provisions of this Bill. I want hon. Members to understand that the provision in the sub-clause is too wide. Therefore, let us confine it to charities connected with a temple or math. Suppose it is laid down by the founder that on the Deepavali day, *Archana* should be done in the temple and that the *prasadam* should be distributed to the people, I can understand that it is a charity connected with a temple. Therefore I say that the provisions of this Bill should be applicable only to charities connected with a temple or math. Otherwise, it will widen the scope of the Bill. On Pongal day, in our place clothes are distributed by people to their servants. This also will come under the provisions of this Bill, because it is of a religious nature connected with a Hindu festival. Suppose on a festival day in a temple some *pani* (kattalai) is set apart for distribution of *prasadam* to people. It is a charity connected with a Hindu festival, and therefore it becomes a public charity. That charity comes under the provisions of this Bill. I can understand cases of charities which are connected with the temples or maths. One may give money for a *thalikai* and distribution of food to *paradesis*. But the provisions of the Bill cover also private charities like feeding a number of people on the *sraddha* day or making presents to a number of people on the Deepavali day or on the Pongal day. This is very oppressive. While I may agree that Government have full control of religious charities connected with a temple or math, I say that they should not bring private charities, not connected with temples or maths, under the provisions of this Bill. The Government should not exercise control over private benefactions connected with Hindu festivals or religious observances if they are not connected with temples or maths. The sub-clause, as it stands now, is too wide. The Government must generously accept my amendment which will go far to mitigate the evils and difficulties that may arise."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I second the amendment. I see from the Hon. the Minister's face that he is not going to accept the amendment. Whatever it is, he did not exactly understand the word 'innocuous' that was used. I used innocuous in the sense that it should not be injurious to any one. I want to make it as little injurious as possible. It does not mean that I want to make the Bill ineffective. Therefore, I want the Hon. the Minister to understand the hon. Member Mr. Bhashyam in the proper spirit in which he has moved the amendment. The whole object of the Bill is to exercise control over Hindu temples and maths, and religious institutions. Therefore, it stands to logic and reason that we should include only such charities as are connected with temples or maths or religious institutions. It is only a

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corollary to the purpose and object of the Government. All of a sudden, we cannot come forward and say 'whether it be connected with a math or temple or not, we still will exercise control over it.' That is why I say that the Government must have a clear object. The amendment that has been moved by the hon. Member Mr. Bhashyam is the most modest one. I hope Hon. the Minister will accept it."

SRI K. T. KOSALRAM :—"Mr. Speaker, Sir, கனம் பேரவைத் தலைவர் அவர்களே சொன்னபோது தீபாவளி, பொங்கல் போன்ற தினங்களில் ஒரு தனி மனிதன் தன்னுடைய சொந்தப் பணத்தை எவ்வளவுக்குக் கொடுத்தாலும் அதை சம்பந்தமான முறையிலோ அவர் பங்கிடு செய்தால் அதை சர்க்கார் control செய்வதுபோன்ற நிலைமையிலிருக்கிறார்கள் என்று சொன்னார் என்று நான் நினைக்கிறேன். அவ்விதம் இப்பொழுதுள்ள சட்டத்தில் இல்லை என்று நினைக்கிறேன். அவர்கள் சொல்வதுபோல் இல்லை. பொது மக்களிடமிருந்து பணத்தை எடுத்து அதை யாரோ ஒரு சிலருக்கு பங்கிட்டுக் கொடுப்பது எல் றிருந்தால் அது சரியானபடி பங்கிட்டுக் கொடுக்கப்படுகிறதா என்று பாடப்பதற்குத்தான் இந்த சட்டம் வருகிறதென்பதையே எல்லோருடைய பணத்தையும் தனிப்பட்ட முறையில் பத்து அல்லது ஆயிரம் பேர்களுக்குக் கொடுப்பதை அரசாங்கம் கட்டுப்படுத்த முடியாது என்றே நினைக்கிறேன். அவ்விதம் கட்டுப்படுத்துவதற்கு சட்டத்தில் சர்க்காருக்கு அதிகாரம் இருந்தால் அவ்விதம்ல்லாமல் ரூபபதற்கு இந்த திருத்தத்தை நிச்சயமாக ஒப்புக்கொள்ள வேண்டியதுதான். அவ்விதமான அதிகாரம் நிச்சயமாக இச்சட்டத்தில் இல்லவே இல்லை. பொது மக்கள் பணத்தை எடுத்து அதை சரியான முறையில் பங்கிடு செய்து கொடுப்பதற்காகவே இந்த சட்டம் வருகிறது என்ற நிலைமையில் இருப்பதால் இந்த amendment-க்கு அவசியமே இல்லை என்று நினைக்கிறேன். ஆகையால் இந்த amendment-ஐ ஒப்புக்கொள்வது முடியாது."

THE HON. SRI K. MADHAVA MENON :—"Sir, in spite of the very sweet reasonableness of the hon. Member Mr. Bhashyam, I feel that, in effect, this amendment will negative the very object of this sub-clause. (Interruption.) If every amendment is to negative the objects of the Government, the Government cannot commit suicide and allow themselves to be killed."

SRI T. VISWANATHAM :—"It is only the object of the clause, and not the Government."

THE HON. SRI K. MADHAVA MENON :—"If the amendment is accepted, it will read like this—

"(13). "religious charity" means a public charity associated with a Hindu festival or observance of a religious character connected with a math or temple."

This means only charities of a religious nature which are connected with a math or temple will come under the purview of this Bill, even though the charity is of a public nature. The hon. Member Mr. Kosalram was right. Suppose a person at the time of his death endowed a large amount of money for the purpose of reciting some mantras on a Deepavali day, and the persons who are entrusted with this endowment do not do it, What is to be done? I know of a case where an old gentleman long ago made an endowment for reciting the Sahasranamam of the Lord on a particular day under a particular banyan tree. The children of that person are to collect the interest on that endowment and see that Sahasranamam is recited on that day. That

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is being continued even to-day. It has been in existence for a very long time. Suppose Sahasranamam is not recited, and the trustees are devouring that money, is it not the duty of the Government to see that Sahasranamam is recited and that the trustees do not misappropriate the endowment? This is not a charity connected with a temple or math. But still it is a religious charity, and it has got to be protected. It is the object of the Government that even if the religious charity is not connected with a temple, or math, that charity should be properly administered, and that must be governed by the provisions of this Bill. The amendment goes against the very principle of the Government. It goes against the fundamentals of this Bill, and so I cannot accept the amendment."

* **SRI K. BHASHYAM :—**"Mr. Speaker, Sir, I am very sorry that my words have not had any effect. What I want to point out is that in sub-clause (4) we already have a provision dealing with charitable endowments like schools and colleges. But where persons have endowed charities for a definite purpose not connected with temples or maths, should they also be brought under the provisions of this Bill? If Sahasranamam is to be recited under a banyan tree, it is only a personal matter. The public are not interested. Sahasranamam for whom? (The Hon. Sri K. Madhava Menon : 'It is for the common good.') Take the case of Catholic Churches. There is recitation at the Mass. What is the public good in that? (Interruption by the Hon. Sri K. Madhava Menon.) It is merely asserting without knowing anything about it. Suppose the hon. Member Mr. Kosalram in his own life-time leaves property for the reciting of Sahasranamam. Is it to be taken over by the Government? Are the Government to exercise control over it? That is the only point to be decided. I am asking, Sir, whether the Government should do it or the persons to whom it is entrusted or their descendants should do it. It is not as if Government should interfere with every charity. It is not a charity as such. It is a religious service for the spiritual good of the person. It is not for public good that Sahasranamam is recited."

THE HON. SRI K. MADHAVA MENON :—"Sir, one word with reference to what the hon. Member Mr. Bhashyam stated. I cannot agree that the recitation of Sahasranamam is only personal and not for the public good. It is not so. Even the recital of 'Gayatri' by my hon. Friend is not personal to him. A person who recites 'Diyoyonaha Prachotayati' says 'give us the benefit'. It is not the person alone but the people at large should be benefited. Therefore, Sir, how can it be said that recitation of Sahasranamam is only for the benefit of the person who made that endowment, and not for the good of the community? So, I cannot agree with the hon. Member Mr. Bhashyam on this point."

* **SRI K. BHASHYAM :—**"One word of explanation, Sir. 'Gayatri' was called in question. It says 'give us wisdom; give us, . . . ' (Interruption.) 'Us' means only the person and his

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family. The Hon. the Minister seems to be wiser than the commentators. 'Give us' means give the persons who are really interested. I am interested in myself and my family. Of course 'Naha' is plural, but it does not mean the whole world in general. Perhaps this particular case of Sahasranamam is peculiar to Malabar. There is no such thing anywhere else."

MR. SPEAKER:—"The question is—

'That in sub-clause (13) omit the words 'whether it be', and also the words "or not".'

The amendment was lost.

MR. SPEAKER:—"I adjourn the House till 11 o'clock to-morrow."

The House adjourned to meet again at 11 o'clock the next day.

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APPENDIX I.

[Vide answer to starred question No. 392 asked by Sri A. Vedaratnam Pillai at the meeting of the Legislative Assembly held on 15th November 1950, pages 85-86 supra.]

List of Restricted Spiruous Preparations as on 3rd October 1950.

- | | |
|---|--|
| 1 Thranraj. | 29 Aqua Aurantii Floris—Concentrata B.P.C. |
| 2 Prasavaraj. | 30 Tinctura Croci (Tr. Saffron). |
| 3 Garbharaj. | 31 Extract Karmala Lq. |
| 4 Joraraj. | 32 Extract Adathida Liq. |
| 5 Tincture Zingiberis. | 33 Tincture Valerian Simplex B.P.C. |
| 6 Tincture Zingiberis Mitis. | 34 Spiritu Rosae. |
| 7 Tincture Zingiberis Fortis B.P.C. | 35 Bi-Vita-Bi. |
| 8 Tincture Aurantii. | 36 Vino Malt. |
| 9 Amorphos (Plan). | 37 Monocarnina. |
| 10 Anorhos (with liver-extract and peasin). | 38 Hemo Drakshomalt. |
| 11 Tincture Cardamom Aramatica. | 39 Tinctura Gentianae Composita B.P. |
| 12 Tincture Cinnamon. | (Tr. Gentian C., B.P.). |
| 13 Tincture Cinnamon Co. | 40 Tinctura Euphorbiae B.P.C. (Tr. Euphor- |
| 14 Tincture Lavanululae Co. | bia B.P.C.) |
| 15 Tincture Kolae. | 41 Aqua Mentis B.P.C. |
| 16 Liquor Ammonia Anisat. | 42 Extractum Auranti Liquidum B.P. |
| 17 Tincture Cardamom Co. | (Ext. Auranti. Liq. B.P.C.). |
| 18 Tincture Cochineal. | 43 Essence of Orange B.P.C. |
| 19 Tincture Lemonis. | 44 Tinctura Althii E.P. (Tr. Carlo). |
| 20 Tincture Myrrah. | 45 Tincture Purpure Virginiae. |
| 21 Maclovin. | 46 Supr Neo Cod. |
| 22 Spirit Etheris Nitrosi. | 47 Tasco Tonic. |
| 23 Tincture Capsici. | 48 Tinctura Columbae B.P. |
| 24 Essence of Ascor. | 49 Tincture Caryophylli. |
| 25 Tincture Tolu. | 50 Infusum Caryophylli Concentratum B.P. |
| 26 Tincture Chirata. | 51 Aqua Caryophylli Concentrata B.P. |
| 27 Tincture Cubebae. | 52 Extractum Punarnavae Liquidum I.P.L. |
| 28 Aqua Rosae Concentrata B.P.C. | 53 Extractum Kuth Liquidum (Ext. Kuth |
| | Liq. I.P.L.) |

APPENDIX II.

[Vide answer to starred question No. 405 asked by Sri K. Shanmugam at the meeting of the Legislative Assembly held on 15th November 1950, page 102 supra.]

G.O. No. 846, Education, dated 9th April 1948.

Adult Education—Scheme—Sanctioned.

READ—the following paper:—

From the Director of Public Instruction, dated 10th October and 17th November 1947, No. 780-B-2/47.

Order—No. 846, Education, dated 9th April 1948.

The Government have had under consideration for some time past the question of framing a scheme for the spread of adult education with the two-fold objects of liquidating illiteracy of adults and of improving the knowledge and the education already

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possessed by adults, through education centres, libraries, cinemas, etc. They have now drawn up a scheme of adult education as follows, which provides :—

- (1) Adult literacy schools for liquidating illiteracy among adults;
- (2) Training of staff for adult literacy work;
- (3) Rural Colleges for giving higher educational training for persons who have had some school education already;
- (4) Training camps for social service workers;
- (5) Training camps for citizenship and youth workers; and
- (6) Visual instruction.

1. *Adult literacy schools.*—One hundred schools may be opened in 1948–49. A teaching grant at the rate of Rs. 8 a month per teacher and an additional flat rate of Rs. 4 per month for lighting and other incidental charges will be paid for each school. During the first year, a teacher should be employed for an average attendance of 15 pupils. In subsequent years when pupils are taken to a second year course a teacher will be allowed for each class. There should not be more than three teachers in a school as the course is only for three years. For the first two years, for want of teachers trained in adult education, teachers without this training may be allowed to do adult literacy work. In that case, the grant may be Rs. 5 plus Rs. 3. Adults between the ages of 13 and 40 will be admitted into the schools, with a view to make them literates able to read specially prepared books within a year. Instruction will be continued for a further period of two years to enable them to read a newspaper. Special methods will be adopted mainly on the lines of the Laubach's Quick Literacy Plan and all aids to quick literacy like slides, pictures, charts and reading sheets should be employed.

Hours of work.—Any part of the morning or evening for a period of not less than an hour and a half should be counted as a school day and 200 such school days may be considered adequate for the year.

Teachers.—Part-time teachers should be employed who should have the following qualification :—

- (i) A certificate of having passed Form III or VIII Standard Public Examinations;
- (ii) An Adult Education Teacher's Certificate granted after training at one of the recognized centres.

Day school teachers and others who may be employed in other professions or trades will also be eligible to be teachers in these schools, provided they have those two qualifications.

A syllabus specially prepared and approved for the purpose should be followed in these schools. A special set of books prepared for use by adults should be followed in the later stages.

Equipment.—In course of time, a small library should be built up in every school.

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Any available building in the place should be utilized for the schools. No separate building or furniture of any kind need be provided.

Minimum attendance.—A minimum average attendance of 15 pupils is required for every school. During the first two years, the rule may be relaxed to permit schools with a minimum of 10 pupils to receive grant.

2. *Training of the staff for Adult Literacy Work.*—Sanction is accorded for opening of six centres, i.e., two for each linguistic area of Tamilnad and Andhra, one in Malabar and one in South Kanara for this purpose in 1948–49, and for the employment of the following staff for each centre :—

- (1) A school assistant with an allowance of Rs. 25 per mensem;
- (2) A secondary grade teacher with an allowance of Rs. 15 per mensem;
- (3) A drawing-master on Rs. 45 in the scale of Rs. 45—3—90 and a mechanic on Rs. 50;
- (4) A part-time music teacher on Rs. 30.

Sanction is also accorded for the expenditure of Rs. 100 a year for contingencies, stationery, etc., and also for the provision of the following equipment in each centre :—

	Maximum cost. RS.
(1) Three petromax lights	80 each.
(2) One magic lantern	150
(3) One gramophone	200
(4) Two Bagatolle boards	15
(5) Ten sets of drawing materials	10
(6) Cut glass pieces for slide-making and other contingencies.	200

Aided managements will be given two-thirds grant for recurring expenditure.

The nature of training.—The candidates admitted to the course will be given instruction and training in adult psychology in methods of teaching adult literates on the Laubach's Quick Literacy Plan, in the preparation and use of slides, charts and reading sheets and in the methods of imparting general knowledge. They will also be given training in the use of magic lanterns, in singing and the principles of organizing village libraries and clubs. The period of training will be six weeks.

Qualifications for admission.—Any one who has passed III Form or VIII Standard Public Examination will be eligible for admission to the course. Teachers in Board schools and aided schools may also be admitted to the course. They may be granted leave or deputed for the purpose.

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During the training, trainees deputed by the local bodies or by aided institutions will be paid a stipend of Rs. 15 a month or Rs. 22-8-0 for the entire course. Trainees not deputed by local bodies or by institutions will be paid a stipend of Rs. 22-8-0 a month or Rs. 33-12-0 for the entire course.

A batch of 30 candidates of which 15 may be deputees and 15 non-deputees, will be trained in each centre in 1948-49. As the period of training is short, the candidates will be engaged throughout the day and as such, it will be necessary for them to live at the centre of training. It will be a great advantage if one of the villages where Basic Training School is proposed to be started next year is selected for this training.

In order that the Inspecting Officers may get acquainted with the methods of adult education a few Deputy Inspectors, preferably the Personal Assistants to the District Educational Officers, should be asked to take the training for a period of ten days—a few with each batch. They will be paid no additional allowance, but they can draw the travelling and daily allowances admissible under the rules.

3. *Rural Colleges for giving higher education to people who have had some education already.*—Sanction is accorded for the opening of three colleges under Government, one for each linguistic area and for the grant of recognition to 20 colleges if opened by private agencies or by local bodies.

Lecturers from colleges and graduate teachers from high schools and training schools may be selected to give lectures. The services of lawyers and doctors may also be utilized for the purpose. A remuneration of not more than Rs. 180 a term may be paid to each lecturer, three such lecturers being appointed for each college. To look after the permanent arrangements in connexion with the Rural Colleges a full-time clerk or a higher grade elementary teacher may be appointed on the pay of Rs. 30 in the scale of Rs. 30—1—50.

Sanction is also accorded for the following items of expenditure :—

Non-recurring.					
					Maximum expenditure, Rs.
Library	...	...	...	...	300
Teaching aids	...	...	...	...	100
Petromax light	...	...	...	...	80
Magic lantern	...	...	...	...	150
Lantern slides	...	...	...	...	50
Recurring.					
Lighting, stationery, etc.	...	...	...	...	100 a year.

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The aided colleges will be given a two-third grant on this basis on recurring expenditure and half grant for equipment. The fee income will be taken into account in deciding the amount of grant to be paid. An aided college may be given grants-in-aid if there is an average strength of not less than 15 students and if the prescribed syllabus is followed.

Those who have had education up to a certain standard and who are anxious to improve their knowledge will be eligible for admission into these colleges. The course will consist of lectures, demonstration and discussions for a continuous period of two years. The syllabuses of study will include subjects like Literature, Politics, History, Economics, Co-operation, Sociology and some Science subjects. The colleges may also provide for a variety of subjects both of an academic and of a practical value, e.g., Agriculture and Engineering, etc. They can also provide for courses of study which are of special interest to women.

The two-year course will be divided into two terms and each term will consist of 30 lectures. For admission to the course, candidates should have a minimum qualification of a third form or eighth standard and should be able to attend all the lectures for a period of two years. The fee of Re. 1 per month should be levied from each candidate. The candidates should provide themselves with necessary books. Each College should have not less than an average attendance of 15 pupils for purposes of recognition and aid. The classes should be held at some convenient time either in the morning or evening—not less than an hour and 45 minutes. A portion of this should be spent on discussion and tutorial instructions.

Tests.—At the end of every term there will be a test and at the end of two years a comprehensive examination on the results of which certificates will be issued to the students.

4. *Training camps for social service workers.*—Sanction is accorded for opening five camps for this purpose, two in Andhra, two in Tamilnad and one in the West Coast—attached to the existing Social Service institutions. The training of adults for Social Service will be for 6 weeks and will deal with Social Service in Gandhian ideology. It will provide for rural social service workers who will take up voluntary work in the villages. The students, not exceeding 30, will be given a stipend of Rs. 15 per mensem, i.e., Rs. 27-8-0 for the course of 6 weeks. There should be three teachers and one attender for each camp. They will be paid an allowance of Rs. 50 and Rs. 25 per mensem respectively. Sanction is also accorded for expenditure of Rs. 100 on contingencies and equipment.

5. *Training for citizenship and for leaders in Youth Movement.*—Sanction is accorded for opening a series of courses for this purpose as explained below. The first course will provide for

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the training of 120 persons for 15 days for the total number of 180 working hours. Out of the 100 trained, about 40 should be selected to become trainers in their turns in future. These 40 should organize 8 training courses each to train 120 teachers in the same way as the first course preferably in the following places:—

(1) Tiruchirappalli (2) Coimbatore, (3) Salem, (4) Cuddapah, (5) Bellary, (6) Vijayavada and (7) Kozhikode.

This cycle of training should be repeated thrice during the school year 1948-49 with the first of the central training during the term and decentralized training course during the mid-term, Christmas or Pongal and Summer holidays.

Sanction is accorded for the appointment of a Special Officer for three months on a consolidated pay of Rs. 300 per mensem (Rs. 250 plus Rs. 50), one Stenographer at Rs. 45 plus Rs. 35 special pay for three months, one peon at Rs. 16 per mensem for three months with the usual dearness allowance, to organize the course of training.

Sanction is also accorded for the following expenditure for each cycle of course:—

	RS.
Food for 120 trainees for 15 days at Re. 1 ...	1,800
Equipment	500
For 5 officers—food, travelling	300
Office expenses	100
Total	2,700

6. *Visual instruction.*—Sanction is accorded for the purchase of 8 projectors and films for 8 districts at a cost of Rs. 5,000 per district and for the employment of one electrical mechanic on a pay of Rs. 40 plus Rs. 22 and one attender on Rs. 20 plus Rs. 16 for each district. The projectors and the set of films will be kept in the District Educational Officer's office in each district, so that they may be loaned out for rent to educational institutions for school or adult educational purposes. A reasonable amount of hire will be charged for the loan of these projectors. The Director of Public Instruction will fix the hire.

The expenditure will be debited to the head "37. Education—r. Miscellaneous—A. General—(i) Excluding Post-war Reconstruction—8. Other Grants—Voted—Adult Education classes and night schools."

(By order of His Excellency the Governor)

[15th November 1950]

G.O. Ms. No. 3876, dated 19th December 1949.

Adult (Social) Education Scheme—Scheme to be financed out of the Government of India grant—Orders passed.

READ—the following papers:—

Letter to the Government of India, Ministry of Education,

New Delhi, dated 22nd August 1949, No. 95498-B-2/48-8-Edn.

Letter from the Government of India, Ministry of Education, dated 25th October 1949, No. F-2-27/49-D-2.

Order—No. 3876, Education, dated 19th December 1949.

A scheme of Adult (Social) Education was forwarded to the Government of India with this Government's letter read above for approval. That scheme was drawn on the presumption that a grant of Rs. 17.79 lakhs would be made available by the Central Government for financing the scheme. The Government of India have since cut down the provision to be made for this scheme with reference to their present financial position. They have however approved of the scheme forwarded by this Government and authorized this Government to proceed with its implementation. They have sanctioned a grant of Rs. 1,57,000 (rupees one lakh and fifty-seven thousand only) subject to the condition that the Provincial Government contribute at least an amount equal to the Central subvention towards the scheme within a period of 3 years, i.e., by 1951-52 at the latest. They have also authorized the immediate payment to this Government of the grant of Rupees 1,57,000 referred to above in anticipation of the fulfilment of the condition mentioned. The Accountant-General is accordingly requested to credit this Government immediately with the grant of 1.57 lakhs under the Provincial receipt head "XXVI. Education—E. General—e. Miscellaneous."

2. A provision of Rs. 1.57 lakhs has already been made in the current year's budget for the continuance of the scheme of Adult Education introduced with reference to G.O. No. 846, Education, dated 9th April 1948. The Government hereby sanction a supplemental scheme costing Rs. 1.57 lakhs for introduction in the current year as detailed below so that a total expenditure of Rs. 3.14 lakhs may be incurred on Adult (Social) Education.

3. Five hundred adult schools should be started immediately, the schools being attached to colleges, secondary schools and higher elementary schools. The Director of Public Instruction is authorized to select the institutions to which adult education classes should be attached. Grants may be paid to teachers employed in the adult education classes at the rate of Rs. 8 towards salaries and Rs. 4 towards other incidental charges per month. Charts and books may be supplied to the classes at a total cost not exceeding Rs. 8,500. Each adult, made literate, may be presented with a book, the expenditure being met from the amount of Rs. 8,500 referred to above.

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4. The Government sanction "the payment to teachers of a bonus in respect of adults turned literate, at the rate of Re. 1 per adult. The literacy should be tested by the Inspecting Officer of the Education Department at a graduation ceremony to be arranged at the centre, local people being invited for the function.

Sanction is also accorded to the purchase of five 10-horse power Austin motor vans, fitted with projector, generator, radio-gram and public address equipment complete at Rs. 20,000 each. It is understood that these trucks can be purchased at trade prices directly from the assembling plant at Ennore. Expenditure may also be incurred on the employment of an operator and on petrol at the rate not exceeding Rs. 300 a month for each van.

5. The Director is authorized to sanction petromax lamps of 200 candle power to well conducted adult schools not exceeding 200 in number at a cost not exceeding Rs. 80 for a lamp. The cost of the lamp should be recovered by deduction from the teaching grant payable to the institution in easy instalments.

6. The cost of the scheme (as per details below) sanctioned above should be met from the appropriation under "37. Education—r. Miscellaneous—A. General—(i). Excluding Post-war Reconstruction—8. Other Grants—Voted—Adult Education classes and night schools."

Items of expenditure.	Cost in the current year. Rs.
1. Opening of schools	18,000
2. Bonus	10,000
3. Charts and books	8,500
4. Motor vans	1,00,000
5. Maintenance of vans	4,500
6. Supply of petromax lamps (cost to be recovered by adjustment against teaching grants) ...	16,000
Total ...	1,57,000

The Accountant-General is requested to admit the expenditure in audit pending provision of funds.

7. The Government of India have requested that quarterly reports of the progress made with the scheme of Social Education may be submitted to them. The Director of Public Instruction is requested to forward the reports to the Government for transmission to the Government of India.

(By order of His Excellency the Governor)

15th November 1950]

G.O. Ms. No. 2521, Education, dated 8th September 1950.

Adult education—Expansion—Utilization of the Government of India grant—Scheme framed.

READ—the following papers:—

From the Director of Public Instruction, dated 22nd March 1950, Rc. No. 12-S.E./50.

Order.—No. 2521, Education, dated 8th September 1950.

The Government of India have sanctioned a grant of Rs. 6.86 lakhs towards the expansion of Adult Education in the State. The grant was got adjusted to State funds in March last. It has been laid down by the Government of India that the grant sanctioned by them together with an equivalent share of this State should be spent on the removal of adult illiteracy in the State. The Director of Public Instruction has accordingly framed a scheme for utilizing the Government of India grant and the equivalent share of this State.

2. The Government approve the proposals submitted by the Director of Public Instruction for the expansion of Adult Education in this State. The several items of expenditure connected with the scheme are indicated in the annexure to these proceedings. The Director is authorized to incur expenditure on the items specified in the annexure subject to the amounts indicated against each.

3. Sanction is accorded to the creation of two posts of Adult Education Officers in the cadre of the Madras Educational Service with a peon under each in lieu of the post of Adult Education Officer now borne in the Educational Subordinate Service. The two posts will be temporary for a period of one year to begin with. The Director of Public Instruction is informed that he may submit proposals for appointment to these posts as and when he considers that Gazetted officers are necessary for implementing the scheme of Adult Education.

4. The Director of Public Instruction is requested to submit proposals for the appointment of Honorary District Organizers for work connected with the expansion of Adult Education [item (viii) in the annexure].

5. The Government authorize the Director of Public Instruction to take such steps as are necessary for the formation of Social Adult Education Councils in each district [item (ix) in the annexure].

6. Sanction is accorded to the appointment of lower division clerks not exceeding 15 in number under District Educational Officers (one clerk for each officer) for work connected with Adult Education. The Director is authorized to decide which District Educational Officers should have the clerks with reference to the nature and volume of the work allotted to the officers.

7. The Director is requested to submit proposals for the opening under direct Government management of the six Rural Colleges referred to in item (xvi) of the annexure.

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8. The Director is permitted to issue such instructions as may be necessary for implementing the scheme of Adult Education sanctioned above without further reference to Government. He should so adjust the expenditure on the scheme so that the entire grant of 6.86 lakhs given by the Government of India together with the equivalent share of this State is spent in full by the end of 1952-53. He is also given discretion to implement such of the items of the scheme as are possible of introduction immediately reserving other items for a later period.

9. The Director of Public Instruction is requested to report the additional provision to be made in the current year's budget for the new scheme under "37, Education—General—s.—Miscellaneous—A. General—(i) Excluding Post-war Reconstruction—8. Other Grants—Adult Education classes and night schools." The Accountant-General is requested to admit the expenditure in audit pending provision of funds.

(By order of His Excellency the Governor)

Annexure.

<i>Details of the scheme.</i>	<i>Cost. Rs.</i>
(i) Provision of adult literacy schools to employ teachers trained in Adult Education methods so far. (1, 46 centres will be maintained at the rate of Rs. 250 per centre) ..	3,86,500
(ii) Training of 2,180 teachers (1,360 men plus 1,120 women) at a cost of Rs. 68 each ..	1,68,640
(iii) Provision of adult literacy schools in 1,860 additional centres at Rs. 25 a year ..	4,65,000
(iv) Training of 100 graduate teachers of colleges and secondary schools in a specially shortened course of training in Adult Education methods ..	5,324
(v) Training of student volunteers in 5-day methodical courses organized in the three University centres of Madras, Chidambaram and Waltair ..	3,000
(vi) College students settlements of Social Adult Education to be organized in summer vacation from every arts and professional college of the Madras State ..	16,800
(vii) Training of 120 teachers—80 men and 40 women for Social Adult Education work in the City of Madras. (Orders issued in Memorandum No. 11375 C-4, dated 10th July 1950) ..	9,650
(viii) Appointment of Honorary District Organizers with a fixed travelling allowance of Rs. 5 per month ..	29,400
(ix) Formation of District Social Adult Education Councils with a provision to give actual expenses for touring done by non-official members with an annual lumpsum allotment of Rs. 1,000 per one year ..	28,000
(x) Grants to local Social Adult Education Committees at 8 annas per a returned literate wherever such committees are formed and are functioning according to a constitution suggested ..	50,000
(xi) Maintenance of the five film vans ..	63,610
(xii) Purchase of 12 films for Adult Education at an average cost of Rs. 200 per film ..	8,400
(xiii) Preparation of a Hand book to Social Adult Education teachers to be prepared in four languages ..	1,000
(xiv) Guide book to the Social Adult Education scheme in four languages ..	1,800

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Annexure—cont.

<i>Details of the scheme.</i>	<i>Cost. Rs.</i>
(xv) Remuneration to authors and encouragement to publish so to prepare suitable adult reading booklets including the expenses of the committee constituted for approving adult reading book ..	15,000
(xvi) Rural Colleges sixteen in all (six Government and ten under private management) ..	44,470
(xvii) Six Mobile Propaganda squads to prepare villages for Social Adult Education effort and to organize Local Social Adult Education Committees on two-thirds grant in aid basis to be run by influential non-official associations ..	14,400
(xviii) Installation of Radio receiving sets on half grant basis ..	35,750
(xix) Appointment of a lower division clerk to each of the fifteen District Educational Officers which have heavy adult education work ..	12,272
(xx) Salary of Headquarters staff of two full-time officers in the Madras Educational Service one for the South and one for the North of the Madras State including travelling allowance ..	12,300
(xxi) Salary of two peons including travelling allowance ..	2,300
	13,72,836
	or
	13,72,800
	in round figures.

APPENDIX III.

[Vide answer to starred question No. 406 asked by Sri K. Shanmugam at the meeting of the Legislative Assembly held on 15th November 1950, page 103 supra.]

Clause (a)—

Number of Harijans from Nellore district who applied for posts in the Forest Department.

<i>Designation of post.</i>	<i>1948.</i>	<i>1949.</i>
Forest Officers ..	Nil.	Nil.
Forest Rangers ..	Nil.	Nil.
Foresters ..	Nil.	1
Forest Guards ..	"	19
Reserve Watchers ..	18	45
Missaries ..	Nil.	Nil.

Clause (b)—

Number of Harijans in the Gzatted and Non-Gzatted posts in the Forest Department.

<i>Gzatted posts ..</i>	<i>il.</i>
Non-gzatted posts—	
Ranger ..	1
Foresters ..	8
Forest Guards ..	67
Clerks ..	4
Typist ..	1
Peons ..	13
Reserve Watchers ..	121
Mahouts and Cavadies (elephant men) ..	45
Tanadar ..	1

THE MADRAS LEGISLATIVE ASSEMBLY.

Thursday, the 18th November 1950.

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

1.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Spirituos medicines.

393^a Q.—SRI M. A. EASWARAN: Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether Tincture Gention Co., Acqua Mellis, Tincture Caryophylli, Tincture Rose, Tincture Auranti, Tincture Zingiberis and Spiritus Coloniensis, containing 41 to 80 per cent of alcohol are being freely sold in all places of the Madras State;

(b) the authority which issues licences for sale of such tinctures; and

(c) what steps have been taken to prohibit the free sale of above tinctures and restrict the issue of licences for sale of such tinctures?

THE HON. SRI N. SANJEEVA REDDI:—“(a) to (c) All spirituous medicinal preparations can be sold only under a Drug Licence granted by the Drug Controller, Madras. As and when the misuse of any spirituous medicinal preparation as a substitute for alcohol, is brought to the notice of the Board of Revenue, orders are issued by the Board directing that it should not be sold except under an additional licence granted by the Collector of the District in limited quantities and on the prescription of a qualified medical practitioner. Such restrictions have been imposed on Tincture Gention Company, Acqua Mellis, Tincture Caryophylli, Tincture Auranti and Tincture Zingiberis, among the preparations mentioned in clause (a) of the question. These preparations cannot therefore be sold freely in this State now. No report has been received that Tincture Rose is being misused as a substitute for alcohol. It can be sold without restriction by all those possessing a licence issued by the Drug Controller. Spiritus Coloniensis is a toilet preparation, viz., Eau-de-Cologne and the question as to whether any and if so what restrictions should be imposed on its possession and sale, is under consideration.”

SRI M. A. EASWARAN:—“What are the punishments, Sir, that are prescribed for violation of the conditions imposed?”

^a Question postponed from the list of 18th November 1950.

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THE HON. SRI N. SANJEEVA REDDI:—" Punishments are imposed under the law. If the conditions are violated, licence should be cancelled."

SRI A. VEDARATNAM PILLAI:—" May I know who the inspecting authorities are, whether they are the police or the medical officers? Can they take action against the offenders if the conditions are violated? "

THE HON. SRI N. SANJEEVA REDDI:—" They can certainly take action, but cancellation of licence perhaps the Collector will order."

SRI V. I. MUNISWAMI PILLAY:—" Will the Government consider the advisability of prescribing the quantity of drugs for these commercial firms in each district, as was the case during the pre-prohibition days? "

THE HON. SRI N. SANJEEVA REDDI:—" That is being considered by the Government under the advice of some good doctors."

SRI A. VEDARATNAM PILLAI:—" Are the Government aware that drugs containing alcohol are sold in soda-water shops in the name of 'power soda'? If so, what action have the Government taken? "

THE HON. SRI N. SANJEEVA REDDI:—" I think only a licensed shop can sell. If the City people are doing as my hon. Friend says, it is a misuse and they are liable to be punished. If they are caught, they will certainly be punished."

SRI P. KANDASWAMI PILLAI:—" Sir, the object of prohibition is that alcohol should not be given to the people. Such being the case, will the Government take steps to prevent the sale of any medicine or other thing which contains more than a certain percentage of alcohol? "

THE HON. SRI N. SANJEEVA REDDI:—" But medical men with better knowledge say that it is absolutely necessary to use alcoholic preparations in the treatment of some diseases."

SRI V. RAGHAVAYYA:—" To facilitate easier detection, will the Government insist upon the people dealing in these drugs which pass by the name of medical drugs, to feature on their labels the percentage of alcohol contained in them? "

THE HON. SRI N. SANJEEVA REDDI:—" I do not know if that would help to any extent, because in some cases it will be said that the medicines have 80 per cent of alcohol but still medical men will say that for some diseases they are absolutely necessary. That is why we are controlling the sale and also production."

Dr. S. SUBRAHMANYAM:—" In view of the fact that pharmacopoeia contains many drugs which are not of very great use to the medical practitioners, will the Government constitute

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a Committee to find out and decide what drugs should be made available and licensed and what drugs we can forego in view of Prohibition? "

THE HON. SRI N. SANJEEVA REDDI:—" We had the advice of some medical men, good eminent doctors also, and we are trying with their co-operation to see what best we can do."

SRIMATHI V. LAKSHMI AMMAL:—" Sir, if the Government are going controlling tinctures and medicines, how can the mufussal practitioners practise without them? "

THE HON. SRI N. SANJEEVA REDDI:—" I know the hon. Lady Member holds an entirely different view from the other hon. Members of the House because, while the other hon. Members want severe control, she wants a little slackening. She also explained to me the difficulty. So, her point also will be considered."

BEGUM SULTAN MIR AMIRUDDIN:—" In view of the fact that this question is pending before the High Court, viz., whether the Government can prohibit the sale of drugs which contain a little alcohol by shops selling medicine, is it not desirable that the House should desist from making any recommendation to the Government until the matter is decided by the High Court? "

THE HON. SRI N. SANJEEVA REDDI:—" If so we will await the decision of the High Court, Sir."

SRI P. KANDASWAMI PILLAI:—" Sir, the Hon. Minister states that some medical men say that alcoholic drink is necessary for some medical preparations. So, when in the name of medicine several people sell alcoholic drinks, is it possible on earth to enforce Prohibition effectively? " (Laughter.)

THE HON. SRI N. SANJEEVA REDDI:—" I have not followed the question, Sir. I would request my hon. Friend to repeat it."

SRI P. KANDASWAMI PILLAI:—" In view of the answer given by Hon. Minister that medical opinion is that alcoholic drink is essential for medical treatment, is it possible on earth to enforce Prohibition effectively? The chief object is that alcoholic drink should not be available to the people."

THE HON. SRI N. SANJEEVA REDDI:—" I never said that alcoholic drink is necessary. I said, medicine in which there is alcohol is, according to medical men, absolutely necessary for the treatment of some diseases."

SRIMATHI V. LAKSHMI AMMAL:—" In a City like Madras people dealing in drugs can misuse the medicine. But in the mufussal nobody can misuse the tinctures and other medicines. In fact, the doctors are finding it very difficult to obtain these medicines. So, what steps are the Government going to take for this purpose? "

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THE HON. SRI N. SANJEEVA REDDI:—"I am not prepared to accept the hon. Lady Member's presumption that in the mufussal it cannot be misused. If it can be misused in the City, it can certainly be misused in the mufassil also. Therefore, similar things will apply to the mufussal also."

SRI P. KANDASWAMI PILLAI:—"In the name of medicine doctors sell real alcohol. The name of the medicine may be different, e.g., Spiritus Coloniensis, Tincture Zingerberis, etc. (Laughter.) Under the pretext of medicine, they are openly selling alcohol. Every such medicine contains more than 80 per cent of alcohol. When there is Prohibition in force, can the Government allow the sale of such dangerous medicines to the public?"

THE HON. SRI N. SANJEEVA REDDI:—"Even they are sold at the prescription of a doctor I do not think doctors will misuse them. If they think that they are absolutely necessary, they will prescribe. I do not think that anybody will prescribe them for the pleasure of giving drink."

SRI T. VISWANATHAM:—"In view of the fact that the Government have noticed that several drugs containing alcohol have had to be banned and brought under restriction, will they think of controlling the sale of all medicines or drugs which have got alcoholic content, instead of confining themselves to only certain medicines as and when cases arise? I want to know whether they will take general action against all medicines having alcoholic content."

THE HON. SRI N. SANJEEVA REDDI:—"That is what we are trying to do. But meanwhile, as my hon. Friend said, some medicines are coming into the market in a changed name. So, we are taking action for that. But my hon. Friend wants a general order prohibiting everything that contains a certain percentage of alcohol. We will examine it."

JANAB SHAH ALAM KHAN SAVOI:—"Is the Hon. Minister aware that his predecessor Dr. Gurubatham has made a statement on the floor of the House that alcohol is not necessary for medicinal purposes? How does the present Hon. Minister reconcile his statement with that statement?"

THE HON. SRI N. SANJEEVA REDDI:—"The other Hon. Minister also has said that alcohol as such is not absolutely necessary for health, but alcohol mixed in medicine may be necessary."

DR. S. SUBRAHMANYAM:—"Are the Government aware that alcohol in all these preparations is used only as solvent for the drug and that the British Pharmacopoeia has fixed certain percentage of alcohol for each drug? If so, have they tested samples from any of these firms which are selling these things and found out whether they have exceeded the percentage prescribed by Pharmacopoeia?"

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THE HON. SRI N. SANJEEVA REDDI:—"I am not much of a doctor. I am sorry I cannot express any opinion of mine. Anyway I will take the advice of doctors and see what best can be done."

SRI L. N. GOPALASWAMI:—"Will the Government cause an investigation to be made into this matter and see whether alcohol cannot be dispensed with altogether even for purposes of medicine?"

THE HON. SRI N. SANJEEVA REDDI:—"No, Sir. I do not think doctors are agreed on that point."

BEGUM SULTAN MIR AMIRUDDIN:—"In view of the fact that this question is before the High Court and the matter is *sub judice*, is it not desirable that this question should not be discussed in this House? We should respect the High Court."

MR. SPEAKER:—"No, it is not before the High Court. The Hon. Minister says it is not before the High Court."

THE HON. SRI B. GOPALA REDDI:—"I do not know what is before the High Court and what is not before the High Court."

SRI M. KANNIAPPAN:—"தலைவர் அவர்களே, Alcohol கலந்த சில மூட்டிகளை மெல்லாம் மிலி டி ஹோட்டல்கள் என்று சொல்லக்கூடிய சில இடங்களில் விற்கப்படுவதாகக் கேள்வி. அவ்விதம் அவைகளை மிலி டி ஹோட்டல்களில் விற்றதற்கு வேண்டிய கொடுக்கப்பட்டிருக்கிறதா வென்று கேள்வி."

THE HON. SRI N. SANJEEVA REDDI:—"மிலி டி ஹோட்டல் களுக்கு கொடுக்கமுடியுமா. மருந்துக் கடைகளுக்கு மாத்திரம் தான் வேண்டிய கொடுக்கமுடியும். எல்லாவற்றிற்கும் கொடுக்கமுடியாது."

SRI T. VISWANATHAM:—"Referring to doctors' opinions upon the necessity of using alcohol, may I know the opinion of Dr. Rajan on this question?" (Laughter.)

MR. SPEAKER:—"If the Hon. Minister wants to answer, I have no objection."

THE HON. DR. T. S. S. RAJAN:—"For the information of the House, I may say that alcohol is used as a preservative in all these medicines and that it is not a necessary ingredient for the treatment of the disease. A certain percentage is also fixed for the use of alcohol in all these medicines."

SRI V. I. MUNISWAMI PILLAY:—"Is it not a fact that the Government obtained the views of medical men before prohibition was introduced in the State that alcohol should not at all be used for any medical purposes?"

THE HON. SRI N. SANJEEVA REDDI:—"I am not aware of it and I would make an enquiry. However, I do not think that medical men have said like that and as Hon. Dr. Rajan has just now said, it is absolutely necessary as a preservative."

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SRI M. KANNIAPPAN:—“தலைவர் அவர்களே, Al ohol கஷ்டம் மருந்துகளை மிலி டரி ஹேட்டில்களில் விற்கப்பட்டு வருகிறது என்றும், அவ்விதம் ஈரோடில் பலகடைகளில் விற்கப்பட்டு வருகிறது என்று ஈரோடு பி.தி.தி.கனம் ஈஸ்வன் அவர்கள் தங்களே மர்வையிட்டு அவர்களே கையெழுத்திட்டு ஒரு ரிபேர்ட் எழுதப்பட்டு இருக்கிறது என்பது கனம் மந்திரி அவர்களுக்குத் தெரியுமா என்று கேட்கிறேன். அந்த மிலி டரி ஹேட்டிலுக்குக் கேடுக்கப் பட்டிருக்கும் லைசன்ஸை உடனடியாக cancel செய்யவேண்டுமென்றும் கேடுக்கொடுக்கிறேன்.”

THE HON. SRI N. SANJEEVA REDDI:—“If anything like that has happened we will certainly look into it.”

JANAB K. M. SEETHI:—“May I know whether the attention of the Government has been drawn to the complaint about the conduct of certain private medical practitioners in the matter of the abuse of the right given to them in stocking tinctures and helping the addicts by giving alcohol to them when they approach them as patients?”

THE HON. SRI N. SANJEEVA REDDI:—“There may be one such case in a thousand cases and it may be quite possible. But unless some specific instances are brought to the notice of the Government, we cannot cast aspersions on the whole medical community.”

Recruitment of Muslims to services.

* 409-A Q.—**JANAB MUHAMMAD RAZA KHAN:** Will the Hon. the Chief Minister be pleased to state whether this Government have lifted the ban on the recruitment of Muslims to services including the Police Department?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Chief Minister):—“The Government have decided that the instructions directing that Muslims should not be recruited in the Police and Revenue departments (other than clerks) until their over-representation was set right or equalised should be cancelled with immediate effect.”

District Munsifs.

* 410 Q.—**SRI S. NAGAPPA:** Will the Hon. the Minister for Education be pleased to lay on the table of the House a statement showing the number of District Munsifs recruited from Andhra areas except Rayalaseema, districtwar, during 1949-50?

THE HON. SRI K. MADHAVA MENON:—“A statement showing the number of candidates recruited for appointment as District Munsifs from the Andhra area other than the Rayalaseema during the years 1949 and 1950 is placed on the table of the House.”

SRI S. NAGAPPA:—“May I ask why only two candidates were recruited from the whole of Andhra area in the year 1949 and

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in the year 1950 why six candidates were selected from Krishna district whereas from other districts only one or two candidates are selected?”

THE HON. SRI K. MADHAVA MENON:—“The question should be addressed to another source altogether, viz., the Public Service Commission, and not to us.”

SRI S. NAGAPPA:—“Is it not left to the Government to reject the lists selected by the Public Service Commission if the Commission had done grave injustice in a particular area?”

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

SRI S. NAGAPPA:—“Why, Sir?”

SRI V. RAGHAVAYYA:—“Instead of the plenty of 1950 being preceded by penury in 1949, in the matter of selection of District Munsifs, may I know whether the Government cannot instruct the Public Service Commission that there should be more equitable distribution in the matter of allotment to various districts?”

THE HON. SRI K. MADHAVA MENON:—“I do not know how penury comes in here in the matter of selection of District Munsifs. The selection was not done districtwar. The Service Commission was only selecting candidates regionalwar, i.e., for the Andhra area, for the Tamil area, for the Malayalam area and things like that. So the Government cannot say that they have done a wrong thing in not having allotted seats to all the districts.”

JANAB ABDUL HAMEED KHAN:—“Is the Hon. Minister prepared to admit that the Rayalaseema area is a very backward area in the State?”

THE HON. SRI K. MADHAVA MENON:—“The question relates to the number of District Munsifs recruited from Andhra areas except Rayalaseema and so the other question about the Rayalaseema put by the hon. Gentleman does not arise.”

SRI B. S. MURTHI:—“May I know how this selection is made, i.e., whether it depends upon the candidates that are necessary or is it annual recruitment?”

THE HON. SRI K. MADHAVA MENON:—“Ordinarily the Public Service Commission selects candidates annually. Usually the High Court informs the Commission about the number of candidates required. In the year 1950, however, about 70 candidates were selected as there was an unusual demand for them on account of the separation of Judiciary from Executive.”

SRI S. NAGAPPA:—“In view of the fact that in 1950 there were 70 vacancies and only 20 were selected from the Andhra area and not one was selected from Rayalaseema, will the Government consider the desirability of instructing the Service Commission to

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see that justice is done to all the districts, especially to the Rayalaseema when they make recruitment for future vacancies? If such injustice was repeated even in future vacancies, will the Government take courage into their hands and reject the list of selected candidates prepared by the Public Service Commission?"

THE HON. SRI K. MADHAVA MENON:—"My hon. Friend is not correct when he says that not one candidate has been selected from Rayalaseema. One candidate was selected from Rayalaseema. Secondly, the many things suggested by the hon. Member are not correct. The Government cannot do anything in the manner suggested by the hon. Member. The Public Service Commission is acting according to certain statutory rules and I am sure that this House itself will consider it very improper for the Government to interfere in the matter."

SRI D. V. RAMASWAMI:—"The Hon. Minister just now said that recruitment was not done districtwar but was done only regionalwar, may I ask whether he is satisfied with the figures given for 1949 and whether he feels that adequate representation for the Andhra area has been given according to the regional basis?"

THE HON. SRI K. MADHAVA MENON:—"The regional proportion given is absolutely and mathematically correct."

Cyclone relief work in Andhra districts.

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

(a) the amounts so far spent by the Government in each of the cyclone-affected districts on relief works;

(b) of these amounts, how much has been spent on irrigation works, on road works and other works; and

(c) the total population in each district receiving help from the relief works?

THE HON. SRI H. SITARAMA REDDI:—"Relief works were undertaken only in the Krishna district. Accordingly, the answer to clauses (a) to (c) of the question, for the Krishna district, is as follows:—

"(a) Rs. 3,50,757.

"(b) (i) *Irrigation Works*.—Minor Irrigation Works—Rs. 30,491. Major Irrigation Works—Separate accounts have not been maintained.

(ii) *Road Works*.—Rs. 3,18,288.

(iii) *Other Works*.—Rs. 1,978.

"(c) The total population of the upland taluks in the Krishna district, wherein the relief works were undertaken, receiving help is 607,873."

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SRI M. R. APPA RAO:—"In view of the fact that almost once in two years, Krishna district is affected by floods, may I know whether the Government will consider the desirability of affording relief to that district by taking up the Budameru Scheme?"

THE HON. SRI H. SITARAMA REDDI:—"That is a matter to be considered by the Public Works Department. I may, however, add that it is also being considered."

Transfer of Sub-Magistrates.

* 412 Q.—JANAB ABDUL HAMEED KHAN (on behalf of Sri A. Y. S. Parisutha Nadar): Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that in the appointments made consequent on the introduction of the separation of the Judiciary from the Executive in the Ramanathapuram district, several Assistant Public Prosecutors who were working in that district have been appointed as Sub-Magistrates with jurisdiction over the same areas; and

(b) whether the Government propose to transfer these Sub-Magistrates to areas beyond their original sphere of activity?

THE HON. SRI K. MADHAVA MENON:—" (a) Only two Assistant Public Prosecutors were selected by the Madras Public Service Commission for appointment as Sub-Magistrates in Ramanathapuram district; one of them who was an Assistant Public Prosecutor at Sivakasi was posted by the High Court to Sattur and has since been transferred from that place.

"(b) The transfer of a Sub-Magistrate is a matter for the District Magistrate concerned and the High Court to consider."

JANAB MOHAMED ABDUL SALAM:—"May I know whether it is the policy of the Government that any officer who is a native of a particular area should not have jurisdiction over that area and should not work in that area?"

THE HON. SRI K. MADHAVA MENON:—"The question relates to appointments in the Ramanathapuram district. Therefore the hon. Member's question relating to any particular general policy does not arise."

Arumuganeri Salt Factory.

* 413 Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government are aware of the decision of the Tuticorin Sub-Court in the case of Arumuganeri Salt Factory dispute; and

(b) if so, what further steps the Government propose to take in the matter?

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

“(b) Copy of the judgment has been called for and on its receipt, the question of filing an appeal will be considered.”

SRI K. T. KOSALRAM:—“May I know from the Hon. Minister whether the Government have received any communication from the Centre in respect of salt factories in the State and whether the salt manufacturers have been included in the schedule of the Non-Power Factories Act and if so, is not the judgment of the Tuticorin Sub-Court against the policy of the State and the Centre?”

THE HON. SRI H. SITARAMA REDDI:—“Since approving the answer to the question of the hon. Member, I find that the judgment has been received and it has been sent to the Advocate-General for his opinion with regard to filing of appeal. I am sure all aspects of the matter will be considered by the Advocate-General when he gives his opinion to the Government in respect of filing an appeal in the High Court.”

SRI K. T. KOSALRAM:—“May I know whether it is a fact that some salt factory owners have given an undertaking to the Secretary to Government relating to the reinstatement of workers and if so have they acted according to the undertaking? If they have not acted according to the undertaking, may I know what action has been taken against them?”

THE HON. SRI H. SITARAMA REDDI:—“That is a separate matter altogether. The present question relates completely to the decision of the Sub-Court at Tuticorin which held that the reference was *ultra vires* of the powers of this Government as that subject was delegated to the Centre. As I have said, the Advocate-General has been asked to give his opinion in the matter and he is examining the whole question.”

Presidency College Re-organization Committee.

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

(a) when the Presidency College Re-organization Committee was constituted;

(b) whether any time-limit has been fixed to submit the report; and

(c) the time taken by the Committee to submit its report?

THE HON. SRI K. MADHAVA MENON:—“(a) In October 1948.

“(b) No.

“(c) Four months and ten days.”

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SRI S. NAGAPPA:—“May I ask the Government whether the Presidency College was disorganized before the Re-organization Committee was appointed.” (Laughter.)

THE HON. SRI K. MADHAVA MENON:—“There seems to be some disorganization about the hon. Member himself.” (Renewed laughter.)

SRI V. RAGHAVAYYA:—“Sir, on a point of order, when hon. Member Sri Nagappa put the previous question, the Hon. Minister was pleased to answer that there was some disorganization about the hon. Member himself. I submit that is really a very uncharitable remark which affects the very dignity of this House.”

MR. SPEAKER:—“I think that it is not proper for the Hon. Minister to say so.”

THE HON. SRI K. MADHAVA MENON:—“I am sorry, Sir.”

Payment of wages in kind.

* 415 Q.—

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

SRI G. SANYASI RAO: Will the Hon. the Minister for Land Revenue be pleased to state whether instructions have been issued to the ryots in the deficit districts to pay compulsorily wages to agricultural labourers in kind?

THE HON. SRI H. SITARAMA REDDI:—“No, Sir.”

Bus service run by local boards.

* 416 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Local Administration be pleased to state the number and names of local bodies that have expressed their desire to start bus service in their respective jurisdiction?

THE HON. SRI K. CHANDRAMOULI:—“The period for which the information is required is not specific.

“During the year 1st October 1949 to 30th September 1950, the following six local bodies have expressed to Government their desire to start bus service in their respective jurisdiction:—

- (1) Tiruvallur Municipality,
- (2) Tirunelveli District Board,
- (3) Malabar District Board,
- (4) Coimbatore Municipal Council,
- (5) Chittoor District Board, and
- (6) Ambur Municipal Council.”

SRI S. NAGAPPA:—“In view of the fact that the bus business is a profitable business, in view of the fact that the local boards' finances are very tender and the Government are not going to extend nationalization of bus transport to the districts, will

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the Government consider the desirability of allowing all these local bodies to run their own bus services so that the travelling public may be afforded more comforts and facilities?"

THE HON. SRI K. CHANDRAMOULI:—"The policy of the Government is to nationalize all bus services and individual questions will be considered as and when they come up."

11-30 a.m. BEGUM SULTAN MIR AMIRUDDIN:—"Is it not a fact, Sir, that the local bodies have not succeeded either in the sphere of education or in the sphere of public health and if so, would it not be disastrous to entrust public transport also to them?"

THE HON. SRI K. CHANDRAMOULI:—"It is a matter of opinion."

JANAB MUHAMMAD RAZA KHAN:—"The Hon. the Minister for Finance suddenly rushed to Vellore and made an open declaration there that nationalization of bus service would not be extended to the districts. I would like to know how this declaration reconciles with the general policy of the Government regarding nationalization of bus transport in the State?"

THE HON. SRI K. CHANDRAMOULI:—"Whenever there is a change in policy, questions will be considered in the light of such change."

SRI K. BRAHMANANDAM REDDI:—"In view of the fact that 'provincialization' is the policy of the Government and not 'municipalization' and in view also of the fact that the resources of the local bodies are too slender and that they are not in a position to buy even one bus, would the Government proceed with the scheme of 'provincialization' rather than giving power to municipalities to run bus services?"

THE HON. SRI K. CHANDRAMOULI:—"I may tell the hon. Member that the question arises only in the case of such municipalities and district boards as have got sufficient financial resources to run bus services. Apart from that, even in the present scheme of 'provincialization' the local bodies have got a specific share in the income."

JANAB ABDUL HAMEED KHAN:—"Is it not just and proper that the Government should enable local bodies to augment their financial resources by running bus services instead of grabbing everything for themselves?"

THE HON. SRI K. CHANDRAMOULI:—"That is exactly the reason why we have permitted local bodies to have a share in profits under the existing scheme."

BEGUM SULTAN MIR AMIRUDDIN:—"Is it not a fact, Sir, that the Three-Man Committee advised the Government not to extend their nationalization scheme to the mufassal?"

THE HON. SRI K. CHANDRAMOULI:—"The question does not arise."

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MR. SPEAKER:—"The question does not relate to nationalization."

JANAB MOHAMED ABDUL SALAM:—"Is the Hon. the Minister aware that there is enough confusion in the State regarding the policy of nationalization? If so, why should he entrust the work to local bodies now and add to the confusion?"

THE HON. SRI K. CHANDRAMOULI:—"There is no confusion whatever in the matter. I may inform the hon. Member that the policy of the Government is clear."

SRI V. RAGHAVAYYA:—"Judging from the very many difficulties that the Government of Madras are encountering in the matter of operating bus services owned by them, do not the Government feel that the local bodies are quite incompetent to deal with this intricate subject—purely a business deal—with their present inadequate financial resources?"

THE HON. SRI K. CHANDRAMOULI:—"I do not want to cast aspersions on local bodies that they cannot run bus service efficiently."

SRI B. S. MURTHI:—"Pending implementation of their policy of nationalization, may I know, Sir, whether the Government would provide local bodies with the necessary facilities, including financial help, to run bus services?"

THE HON. SRI K. CHANDRAMOULI:—"I would refer the hon. Member to my previous answers."

SRI A. KALESWARA RAO:—"In view of the fact, Sir, that nationalisation is intended to prevent profits from accruing to private individuals for their personal advantage, what is the harm in the Government allowing local boards and municipalities to operate bus services when they are but a part of the Government themselves?"

THE HON. SRI K. CHANDRAMOULI:—"I have already said that even now the local bodies have got a share in the nationalization scheme."

JANAB M. MUHAMMAD ISMAIL:—"When the Hon. Minister and others speak of spare funds with the local bodies for running bus services, may I know whether this money has been saved at the cost of civic amenities to which the locality or localities are entitled?"

THE HON. SRI K. CHANDRAMOULI:—"Certainly not."

SRI A. KAMESWARA RAO:—"Since the distribution of bus routes to individuals often leads to favouritism and nepotism and gives scope for lots of scandal, is it not advisable to hand over this subject to the local bodies instead of the Government doing it as at present?"

THE HON. SRI K. CHANDRAMOULI:—"There is no such thing as scandal or favouritism. A Committee has been appointed for this purpose and it will be looking after the work."

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JANAB M. MUHAMMAD ISMAIL:—“ May I know whether these local bodies are collecting more money than is necessary if they are supposed to have spare money with them to run bus services? ”

THE HON. SRI K. CHANDRAMOULI:—“ I do not know for what purpose the local bodies collect more money if they so collect.”

Use of cows for ploughing purposes.

* 417 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether this Government have received any advice from the Union Government about the use of cows for ploughing purposes; and

(b) if so, the action taken so far on this advice?

THE HON. SRI A. B. SHETTY:—“ (a) The Government have not received any advice from the Union Government about the use of cows for ploughing purposes.

“ (b) Does not arise.”

SRI V. RAGHAVAYYA:—“ Are the Government aware, Sir, that veterinary opinion is that barren cows yield calves when they are put to the plough? ”

THE HON. SRI A. B. SHETTY:—“ We have not received any such report. Strong and well-fed cows are used for light ploughing in certain places but, generally speaking, cows are not considered fit for such hard work because there are physiological differences between the axes (laughter) in cattle just as there are between men and women.”

SRI K. BRAHMANANDAM REDDI:—“ Is it not a fact, Sir, that the male species do better ploughing? ” (Laughter.)

Lands to political sufferers in Chingleput district.

* 418 Q.—SRI M. KANNIAPPAN:—“ Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the number of political sufferers in the Chingleput district that have applied for the assignment of lands till the end of September 1950;

(b) the number that has been assigned lands so far;

(c) whether such assignments are made temporarily or permanently; and

(d) if they are temporary, why they are not made permanent?

THE HON. SRI H. SITARAMA REDDI:—“ (a) 547 Political sufferers have applied for assignment of lands till the end of September 1950.

“ (b) 246 political sufferers have been assigned lands so far.

“ (c) Of these 165 are permanent assignments and the remaining 81 provisional.

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“ (d) In the 81 cases referred to in clause (c) transfer proposals and subdivision records have been called for by the Collector from the Tahsildars and on receipt of the proposals permanent assignment orders will be issued by the Collector.”

SRI M. KANNIAPPAN:—“ தலைவர் அவர்களே, தயவு செய்து அந்த பதிலை தமிழில் சொல்லும்படியாகக் கேட்டுக்கொள்கிறேன்.”

THE HON. SRI M. BHAKTAVATSALAM:—“ 1950-ம் வருஷம் செப்டம்பர் மாதம் முடிவு வரையில் 547 தியாகிகள் நில ஜாதிக்கு மனுப்போடார்கள். இது வரையில் 246 அரசியல் தியாகிகளுக்கு நிலம் கொடுக்கப்பட்டிருக்கிறது. அவர்களில் 165 பேர்களுக்கு நிந்தா மான assignment செய்யப்பட்டு இருக்கிறது. மற்ற 81 பேர்களுக்கும் provisional ஆக assignment செய்யப்பட்டிருக்கிறது. மேலே சொல்லப்பட்ட 81 கேஸ்களில் கலெக்டர், துணைத் தாரர்களிடம் subdivision record செய்வதற்கும் பிரேரணைகள் கொடுக்கப்பட்டிருக்கின்றன. அவைகள் வந்த பிறகு நிரந்தரமாக assignment செய்யப்படும்.”

SRI M. KANNIAPPAN:—“ தலைவர் அவர்களே, அரசியல் தியாகிகளுக்கு உடனடியாக நிலத்தைக் கொடுக்கவேண்டுமென்று நம்முடைய சட்டசபையில் பணம் ஒதுக்கப்படும் ஆபீசர்களை நியமிக்கப்பட்டிருக்கிறது. அப்படியிருந்தும் கூட இவ்வளவு தாமதம் ஏற்படுவதற்கு காரணம் என்ன வென்று கேட்கிறேன்.”

THE HON. SRI H. SITARAMA REDDI:—“ தாமதம் ஒன்று மில்லை. ரொம்பவும் சீக்கிரமாகத்தான் நடந்து வருகிறது.”

SRI P. NATESAN:—“ May I know for how long these applications from political sufferers will be received? Is there not going to be an end to this? Is there no last date for the receipt of such applications? ”

THE HON. SRI H. SITARAMA REDDI:—“ It has already ended, Sir.” (Laughter.)

New schools opened in 1950-51.

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

(a) the number of new high schools and middle schools that are proposed to be opened during the academic year 1950-51;

(b) the places where they will be opened; and

(c) by whom?

THE HON. SRI K. MADHAVA MENON:—“ (a) to (c) A statement * showing the number of new middle and high schools permitted to be opened during the current year by local bodies and private managements and the places where they have been opened is laid on the table of the House. No new schools were opened by Government.”

SRI S. NAGAPPA:—“ In the statement laid on the table of the House, it is seen that only two schools were permitted to be opened in Kurnool, one in Bellary and one in Anantapur. May I know, Sir, why such a small number of schools have been opened? Is it because there were no applications for opening more schools in those places? ”

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THE HON. SRI K. MADHAVA MENON:—"It is not a question of the Government granting anything in such cases. As I have already said, the Government have not opened any schools. The Director of Public Instruction has given recognition to as many schools as satisfied the conditions laid down for recognition."

SRI S. NAGAPPA:—"I want to know why only two schools in Kurnool and one school in Bellary were given recognition. Is it because of lack of more applications from these places?"

THE HON. SRI K. MADHAVA MENON:—"For the obvious reason that there were only two applications from Kurnool and one from Bellary."

JANAB ABDUL HAMEED KHAN:—"Is it not a fact, Sir, that in these areas the number of high schools is very inadequate? Is it not, therefore, the duty of the Government to open more schools in such backward areas?"

THE HON. SRI K. MADHAVA MENON:—"The question does not relate to the duty of the Government."

Waste lands in Kurnool district.

* 420 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the total extent of cultivable land lying waste in Kurnool district, talukwar;

(b) whether the Government have taken any steps to bring these lands under cultivation;

(c) if so, what the steps taken are; and

(d) the number of acres that has been brought under cultivation?

THE HON. SRI H. SITARAMA REDDI:—" (a) The extent of cultivable lands, lying waste, in Kurnool district, talukwar, are furnished below:—

Taluk.	ACS.
Pattikonda	648
Dhone	39,136
Kurnool	55,776
Nandikotkur	38,576
Nandyal	26,700
Koilkuntla	1,965
Sirvel	26,652
Cumbum	93,650
Markapur	8,645
B. Palli	8,605
Total	300,353

" (b) & (c) Yes. The various measures undertaken by the Government for bringing the cultivable waste lands under

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cultivation are, by assigning such lands under Grow More Food scheme, draining off the lagoon lands and thus rendering them fit for cultivation, reclaiming the lands by the use of tractors and by the formation of co-operative land colonization societies and assigning large blocks of waste lands to them so that they may bring the lands under cultivation.

" (d) An extent of 9,134 acres has been brought under cultivation."

SRI S. NAGAPPA:—"Out of about 3 lakhs of acres of land in Kurnool only about 9,000 acres have been brought under cultivation. In order to bring the rest of the lands under cultivation, will the Government consider the desirability of entrusting the work at once to co-operative societies wherever they exist and wherever they do not exist of organizing such societies for the purpose?"

THE HON. SRI H. SITARAMA REDDI:—"The Government are anxious to bring all cultivable lands under cultivation. I suggest that the hon. Member takes up the matter with the Food Production Committee of his district. If the Committee sends up proposals through the Food Production Commissioner, the Government will certainly examine the question."

SRI A. KALESWARA RAO:—"In view of the present food scarcity, Sir, is it not advisable that the Government take direct action immediately in order that all cultivable lands are brought under cultivation on the lines suggested by my hon. Friend, Mr. Nagappa?"

THE HON. SRI H. SITARAMA REDDI:—"I have suggested now the direct touch." (Laughter.)

SRI A. KALESWARA RAO:—"May I know, Sir, not only in view of the fact that there is necessity for more food, but also to create occupations for the landless poor, whether it is not the duty of the Government to organize co-operative societies and colonization schemes themselves and afford facilities therefor?" 11-45 a.m.

THE HON. SRI H. SITARAMA REDDI:—"I agree, Sir, that it is the duty of the Government to see that more land is brought under cultivation and offer help to that end. That is exactly what we are doing. But to form co-operative societies, there must be people who would form themselves into such co-operative societies. People must come forward to form a society. We are prepared to give them all help."

SRI L. N. GOPALASWAMI:—"May I know, Sir, whether in view of the fact that only 9,000 acres have been brought under cultivation out of the 6 lakhs odd acres, it is an uphill task, or a Herculean task to bring the rest of the lands in this area under the plough?"

THE HON. SRI H. SITARAMA REDDI:—"I admit that the task is very big. We are anxious that the task should be tackled and this is one of the ways by which the task is

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sought to be tackled, that is by organizing co-operative societies and also assigning lands to such of the people who are willing to cultivate. We are giving every encouragement and committees have been formed in various districts so that they might examine the available lands and the resources in the district and suggest to the Food Production Commissioner the ways and means of bringing these lands early under the plough."

SRI B. S. MURTHI:—"Sir, the Hon. Minister asked where were the people to form themselves into co-operative societies. Is the Hon. Minister not aware that there are lakhs of people who have asked for the formation of these societies and grant of loan and the Government were niggardly towards the landless labourers?"

THE HON. SRI H. SITARAMA REDDI:—"I refute the allegation made by the hon. Member, Sir. The hon. Member himself knows, wherever a co-operative society came forward, we have been granting loans and we have been assisting the societies through the Co-operative Department and concessions have also been given in the matter of land tax to eligible communities in the area which the hon. Member represents."

SRI M. R. APPA RAO:—"May I know, Sir, whether the Government could not start big farms with an area of thousand or two thousand acres departmentally and demonstrate the possibility of large scale farming in such areas where there is possibility for undertaking this?"

THE HON. SRI H. SITARAMA REDDI:—"I cannot give an assurance on that point, Sir. I take it that it has already been sufficiently demonstrated in this State, the improved methods of cultivation. It is for the people to come forward and take it up."

Intensive Manuring Scheme.

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

(a) whether the Government have introduced Intensive Manuring Scheme anywhere in this State;

(b) if so, where and to what extent; and

(c) what the results are?

THE HON. SRI A. B. SHETTY:—" (a) Yes.

" (b) The Scheme sanctioned by the Government has been introduced and is in operation in the deltaic areas of the districts of East Godavari, West Godavari, Krishna, Guntur, Nellore, Tanjore, Tiruchirappalli, Mathurai, Tirunelveli and South Arcot (Chidambaram taluk only), which are commanded by major irrigation projects and river channels.

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" (c) From the progress reports so far received from the Joint Director of Agriculture and the Efficiency Officers, the reaction of the ryots to the scheme is very encouraging."

SRI S. NAGAPPA:—"May I know, Sir, why this scheme was not introduced in Kurnool district where there is the K.C. canal system, the Cumbum irrigation scheme and big irrigation tanks?"

THE HON. SRI A. B. SHETTY:—"As I have already said, Sir, the scheme has been introduced in deltaic areas where there is assured water-supply in big compact blocks of land."

Bridge between Surandai and Pavur Chatram.

* 422 Q.—SRI K. T. KOSALRAM (on behalf of Sri D. Dorairaja Pandian): Will the Hon. the Minister for Local Administration be pleased to state whether the construction of a bridge over the river between Surandai and Pavur Chatram is incomplete and if so, when the Government propose to complete it?

THE HON. SRI K. CHANDRAMOULI:—"The work is in progress. The Chief Engineer (Highways) reports that it is likely to be completed early in 1951-52."

Agricultural implements.

* 423 Q.—

MR. SPEAKER:—"As the hon. Member is not in his seat the answer will be printed in the proceedings."

SRI D. GOVINDA DAS: Will the Hon. the Minister for Agriculture be pleased to state—

(a) on what date the orders were issued by the Government for the distribution of agricultural implements through the Co-operative Societies;

(b) what steps have been taken by the Agricultural Department to give effect to this; and

(c) the total quantity of agricultural implements received after 1st July 1950 and who distributed them—the Agricultural Department or the Co-operative Societies—if the former, the reason therefor?

THE HON. SRI A. B. SHETTY:—" (a) Orders transferring the distribution of fabricated agricultural implements from the Agricultural Department to the Co-operative Societies were issued on 17th December 1948 and the orders transferring the work relating to distribution of raw materials of iron and steel like cart-tyres, axles, G.C. sheets, etc., on 4th July 1950.

" (b) The District Agricultural Officers were apprised of the orders of Government and were instructed by the Joint Director of Agriculture to stop procurement of iron and steel for agricultural purposes from licensed stock-holders. They were also instructed to transfer such categories and such other items as were required by the Co-operative Societies from

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the depot stocks for distribution to ryots, by waiving a sum of Rs. 30 per ton which the Agricultural Department would normally add towards special transport charges to be recovered from the sale price from the ryots.

"(c) No implements were procured afresh by the Agricultural Department for sale after 1st July 1950. But a special indent which was placed on producers in March 1950 for the supply of 2,200 tons of cart tyres and galvanized corrugated sheets to meet the requirements of ryots in the Circars affected by last year's cyclone. The Agricultural Department is now receiving stocks against this indent. Arrangements are being made separately for the transfer of these stocks also to co-operatives.

"The co-operatives have received permits to the tune of 5,563 tons of iron and steel materials from the Director of Controlled Commodities and these stocks as and when received are distributed by the Wholesale Stores to the primaries selected as retailers for sale to ryots."

Village Panchayat Act.

* 424 Q.—SRI A. KALESWARA RAO: Will the Hon. the Minister for Local Administration be pleased to state—

(a) when the new Village Panchayat Act will be brought into force;

(b) the number of panchayats that will be constituted in the first instance; and

(c) the number in each district?

THE HON. SRI K. CHANDRAMOULI:—“(a) The question of bringing into effect, the Madras Village Panchayats Act, 1950 (Madras Act X of 1950) from the next financial year is under the consideration of Government.

“(b) In the first year of the inception of the Act, it is proposed to constitute panchayats for villages with a population exceeding 2,000. The estimated number of such villages is 2,746.

“(c) A statement^a is laid on the table.”

SRI A. KALESWARA RAO:—“Sir, till the new panchayats are constituted what will become of the other villages where the old panchayats would be there? May I know what the policy of the Government is in respect of the elections to these panchayats?”

THE HON. SRI K. CHANDRAMOULI:—“The existing panchayats will continue as they are till the elections are held under the adult franchise and they will be reorganized on the model of the new Act immediately the Act comes into force.”

^a Printed as Appendix III on page 263 infra.

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JANAB MOHAMED ABDUL SALAM:—“May I know, Sir, whether the elections to these panchayats will be held on the basis of the adult franchise or the limited franchise?”

THE HON. SRI K. CHANDRAMOULI:—“I have already said that the elections will be held under the adult franchise.”

JANAB SHAH ALAM KHAN SAVOI:—“Sir, inasmuch as there is a demand from the people in the districts that the elections should be expedited, will the Government try to conduct the elections as early as possible?”

THE HON. SRI K. CHANDRAMOULI:—“The Government are also very anxious to conduct the elections as early as possible.”

SRI A. KALESWARA RAO:—“May I know, Sir, what time it will take to bring in the new Act into force in all the panchayats in the State?”

THE HON. SRI K. CHANDRAMOULI:—“I cannot exactly say, Sir, when it will be done. The new Act comes into force on April 1st. Every effort will be made to see that the panchayats are constituted as early as possible.”

SRI B. S. MURTHI:—“The average population of a village in our State is somewhere about 700 to 1,000. The Hon. Minister was pleased to state that only villages with 2,000 and more people will be given an opportunity of election. May I know why this differentiation should be brought in, in respect of the village panchayats?”

THE HON. SRI K. CHANDRAMOULI:—“There is no differentiation. To facilitate the work the Government wanted to take the panchayats according to the population basis so that they may be constituted uniformly in all the districts.”

SRI K. BRAHMANANDAM REDDI:—“In view of the fact, Sir, that to constitute several thousands of panchayats lot of preliminary work has to be done, and the new Act is to come into force from 1st April, that is in about four or five months' time would the Government kindly sanction the necessary staff and see that the Act is put into operation before April 1st?”

THE HON. SRI K. CHANDRAMOULI:—“The necessary staff has been sanctioned and the preliminary work is already going on, Sir.”

JANAB MOHAMED ABDUL SALAM:—“Are the Government aware, Sir, that there were no elections for these panchayats for one decade and according to the Hon. Minister, if the elections are to be held under the adult franchise, there would be no election for two more years, and thus there would be an interval of full 12 years, a ‘pushkaram’, between one election and the other election?”

THE HON. SRI K. CHANDRAMOULI:—“I do not accept the hon. Member's contention. But the elections would be held as early as possible.”

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MR. SPEAKER:—"Question time is over."

BEGUM SULTAN MIR AMIRUDDIN:—"On a point of information, Sir. With reference to the question relating to prohibition, the Hon. the Leader of the House stated that he was not aware what was before the High Court . . ."

MR. SPEAKER:—"This is not question time . . ."

BEGUM SULTAN MIR AMIRUDDIN:—"I want to know, Sir, how is it that the Hon. Leader of the House is not aware of such an important matter that has been brought before the High Court questioning the validity of the entire Prohibition Act?"

MR. SPEAKER:—"This is not question time. The question time is already over. If the Hon. the Leader of the House wants to answer he may do so."

UNSTARRED QUESTIONS.

Irrigation works in Kancheepuram taluk.

29 Q.—SRI M. KANNIAPPAN: Will the Hon. the Minister for Public Works be pleased to state—

(a) the amount allotted for Kancheepuram taluk for irrigation purposes in 1949-50;

(b) out of this allotment, how many villages in the taluk were benefited;

(c) the names of such villages and the expenditure incurred, village-war; and

(d) the basis or programme with reference to which the expenditure was made?

A.—(a) Rs. 1,80,408.

(b) About 60 villages.

(c) A statement^a showing the works executed, and the names of villages benefited by such works is appended.

(d) The expenditure was incurred under the programmes relating to 'Intensive cultivation', 'Tank improvements', 'Ordinary repairs to Public Works Department sources' and 'Minor irrigation works'.

Refugees in the State.

30 Q.—SRI G. LATCHANNA: Will the Hon. the Minister for Public Works be pleased to state—

(a) the number of refugees that arrived in Madras Presidency since the year 1947 up-to-date from South East Asian countries such as Burma, Malaya, etc., district-war; and

(b) what action the Government have taken so far on the suggestions made by the Andhra Provincial Congress Committee, North Visakhapatnam District Congress Committee and the All-India South-East Asian Refugees Association for the redressal of the miseries of these refugees?

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A.—(a) Nineteen thousand five hundred refugees arrived in this State since the year 1947. District-war figures are not available.

(b) No representations have so far been received by the Government either from the Andhra Provincial Congress Committee or the North Visakhapatnam District Congress Committee. Necessary action was taken on the suggestions made by the All-India South-East Asian Refugees Association. The hon. Member, who is the Secretary of this Association, was also informed of the action taken.

Alleged demolition of houses in Tanjore district.

* 31 Q.—SRI M. KANNIAPPAN: Will the Hon. the Minister for Land Revenue be pleased to state whether the Government have taken or propose to take any action on the petitions sent by the villagers in the Tanjore district about the demolition of their houses by mirasdars and if so, what it is?

A.—Only one telegram was received by the Government in April 1950 from one Sri Nagappan. It related to the demolition of certain huts in Sirkali taluk, Tanjore district. The telegram was sent to the Collector of Tanjore in original for taking necessary action.

Allegations against District Health Officer, Coimbatore.

32 Q.—SRI T. VISWANATHAM: Will the Hon. the Minister for Health be pleased to state with reference to the answer given to Legislative Assembly Question No. 179 on 17th March 1948—

(a) whether the enquiry against the Health Officer referred to therein has been completed and if so, what action has been taken;

(b) whether any Health Inspector had been suspended or dismissed on the recommendation of the District Health Officer concerned; and

(c) if so, whether redress would be given to him?

A.—(a) No enquiry was conducted against the Health Officer concerned in respect of the allegations made by the Health Inspector. The allegations were found to be the outcome of the charges framed against the Health Inspector by the Health Officer.

(b) The Health Inspector concerned was removed from service by the Director of Public Health as the charges framed against him, were proved.

(c) The question does not arise, as he was rightly removed from service by the Director of Public Health. His

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appeal to Government against the proceedings of the Director of Public Health was also rejected after careful examination.

Appointment of Gramasevaks.

33 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Rural Development be pleased to state—

(a) the number of Gramasevaks appointed in each district after the expansion of the Firka Development Scheme;

(b) the number among them that are really social workers who are interested in social service in rural areas;

(c) whether they are given any training;

(d) if so, what the duration of the training is;

(e) the facilities provided to them during training;

(f) their functions and privileges as Gramasevaks after the training; and

(g) the number of the selected Gramasevaks that belong to Rayalaseema and the number of Harijans and Backward Classes among them?

A.—(a) Five Gramasevaks were appointed in each district except in Visakhapatnam district where ten Gramasevaks were appointed, five for Visakhapatnam South and five for Visakhapatnam North. The Visakhapatnam district has since been bifurcated into Srikakulam and Visakhapatnam.

(b) All of them are social workers.

(c) Yes.

(d) They are trained for a total period of six months spread over two years at three months each time.

(e) Gramasevaks get their salary during the period of training besides free boarding and lodging.

(f) The Gramasevaks are charged with the duty of implementing in the villages the Rural Reconstruction programme laid down in the Scheme. They get all the privileges which the other Government servants are entitled to get.

(g) Twenty persons have been selected as Gramasevaks from the Rayalaseema. Four of them are Harijans and one belongs to the Backward community.

District Advisory Committees for Cottage Industries.

34 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Rural Development be pleased to state—

(a) whether it is a fact that District Advisory Committees were formed for the development of Cottage Industries;

(b) if so, the districts where such Advisory Committees have been formed;

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(c) who the members of those Committees are;

(d) the industries proposed to be developed; and

(e) the qualifications, privileges and functions of these members?

A.—(a) No District Advisory Committees have been constituted for the development of Cottage Industries. Presumably the hon. Member is referring to the Advisory Boards constituted for six select industries in certain areas.

(b) to (e) A copy of the G.O. No. 552*, Rural Welfare, dated 19th June 1950, which contains full particulars regarding the constitution and functions of the Boards is placed on the table of the House for information.

Lands to political sufferers.

35 Q.—SRI A. J. ARUNACHALAM: Will the Hon. the Minister for Land Revenue be pleased to state with reference to unstarred question No. 8 answered on 1st September 1950, whether there is any other scheme, besides grant of land to political sufferers, before the Government to solve the remaining applications from the political sufferers which are pending with the Government?

A.—No.

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

II.—ELECTION OF THREE MEMBERS TO THE SENATE OF THE ANNAMALAI UNIVERSITY.

MR. SPEAKER:—"I have to announce to the House that the following candidates were nominated for the election of three members by the Legislative Assembly to the Senate of the Annamalai University:—

(1) Sri M. G. Natesa Chettiar.

(2) W. J. Fernandez.

(3) Sri P. Kandaswami Pillai.

(4) Sri K. Bhashyam.

(5) Sri T. S. Pattabhiraman.

"Sri M. G. Natesa Chettiar and Mr. W. J. Fernandez have since withdrawn their candidature.

"As the number of candidates remaining is equal to the number of vacancies to be filled, namely, three, I hereby declare—

(1) Sri P. Kandaswami Pillai.

(2) Sri K. Bhashyam.

(3) Sri T. S. Pattabhiraman.

to have been duly elected to the Senate of the Annamalai University."

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JANAB ABDUL HAMEED KHAN:—"The information that has been given to the House says that a good number of hon. Members filed a nomination for election to the Senate of the Annamalai University, and some of them withdrew, and that only three Members have been elected from one party. May I through you, Sir, ask the Government to change their policy and see that the representation must be from the entire House and not from one individual party alone. In order to do this they must give at least a certain number of seats to the Opposition parties so that the fact that the hon. Members represent this entire Assembly may be more correct than it is to-day."

MR. SPEAKER:—"It is only a request."

THE HON. SRI B. GOPALA REDDI:—"Every matter that is brought before the Government will certainly be considered."

III.—GOVERNMENT MOTION.

MOTION UNDER RULE 24 OF THE MADRAS ASSEMBLY RULES.

THE HON. SRI B. GOPALA REDDI:—"Sir I beg to move—
That Rule 24 of the Madras Assembly Rules be suspended and the House do resolve to transact Government business on Thursday, the 16th November 1950."

"Sir, we are anxious that the Hindu Religious and Charitable Endowments Bill which was introduced about two years ago in the House should be concluded as early as possible. Therefore, we are obliged to transact official business on this non-official day. The Opposition leaders were consulted and they graciously agreed to the Government taking over the non-official day. Before we disperse, we are trying to give a non-official day during this very sitting itself. Therefore, I request that this day may be taken as an official day."

MR. SPEAKER:—"Motion moved—"

'That Rule 24 of the Madras Assembly Rules be suspended and the House do resolve to transact Government business on Thursday, the 16th November 1950.'"

JANAB M. MUHAMMAD ISMAIL:—"It is true, Sir, that I have agreed to this motion in advance but at the same time I want to submit that non-official business of the House is also very important. Under the Rules one day in a week is given as a non-official day and even that should not be whittled down. That has been my contention when the Government came forward with similar motions in the past. Non-official business particularly in the initial stages of an independent country is very important. Here we should not take for comparison the history of the British Parliament in its stages of development. If you want any real comparison we must go to the early history of the British Parliament. So, my point is that particularly at this stage non-official business is also very important and the days allotted for it should

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not be taken away by the Government under ordinary circumstances. However the Hon. Leader of the House urged that the Endowments Bill must be proceeded with as it was pending for a long time. Moreover he has also assured the House that he would allot a non-official day during this very sitting, after the House finishes the Hindu Religious and Charitable Endowments Bill. He said, if I am not mistaken, that he won't take up the next non-official day, that is the next Thursday. With this assurance it is only reasonable that the House should agree to the motion moved by the Hon. the Leader of the House. I agreed to the proposal under these circumstances and still agree, Sir."

SRI T. PRAKASAM:—"Mr. Speaker, Sir. In the non-official business on the agenda, there is a resolution which I have to move relating to the charges against the Hon. Ministers. You were good enough, Sir, to ask the Leader of this House whether he would allot any day for that purpose, and he replied the Government could not afford to do so. The Hon. the Leader of the House also stated that this is a private motion and it must be taken up as a private motion in the ordinary course. I would submit to you, Sir, that it is not an ordinary motion, although you have allowed that to be moved not as a privilege motion as I first wanted to move."

MR. SPEAKER:—"Yes, that I have ruled out of order."

SRI T. PRAKASAM:—"Yes, Sir. That is what I am submitting to you. I am not questioning that because we are past that stage."

MR. SPEAKER:—"It has been allowed as a substantive motion."

SRI T. PRAKASAM:—"Yes, Sir. As a substantive motion you have allowed, after all the preliminaries have been gone through and your ruling has been given on the application for privilege motion. The Government, as it is constituted to-day, should have the responsibility to treat this substantive motion as a very important motion affecting their own position."

MR. SPEAKER:—"The Leader of the House wants to discuss the motion at any other time and a day will be allotted for that. The present motion is to take this day for official business."

SRI T. PRAKASAM:—"Sir, it is not fair on the part of the Government to come with this motion that this day should be taken as an official day. That is the point on which I am submitting to you, Sir. It is not fair that the Government should have made this motion now. Nothing can be more important, Sir, than this resolution that affects the members of this Government. It should have induced them to come forward and say, 'Well, Sir, we shall take up official business afterwards. First of all, we shall take up this business to-day.' They should have

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said that, instead of bringing this motion that this day should be taken up as an official day. That is not fair and you should not allow that."

MR. SPEAKER:—"The hon. Member should not question me. The Leader of the House has consulted the Leader of the Opposition and the other official parties and when the consent of all the three Leaders was taken."

SRI T. PRAKASAM:—"Sir, you have gone through the formality of consulting the Leader of the House and the Leader of the Opposition here. This is a matter which is not confined merely to the Leaders of the parties of this House, but to all the Members of this House."

MR. SPEAKER:—"The Leaders represent Members."

SRI T. PRAKASAM:—"Yes, Sir. I am submitting to you that you are the custodian and guardian of the interests of the people outside and also of the Members here and you have been trying to discharge your duty as impartially as possible and I have no complaint about it. But, I must point out, having regard to the happenings until now and the way in which these Hon. Ministers have been trying to avoid the opening of the charges, I should call upon them to meet and explain the position. It is in the public interests and in their own interests that this resolution has been brought forward. Instead of meeting it squarely, day-before-yesterday the Leader of the House came up and said that this motion can be taken up on a non-official day. Is this Government a private Government?"

MR. SPEAKER:—"Let not the hon. Member go into the merits and demerits of the resolution. The motion is that the Government want to take up to-day official business."

SRI T. PRAKASAM:—"I would like to know, Sir, from the Government before going further into the question whether they have got any intention of giving time for consideration of this resolution. In fairness, they ought to have told the House and me who has tabled the motion, "there is a motion and we will attend to it at such and such a time". But, it is not done by them. Now, Sir, before I state further on this very important matter, I would request the Leader of the House to say what his object is. Is it his object that he will do all that lies in his power, as he is the Leader of the House or; to see that this motion does not come up before this House; would he be good enough to say that he will give you such and such a date."

JANAB M. MUHAMMAD ISMAIL:—"The hon. Gentleman Sri T. Prakasam referred to the Leader of the Opposition. In that connection, Sir, I want to tell him that the Leaders represent the other Members and the Leaders had consultations on the matter with the Members they represent. Secondly, I agree with hon. Member Sri Prakasam that nobody should try to shut out such

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an important resolution as the one he has tabled. But, at the same time one has to be fair to the other Members also. The Leader of the House told me that he had consulted his friends on the other side and they were anxious to discuss this as soon as possible and that only the present business before the House was standing in the way. Sir, he definitely assured me before he asked me to agree to his proposal that he will have a non-official day allotted before this sitting is over, and at any rate, that the next Thursday will be a non-official day. That is what he told me. It was on that that we have agreed. This is what I wanted to tell, Sir, in fairness to the other party also."

SRI T. PRAKASAM:—"In view of what the Leader of the Opposition has stated, may I know, Sir, from the Leader of the House—I am asking the Leader of the House to get up and say, that this would be allowed next Thursday."

* SRI T. VISWANATHAM:—"Sir, there is a motion moved by Government. And I have to say something very important. As the hon. Member Sri T. Prakasam has said, it is not fair on the part of the Government to take away the non-official day. They have been doing it on several occasions. But, to-day is particularly important because of the very important resolution given notice of by him. Sir, you have been good enough to say that the Leaders of various groups have been consulted by the Leader of the House. But, when the hon. Member Sri T. Prakasam has asked the Leader of the House whether he would be good enough to say what day he would allot for this motion, instead of his rising, the Leader of the Opposition rose and promised a day on his behalf. I want the Leader of the House to rise and say, instead of waiting for somebody else to say, what has transpired between the Leader of the House and other parties. I would also request you, Sir, on behalf of the Members who generally give notices of resolutions that they also should be taken into confidence on matters like this. It is not enough if the three Leaders agree. It is not possible for me to explain the position fully if the Speaker were to obstruct before I complete."

MR. SPEAKER:—"I never obstruct a Member. The hon. Member should withdraw it at once."

SRI T. VISWANATHAM:—"I withdraw, Sir. I did not use the word in any bad sense. If the Speaker says something before I complete my sentence, it is not possible for me to say anything."

MR. SPEAKER:—"Then, I will allow the hon. Member to speak."

* SRI T. VISWANATHAM:—"Thank You, Sir. In fairness to the Members who give notices, it is necessary that they should also be consulted before the Government decide to take away the non-official day and it will be a happy convention. I would request you, Sir, to take this into consideration on future occasions. The Hon. the Leader of the House says that the Madras Hindu

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Religious and Charitable Endowments Bill is very important. We know its importance and for the last 2 years it has been there. The Government have not made up their minds. Amendments after amendments are coming. The importance of the official work can be very well understood from it and the reasoning of the Hon. Minister is not quite sound. It would have been fair on his part if he had not moved his motion and kept this day for non-official business and carry over the official business to other days. I would request the Leader of the House, Sir, to stand up and say what date he is going to allot for this non-official work."

MR. SPEAKER:—"It is not possible for the Chair to consult every Member. The Leader of the House said that he had consulted his whole party. The Leader of the Opposition consented on behalf of his party. The Leader of the Second Opposition Janab Abdul Hameed Khan consented on behalf of his party. And it is not possible for the Chair to consult every Member."

* SRI T. VISWANATHAM:—"Sir, I do not suggest that you should consult every Member. You may consult those hon. Members who have given notices of resolutions, which have succeeded in the ballot."

MR. SPEAKER:—"The Leader of the House speaks on behalf of your party."

SRI T. PRAKASAM:—"But, if the Leader of the House is one of the accused in the resolution?"

MR. SPEAKER:—"The House has not given its verdict and the hon. Member should not use the word 'accused'."

SRI T. PRAKASAM:—"There is nothing wrong in the expression used by me, Sir."

MR. SPEAKER:—"It is wrong."

SRI T. PRAKASAM:—"No, Sir. It is not only the Leader of the House, but others also are included in the charges framed and presented. Therefore, it is necessary that persons who have formulated the accusations or charges must have a voice in fixing the date."

12-15 P.M. "Now, Sir, leaving aside all those things, and without going into these details, I would like to know from the Leader of the House when he is going to allot a day. I want to know what his intention is; whether he is going to give us one day or, because he is the Leader of the House and continues in office, it is his intention to see that this matter never comes before the House by applying some rule or other until the next year is over. Before I say something more on this matter, I would like to know this."

"Now, Sir, you have taken exception to my using the word 'accused'. That word does not mean anything. Any person against whom a charge is made is an accused person. Beyond that it does not mean anything, and I did not mean anything."

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As I stated already, here are the charges. If they can be explained away, you must invite the other side to take up the challenge and ask the Mover to prove them. That must be the attitude of the Leader of the House, if he is the Leader of the whole House—I make a distinction here—if the charges are against the Ministers."

MR. SPEAKER:—"The Hon. Minister will reply now."

SRI T. PRAKASAM:—"The charges are against the Ministers and they should not say, 'I am the Leader of the whole thing'. Sir, I am your subject; I am your servant, I have submitted these charges against you in Parliament and I am asking you to get up and answer the charges and convince the House. That is the position in which we stand."

* THE HON. SRI B. GOPALA REDDI:—"Sir, while moving the Motion under Rule 24, I clearly stated that certainly a non-official day will be given in this sitting itself and that this Session was specially earmarked for the Endowments Bill because it has been pending before the House for two years. I have promised Hon. Dr. Rajan, my Hon. Colleague in charge of the Bill, that a whole sitting will be earmarked for this Bill, because it has been pending for such a long time."

"I do not want to go into the merits of the motion."

SRI T. PRAKASAM:—"The Hon. Minister is going into the merits."

* THE HON. SRI B. GOPALA REDDI:—"I am not going into the merits of the motion. I am only explaining why we are obliged to go on with the Endowments Bill and have this non-official day too. We are anxious that this Bill must be proceeded with first and then, certainly, we will allow a day for non-official business when hon. Mr. Prakasam's motion will be taken up, even if it is not a non-official day. We are anxious that this Damocles' sword, which has been hanging over our heads for over two and a half years should be removed and a verdict obtained in the matter. We are anxious to dispose of this matter and not keep it pending till the next elections if you want to make use of it. We do not want it to be pending any longer. We are anxious to clear the matter. We have never been given an opportunity to explain this matter and we are glad that an opportunity is coming for us to explain the position so that the whole world may know something about these charges. We do not want this Damocles' sword to be hanging over our heads for all time. Therefore, it is in our own interests as he says, we want to provide a day. But this is not a matter of immediate importance. It has been there for two and a half years. We could wait for one more week or perhaps till the 22nd or the 23rd of this month. There is nothing urgent about it. We thought we could proceed with the Endowments Bill and then take this up on the 22nd or 23rd which is a non-official day. If the Endowments Bill could be finished earlier than the 23rd instant, next Thursday, the 21st or 22nd will be available for this."

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MR. SPEAKER:—"I am now going to put this to the vote of the House. The question is—

'That Rule 24 of the Madras Assembly Rules be suspended and the House do resolve to transact Government business on Thursday, the 16th November 1950.'

The motion was carried.

IV.—GOVERNMENT BILL.

THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS BILL, 1949 (L.A. BILL NO. 10 OF 1949)—*cont.*

MR. SPEAKER:—"The House will take up consideration of clause 6, sub-clause (14).

[At this stage some hon. Members were leaving the House and there was some noise.]

"Hon. Members who want to leave the House may do so without making noise."

Sub-clause (14).

SRI T. VISWANATHAM:—"Will it not be convenient, Sir, if the Government move their amendment first?"

THE HON. SRI K. MADHAVA MENON:—"I submit, Sir, there is no connexion between the amendments to be moved by hon. Mr. Viswanatham and by the Government. The amendment to be moved by me is more or less a formal amendment."

MR. SPEAKER:—"Hon. Mr. Viswanatham may move his amendment."

SRI T. VISWANATHAM:—"Sir, I move—

'That in sub-clause (14), delete the words "maths or temples", in line 3.'

"This is a very simple amendment."

MR. SPEAKER:—"I see the hon. Member Sri Varadachari rising in his seat. He has not given notice of any amendment to sub-clause (14)."

THE HON. SRI K. MADHAVA MENON:—"He has got an amendment to Explanation 1."

SRI T. VISWANATHAM:—"Sir, my amendment only seeks to fulfil the object of this Act. I want the maths and temples to be excluded from the definition of 'Religious Endowments'."

SRI K. BHASHYAM:—"I second the amendment."

THE HON. SRI K. MADHAVA MENON:—"My hon. Friend wants that maths and temples should be excluded. That is not the object of the Bill. The Bill seeks to include maths and temples. I regret, therefore, that I cannot accept the amendment."

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MR. SPEAKER:—"I shall now put the amendment to vote."

SRI T. VISWANATHAM:—"I did not hear the reply, Sir."

THE HON. SRI K. MADHAVA MENON:—"My hon. Friend said that his object in moving the amendment was to exclude maths and temples from the endowments. The object of the Government, on the other hand, is to include them. His amendment, therefore, cannot be accepted."

SRI T. VISWANATHAM:—"Sir, maths and temples are not omitted from the operation of the Act. If my motion is accepted it will serve the purpose the Hon. Minister has in view, because if from the definition of temples and maths the particularity is excluded, there is the general definition which includes every religious charity. Therefore, his object is the same as mine. I do not see any reason why it should be confined to maths and temples. I am seeking to enlarge the thing and therefore the Hon. Minister may please reconsider the matter before he says 'No'."

THE HON. SRI K. MADHAVA MENON:—"I am not reconsidering the matter."

The amendment was put and lost.

SRI K. BHASHYAM:—"Sir, I move—

'Omit the words "and includes the institution concerned and also the premises thereof."

"This amendment which I have moved will conduce to the harmonious working of the several stringent provisions of this Bill. What happens is, particularly in the case of maths which I have in mind, even the habitations or places where the matadhipathi lives and has his being and also the premises of the maths, which are not really required for the purpose of the administration, will come under this definition. What I say is that the premises of any person should be left untouched. That is why I have moved this amendment. Really we should exclude all places in a math which are connected with the day-to-day living therein. I would be glad if those things which are used for the personal comforts of the persons living there are excluded and left untouched. If an executive officer is appointed it would look as if he will drive out the matadhipathi from the math and take possession of it leaving him to find a habitation elsewhere. You will say that the Government will not do things so unreasonable. Of course, there will be strong public opinion against it. But I want to make it a sort of right of the matadhipathi to retain such portions of the math as he has been using for his personal comforts and for imparting lessons to his disciples. My object, Sir, as I said, is to exclude definite portions of the math which are not in use for public purposes."

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* SRI T. VISWANATHAM:—“ I second the amendment. In doing so, I would ask the Hon. Minister to look at sub-clause (15) in which ‘ Religious institution ’ is sought to be defined. According to that definition ‘ religious institution ’ means a math, temple or specific endowment. In the definition for ‘ specific endowment ’ you say it means any property or money. This has been dealt with in a separate clause already, and there are other provisions concerning the institutions. Therefore, it is proper that this amendment should be accepted.”

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SRI V. RAGHAVAYYA:—“ Sir, apart from the personal considerations that should be taken into account in excluding personal apartments of the matadhipathis, there is also another consideration, viz., the sanctity attached to the apartments. A person goes to the Tirumalai Hill, not because God cannot be found elsewhere, but because there is a sanctity attached to the *sanctum sanctorum* and people go there with great piety. Take for instance, Sri Sankaracharyar. He has got a matam at Sringeri and people wait there for days together to get a glimpse of him at the math. Seeing him when he goes on tours is one thing, but special sanctity attaches to the institution, a sanctity which may not be visible to the mundane eyes. I, therefore, request the Government to accept the reasonable suggestion of hon. Mr. Bhashyam.”

* THE HON. SRI K. MADHAVA MENON:—“ Sir, the hon. Member, Mr. Bhashyam, and other hon. Members who supported his amendment were only thinking about the maths. The amendment of hon. Mr. Bhashyam wants to omit the words ‘ and includes the institution concerned and also the premises thereof.’ A religious endowment does not consist of maths and temples alone, but it consists of the endowments of property for the support of the maths and temples. The endowments given for the purpose of service in these temples also come under the definition. In the existing Act, ‘ premises ’ are not mentioned. Take for instance the Tirupathi temple which hon. Mr. Raghavayya mentioned. If the institution of the temple is not part of the endowment, if supervision cannot be exercised over it, what happens? It is not the property alone that has to be considered. The administration of the institution also has to be done properly. If we want to have things done properly in the institution, the Commissioner or the trustees or the area committee will have to go into the question and see whether they are done properly. There is a lacuna in the original Act and we are now adding the words ‘ premises ’ here.”

* SRI K. BHASHYAM:—“ Sir, whatever the merits or the demerits of the contention of the Hon. Minister for Law, I should like him to appreciate the difficulties in the case of the maths themselves. If he will make an exception in respect of these maths at least by a proper amendment later on, I shall be satisfied.

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The Hon. Minister may have other difficulties, because from the point of view of the policy of the Government that they should take everything into their hands, possibly what he says may be correct. But I should like him to examine the case over again. As many hon. Members have stated, in the temple there is the God and in the math there is the Swami. Therefore, the precincts or the premises of a math should not really be touched. For that purpose, if the Hon. Minister would introduce a proper amendment, I shall be extremely glad and thankful to him.”

THE HON. SRI K. MADHAVA MENON:—“ Since it included maths and temples, the amendment as it is, could not be accepted. But with regard to the institution of a math, what exactly the implications are, we shall examine, Sir.”

MR. SPEAKER:—“ In view of the assurance of the Hon. Minister, is the hon. Member prepared to withdraw his amendment? ”

SRI K. BHASHYAM:—“ In view of the promise made, Sir, I beg to withdraw my amendment.”

The amendment was, by leave, withdrawn.

Explanation (1) of sub-clause (14).

* SRI T. VISWANATHAM:—“ Sir, I move the following amendment:—

‘ Delete *Explanation (1).*’

Sir, this Explanation relates to inams, the scope and content of inams, what are inams and what is to be deemed to be the subject-matter of inams. I submit, Sir, that it is not covered by the objects and reasons of this Bill. It is beyond the scope of this Bill to determine or seek to determine the nature and content of inams by legislation. The whole purpose of this Act is to bring under control the properties belonging to religious institutions if the property is there. It is not the intention of the Bill to go into the nature of the property. The nature of the property has got to be decided by another tribunal. Suppose the Government are of the opinion that a particular inam is an endowment in favour of a temple or a charitable institution, then it is for the Government to go to a court of law and establish that point. They cannot straightway say that whatever the nature of the property relating to the endowment, it shall be treated as the property belonging to the temple. The distinction between the two is this. In one case, if my amendment is accepted, the Government can lay claim to the property and can establish their title to the property as belonging to the temple before a court of law. If, on the other hand, this Explanation is retained as it is, the Government would not have the necessity to go to a court and all the claims of others in the property are denied at one stroke by this legislation. It is very wrong in principle. Even assuming it is

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a case of movable property, the Government cannot straightaway say that such and such movable property belongs to the temple. They have to make their claim before a proper authority and establish their claim. In the case of immovable property, we really do not know the position. This Explanation is opposed to the existing position. When the matter is in doubt in regard to the content of the inam, it is always left to the decision of the courts. It is not at all a matter for presumption either way. Each grant has to be decided on its own facts, as to whether the inam was only the melvaram or both the varams. The Government are well aware of the position and they cannot always say that these inams are the property of the temple. But they want to bypass the present position and bypass the existing state of the law which has been in force for the last 150 years or so by one stroke of legislation saying that these shall be treated as endowments. It is not a fair way of doing things to come forward with one legislation and include in it another legislation. Sir, I had occasion in connexion with another Bill to point out that there is legislation in some of the States of America to the effect that the subject-matter of the Bill should never exceed the objects and reasons or the title of the Bill. There is a legislation like that as over-enthusiastic Ministers or over-enthusiastic draftsmen might combine every possible subject which they have in their minds in one piece of legislation. Here it is certainly a case of over-enthusiasm and I submit it is far beyond the scope of the Bill to say by way of an Explanation that this shall be the scope and content of an inam. For years and years, for 150 to 200 years, it has all along been understood by Government and by this Government even now in connexion with some other legislation, and it has been recognized that when a dispute arises as regards the content of an inam it is a matter for the courts to decide. Now by a side-wind as it were, the Government want to close the matter by this piece of legislation; and without giving an opportunity to the persons concerned to prove their claim they want to say straightway that the inam shall be treated as a property belonging to the temple.

"Sir, the Government are certainly aware of the decisions of the High Court in several cases which have come up from Guntur district. In several cases the court has held that the property does not belong to the temple but to the incumbents themselves. With all these decisions before the Government, it is not fair on their part to straightway wipe them out and wipe out all the claims of others without going into the merits of the cases and to say that they shall be treated as the property of the temple. Sir, I submit it is a matter extraneous to the objects of this legislation and it should not be there. I request the Hon. Minister to consider carefully whether it is legislative propriety to mix up inam tenures with the object of controlling religious endowments. I submit that my amendment is very reasonable and it will lead to clarity. Whenever the Government

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want to lay claim to an inam, they could certainly go to a court of law and if the property belongs to the temple, the court will grant it to the temple."

* SRI K. BHASHYAM:—"I second the amendment, Sir. Most of the arguments I had in mind have been advanced already. The stated object of this legislation is to protect the properties of the religious institutions. It is not the purpose of the Bill and I take it that it is not the purpose of the Government also to acquire properties afresh for these institutions. The Government must keep the properties that are there, but they ought not to go and grab other people's property for the purpose of getting properties for these institutions. The Government cannot say by a side-wind as it were, 'We will raise a presumption in regard to these inams. These have been made 100 or 200 years ago. There will not be evidence one way or the other. We will grab them.' Is it not a case of confiscatory legislation without provision for adequate compensation? I want you to think about it very seriously. There are specific cases where there will be hardship. I will point them out later on. In the present case, this is something which is wholly foreign to the scope of the Bill itself. When you say that you want to conserve the property of the institution, it is quite right and you may do all things necessary for the purpose; but if you really say that you will also go further and acquire property which is not already the property of the institution, by a side-wind like that, by raising a presumption, I submit it is something which is wholly unjustified. I will therefore say it is confiscatory and expropriatory. This is what I would like the Hon. Minister to think about.

"These grants were made 400 or 500 years ago. You say in the first portion of the clause that all property given for the performance of any service or charity is a religious endowment. If it is a religious endowment you can ask an officer to take charge of it and ask him to submit returns and give the budget and so on. But consider the grants made to these archakas on the merits of the case and in justice to them. These grants were made 400 or 500 years ago and at the time they were granted, we do not know the state of the country. We do not know whether there were already some cultivators on these lands and whether only the melvaram was given to these persons. If there was a person already cultivating the land, all that could be given to the service-holder was the melvaram. The grantor was entitled only to the melvaram and melvaram alone was given to the service-holder for service. I only want you to visualize the state of things which might have existed when the Raja for instance gave these lands 400 years ago. The Raja was in possession of the melvaram, the Government dues, and he should have given it to the service-holder. Then suppose, Sir, in the olden days a land was granted; that is both the varams were given. The whole land was granted. Naturally it must have been uncultivated when the

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grant was made. The Raja cannot take away the land which is cultivated by another tenant and give it to other persons. It will not be fair to do so. The grantee or the service-holder might have brought the land under cultivation, improved it and added to it and has been enjoying the benefit of it all these years. Now by calling it a religious endowment, you have taken away from him all the benefits of the improvements which are due to his own exertions and not to the original grant. Therefore, it is I am asking, 'Is it fair, is it just that you should really say in this case that the whole land must be taken away as part of the endowment?' That will cause difficulty. I should like this matter to be considered. I do not want to give particular cases, for you do not care at all for courts of law or for Judge-made law. You say that you make the laws here and you are supreme. What I say is when you make laws, make them properly. I have no objection to your claiming supremacy in matters of law-making. You are quite right in your claim and I grant it. You are a giant in the matter of making laws and you can do anything you like. You may have the strength of a giant but you should not use it tyrannously to deprive poor persons of the property to which they are really entitled. In all fairness and in justice, I am asking you to consider this. You are, no doubt, thinking of the institution; you want to protect it no doubt, but look at the other party who is affected. Do the archakas all belong to a wealthy class? They are entirely dependent upon these lands and they have been enjoying these lands for more than 400 years. What will be their position if you all of a sudden throw them out into the streets tomorrow? The service of these archakas is practically one of the important functions of the temple and if you want to have this kind of control over them, you will be simply throwing them out; they will simply have to come and beg before you with, so to say, their tails between their legs, and ask you for your favour for this and that. And if that is the idea at the back of your mind, then I can only say it is base."

SRI K. VARADACHARI:—"Sir, I never thought that the Government would go to the length of trying to acquire property for religious institutions by calling them religious endowments. You cannot under cover of this Bill appropriate another man's property by merely calling it a religious endowment, by a definition in this Bill. Service inams have always been considered to be owned by the persons to whom the inams have been granted. Services are of different kinds—they may be temporal or they may be spiritual. The mere fact that a man is asked to perform service in a religious institution and for his support some inam is granted to him, should be deemed to be a gift of land made for the support of the temple itself. In the case of property given to an archaka for performance of service in a temple, as long as he performs the service, he will be the owner of that property. If you call that 'religious endowment' it would mean that all the

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provisions of this Bill would be applicable to it, and he can be asked to say how much he has got, how much he has eaten, how much he has saved, whether he has put any money in the bank, and all that. Is that the way to treat lands given to service-holders? It is really uncharitable on the part of the Government to introduce this by way of an explanation to a definition of the word 'religious endowment' and say that he can be ousted from his place at any time and another man may be brought instead and thereby you can misappropriate the property. That is not fair. I would therefore request the Government to consider this aspect, that it is really expropriatory and will even go against the intention of the Constitution, that it is likely to be held *ultra vires* and that it will be completely outside the scope of the Bill itself."

SRI V. RAGHAVAYYA:—"Sir, all the sympathies showered on the mataunipatti need not be showered upon a service-holder. It will be expanding your sympathy too far. My submission is that in all these matters, the original intention of the grantor has to be considered. When a grantor gives the property to a particular person and says you must perform such and such service, it is the service that the grantor has in view more than the person to whom it is given, because the person does not last long. Suppose the service is 2,200 years old, can you say that the grantor thought that the man to whom it was granted would live for ever? In the case of a math, there is some sort of succession; for instance, Sri Sankaracharyar is succeeded by an eminent string of scholarly people; and in that case, a grantor of a gift may have the math in view. But here in the case of service like supplying garland to the deity or some such thing, the grantor has the service in view and the person is only a medium for that service. So, to extend to that person the importance that you attach to the head of a math is, I submit, a waste of too much sympathy upon a man who does not deserve it. Further, knowing as we do how these service inams are being managed, how can we say the grant is personal? It is not always correct to say that an archaka will have his son as an archaka. Very often their sons take to other jobs and leave the service itself to their proxies. Suppose a proxy archaka is let in here, can we say that the idea of the original grantor was that the proxy also should enjoy the sanctity and the importance attached to the person of the original grantee? It is absurd. Again, if you want to treat it as personal property, is it to be divided and subdivided among the descendants? For instance, take the karnam's job. If the karnam fails to do the service expected of him, he loses his job. If his son is not qualified for it, or if he goes in for a Deputy Collector's job instead of a karnam's job, is the service to be retained in his family for ever and for ever?"

SRI K. BHASHYAM:—"It is retained, Sir."

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SRI V. RAGHAVAYYA:—"If the son is not qualified or if he goes in for a higher job, then he is passed over and the nearest relation gets it. But here the question is whether the gift is individual or not. I agree that in the case of the math, the gift is a personal gift; but here it is not so; it is tacked on to the service. So, it is the service that is kept more in view than the person of the grantee."

"I want the House to note this distinction. Further, Sir, there is one vague sentence here which should have been made more explicit. In Explanation (1) we find the words 'Any inam granted to an archaka, service-holder or other employee of a religious institution for the performance of any service or charity in or connected with a religious institution'. The expression 'connected with a religious institution' is too vague. I feel, Sir, the Government should make it more explicit. I support the Explanation *in toto*."

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, this is a very important matter and should not have been very lightly dealt with, as was done by my predecessor."

SRI V. RAGHAVAYYA:—"You may do it more heavily."

* SRI N. S. VARADACHARI:—"I will do it more sensibly. Mr. Speaker, Sir, I want the attention of Government to this very important matter. I want also to raise a point of order. I consider that this Explanation is absolutely out of order in view of the present law prevailing."

MR. SPEAKER:—"But the hon. Member himself has given notice of an amendment to this clause."

* SRI N. S. VARADACHARI:—"After all, Sir, whether it is out of order or not depends on your ruling. It is not enough if I raise the point of order; you must uphold it, and I have the right to move amendments till my point of order is upheld by you. The point of order is this: This is absolutely inconsistent with the present law as it stands and as passed by this House. In the Zamindari Abolition Act which we have passed, Sir, we have conceded to landholders holding lands on service tenure and as personal gifts, and vouchsafed to them ryotwari patta, even if they hold a whole-inam village or one or more villages. In fact, the proviso makes it very clear, and we are actually considering this point in connection with another Bill. I think it would be wrong to proceed with an Explanation like this in this Bill while the law as made by this House stands definite, that a service-holder of the character described herein holding lands as personal gift holds it as a full proprietor; and till that law is changed, till section 17 (1) of the Zamindari Abolition Act is changed, this House has no right to consider an amendment in a new Bill—although Government may revise their policy in regard

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to it—which seeks to amend an established law already passed by the House. As a matter of fact, the proper procedure would be to consider an amendment to that section I have referred to and till then to postpone consideration of this Explanation in this Bill. Sir, the law as it stands is this: There are three types of land which are dealt with under that Act. The first type is called zamindari land in which there is ryoti land and the ryot holding the ryoti land is given patta. The second type of land is inam; and even in inams, what is held under occupancy right by tenants is given away to tenants and they are to be given ryotwari patta. Similarly, under section 17 (1)—

"Where any land granted on service-tenure, whether to an individual or institution falls under section 3, clause 16 (c), of the Estates Land Act, then irrespective of whether such land consists of only a portion of a village or of one or more villages—

(a) if the service to be rendered is personal or private service to the landholder, not being a religious, educational or charitable institution, the land shall be discharged from the condition of such service and the holder of such land shall be entitled to a ryotwari patta in respect of the land with effect on and from the notified date;

(b) in all other cases, the holder of such land shall have the same rights in the land, and be subject to the same liabilities, as the inamdar of a minor service inam in a ryotwari village has in respect of his land:

Provided that where the land granted on service-tenure is an entire village, no ryotwari patta shall be granted in respect of any land in such village which is forest or which falls under section 3, clause 16, sub-clause (a) or (b), of the Estates Land Act.

I may inform the House, Mr. Speaker, that this very section is under amendment in connection with another Bill which is to be brought up before this House and which is still in the Select Committee stage. So, where is the hurry for going through this Explanation which seeks further to amend what is sought to be amended now in the other Bill before the Select Committee? And what does this Explanation say? It says—

"Any inam granted to an archaka, service-holder or other employee of a religious institution for the performance of any service of charity in or connected with a religious institution shall not be deemed to be a personal gift to the archaka, service-holder or employee but shall be deemed to be a religious endowment."

On merits, I wish to have my say later on. I only wanted to make it clear that if any law which has already been passed by this House is to be amended, the same law has to be amended, but that it should not be sought to be amended as a side-show on some other Bill which the House may be considering and the provision of which is contradictory to the present law as it stands. That is my point of order, Sir.

"Now, the point is very clear. I shall have my arguments on the merits as to why the 'Explanation' should be omitted after the point of order is dealt with by you. You may consider only this for the present and give me the opportunity to show how unjust and how wrong it would be to put in this 'Explanation' and punish the very people who are rendering such valuable service. I will deal with that aspect later on, but I would like to have your ruling on this particular matter."

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MR. SPEAKER:— Before giving my ruling, let me hear what the Government have to say."

* THE HON. SRI K. MADHAVA MENON:—" Sir, in the first place, I do not at all concede that it offends against the Zamindari Abolition Act. Apart from the question whether it affects the Zamindari Abolition Act or not, so far as my knowledge of legislation goes, if a Legislature passes a law which is inconsistent with, or which goes against, the provisions of any other law, the effect will be that the later law will have effect over the former law, that is the subsequent law prevails over the former law, unless there is any specific mention to the contrary."

* SRI N. S. VARADACHARI:—" But, what I say is, the Government will be well-advised to consider the policies laid down in one Act and in another before bringing in such amendment in the light of the new policy. I ask, is it right on the part of the Government to lay down two policies at one and the same time? "

MR. SPEAKER:—" I want to know whether there is any discrepancy between the two."

* SRI N. S. VARADACHARI:—" Whether there is discrepancy or not, we have a right to proceed with the enactment of this law, the effect of which will be to amend a totally different Act and this would prevail with reference to the general law."

MR. SPEAKER:—" I have not got a copy of the other Act and so let us now proceed with this matter and I shall deal with the point of order later."

* SRI N. S. VARADACHARI:—" Then, Sir, I shall proceed with one or two more important aspects of the matter. I want to make two things clear. It is always assumed that the grants made to the archakas are really not personal gifts according to this Explanation. This is absolutely wrong. The personal gifts to the archakas may be of various kinds. In a temple, for instance, the archaka has no other emoluments and he is not permitted to take anything and the only emolument he would get for the entire service would be from the village or villages granted to him under service tenure. Obviously certain hon. Members do not know that in very big temples the archaka is denied any personal gifts made by any worshipper and he cannot take even a copper coin once he sets his foot inside the temple and begins his service. That is so in the great temple at Tirupathi, which is the richest temple and where service is of such an onerous character that it has to be carried on from early morning up to very late at night and particularly during festival times, the service is almost continued all the 24 hours of the day with perhaps only three hours at his disposal for rest. So, Sir, let us not talk lightly of the archakas, thinking these are small people and can be dealt with lightly. But, these people are needed for

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the very upkeep of the solemnity and the grandeur of the temples. You forget the person altogether. But, you must remember the importance of the service, the dignity attached to the temple and the sacred atmosphere created by the continuance of the service which is performed under very difficult circumstances from day to day. Take a case like the temple at Tirupathi, there it is very bitter cold at times, but still the archaka has to get up at 4 o'clock in the morning, go to the temple and recite the beautiful verses in the morning and open the doors of the temple and continue the service which now takes him right up to 1 or 2 o'clock in the afternoon. Then he has time only to go home and take a little food before he comes back again to do service till late at night, that is, up to 10 or 11 o'clock. For all the service, what does he get? He gets no cash emoluments; not even a pie whatsoever. He may get some prasadam or perhaps 'Sripadarenu' and a few other gifts which are not material gifts. Then, Sir, what does the service depend upon? The service depends upon gifts made to this class of people by donors, who are worshippers of God and who gave these gifts out of their own property. Perhaps the ancient Rajas or other families were intent on keeping up the grand worship in such places. These people have to do service in the temples, and for doing this service in the temples, I may tell you there are at least 20 families stationed on the hill at Tirupathi. If one falls sick, the other family has to take up the service and so they have a sort of turn and he who goes in the morning has to go out late in the afternoon. And, sometimes, they have to employ substitutes, as was pointed out by hon. Mr. Raghavayya. These latter do not act free, but they are paid for the service and they are fully qualified people to do service in the temple and they are well looked after by these archakas. Have they the time to keep a ledger and accounts as if they are living on religious endowments? The effect of this Explanation is, the Hon. Minister makes it as though the gifts are not deemed to be personal gifts. On the other hand, these gifts have been enjoyed by these archakas for ages. It is very insulting. Then after depriving him of all that, and after having not made it the personal gifts, you want to make it all religious endowments."

MR. SPEAKER:—" The hon. Member should avoid using the word 'you' except when he refers to the chair."

* SRI N. S. VARADACHARI:—" Sir, I am thankful for the correction. Then, Sir, the service rendered by these archakas depends entirely on the income derived from the villages. How can either the Government or the public expect that these people could find sufficient time to keep an organization for maintaining an account of all they get from the villages? Even to-day they are finding it difficult to collect the rents from the villages. The laws made by the Government have created such tremendous difficulties that for the last few years they have not got even one-fourth or one-eighth of the total income which they should get

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from the lands. Such being the case, how do you expect them to carry on with their service in the temples? People do not realize that temples might be closed down if the service is interfered with. These inams are subject to service being continued. If therefore, the archaka ceases to do service, the inams can be resumed and Government have of course the right to resume such inams. If the archaka gave up service altogether, and retired to some other profession, then the family would lose the inam and so they are very careful in seeing that the service is rendered from day to day whatever difficulties there may be in the way of the service being rendered.

"Now, Sir, they are controlled in three different ways. I have never come across a case where such controls are sought to be exercised. First, the archaka is controlled by the executive officers of the religious institution. For instance, he is asked, 'why do you come late, why not begin work at 4-30' or so, though the officer himself might have come at 8 o'clock after having had coffee. It is all very disgusting for me to tell the Government that I have seen such remarks addressed to the archakas. The officer himself comes at 10 or 12 and ask the archaka 'why do you come late?' Then he sits there as if he were the lord of the entire place and gives his dictation as to how the entire service should be proceeded with. In fact the old practice was that there were some learned people who participated in the worship; they were honorary people and they were in charge of the entire service. But, to-day the practice is different. Your executive officer seeks to control him. That is the first control. Then, the second control over the archaka is, we have said that the archaka should not receive any emoluments at all as personal gifts and courts also have upheld that contention. It is a very severe control and worshippers will not part with money. So, he cannot collect anything from them. Then, the third control which you are introducing is, you are treating all religious endowments as specific endowments and the Endowment officers will say, 'we are endowment officers, bring your accounts and let us see whether you are properly utilizing the amount or not'. They may even ask, 'why did you employ this person or that; why did you travel to such and such a place to bring a substitute or why not you go to some other place and fetch a substitute or get a substitute from your own place?' and so on. There will be so many meticulous enquiries which might cause embarrassment and hardship of a character which I cannot approve of. I say, let these controls go. Leave alone the archakas; there are others whose service may be entirely of a permanent character. For instance, offering flowers in the temple the whole day. In Tirupathi there are gardens for this purpose. I know the Tirumalai-Tirupathi Devasthanam has never done this service satisfactorily. I have the good fortune to look after today one of the institutions which is making the entire supply of flowers from day to day from only one acre of land well cultivated and there is vast acreage which

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the Tirumalai-Tirupathi Devasthanam has in its possession—and I challenge whether the Devasthanam is discharging its duty of supplying flowers in a satisfactory manner. Now, what is to happen to these service-holders? Now, we have introduced considerable difficulties for people to come and settle in this hill from different parts of the country, take a portion of land, go over the land and employ labour on their own account and eke out their livelihood. How can these people plant trees, sell the produce in the bazaar and raise flowers for worship to the God every day? I ask, would you like to penalize such people? These are small services rendered, from the archaka down to the last man, who may even be the watchman or a man who has to recite the song; for instance, songs that are sung in the Tirupathi temple. Do you think that these are not necessary? Do you want to say that that is a specific endowment, so, stop your singing, bring your account and let me see, whether you are keeping accounts properly and so on? I tell you, Sir, this is tyranny of a character which I cannot approve of. Of course, we may control religious endowments and we may have control over the management of the properties connected with religious endowments, but why do we seek to control in this manner? I want to know whether the Government have got control over the entire individuals in the country, including their own services? Such being the case, why do you seek to impose that kind of control over these unfortunate people and by so doing, dissuade people from coming and taking service in the temples. Even at present we find difficulty in getting men well-versed in Agamas.

"We know nothing about the difficulties; it is a course of 1-15 seven years and eight years sometimes, it is an elaborate course. p.m. Should we not attract suitable men to this kind of service? Many people are living on this because to-day they have no other occupation to take to and we introduce all sorts of controls; cut down their income in one Bill, destroy their properties in another Bill and by a third Bill we seek to retain a stranglehold on what little that comes to them. I say, Sir, this is tyranny of a character which the Government would do well to keep away from. In view of the importance of the service and in view of the fact that the service-holder is left with very little and his work leaves him no time to attend to such secular affairs, as maintaining regular accounts, I request the Government to drop the 'Explanation.'"

* SRI L. N. GOPALASWAMI:—"Mr. Speaker, Sir, I have only a few words to say in support of the amendment and I shall only confine myself to the moral and equity aspect of the matter as much has been said about the legal aspect of it. I believe it is not the contention of the Government that there can be no personal gift to the archakas or service-holders. In sub-clause 14 there is a provision that a gift of property as a personal gift to the archaka or a service-holder shall not come under this category.

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But suddenly under this Explanation the Government want to take away the right of a particular service-holder over his inam. They themselves have said that if it is a personal gift made to him, it shall not form part of the religious endowment. Service inams have been granted to the service-holders from time immemorial, hundreds and hundreds of years ago and nobody can now at this distance of time say whether it was a personal gift to him or not. I can quite understand the position if the Government were to say: 'We are aware whether it is a personal gift or otherwise; so, let it be decided by a court of law'. But on the other hand, the Government want to take the position not only of the plaintiff but also of the Judge himself. They say that he should not only be not presumed to have had it as a personal gift but the contrary should be presumed, namely, that it is a religious endowment. I beg to submit, Sir, that this is uncharitable, unjust and immoral. In this connexion, I wish to say that not long ago, only in the previous sitting, the House passed a Bill on the question of service inam tenure; they said that the service inam of an artisan of a village should be presumed to comprise not only the emoluments therefrom but also the corpus also. When it has been said that not only the income but the corpus also has been vested in the service-holder in the case of the village artisan. I do not know why there should be this distinction in the case of the archakas and holders of inams for religious service or charity. This has nothing to do with the endowment and I am not able to understand how it is presumed to be an endowment. If the person is able to establish his right for it and prove that it was given as a personal inam, I feel, he ought to be entitled to it and the Government will not be justified in treating it as an endowment; it is not right that a personal property should become part of the endowment by a stroke of the pen and I, therefore, request the Government to reconsider the matter in spite of whatever they may contend against it."

* **THE HON. SRI K. MADHAVA MENON:**—"Mr. Speaker, Sir, I have not been able to understand the relevancy of the various remarks made in the House about the question of acquisition, compensation and personal property and so on, apart from its being unmoral or immoral or inequitable, nor have I been able to understand the relevancy of the question whether the melvaram has been granted or the kudivaram. As far as I could understand, Sir, the explanation only says that whatever may be the varam, whether it is kudivaram or melvaram, if an inam has been granted for the performance of service or charity in a temple, it must be treated as and included under the definition of 'religious endowment'. My hon. Friend Mr. Varadachari himself said that if a service inam holder does not perform the service, he forfeits the inam. Therefore, when an inam is granted to him for the purpose of performing a service or charity in the temple, it is necessary to see that he does that service. There is no attack or

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encroachment on any of the rights of the service-holder except this; we only say that we have to see to it that the service-holder performs the service he is expected to do and for which the inam has been given to him. I rely, Sir, on what hon. Mr. Varadachari himself quoted in the point of order that he raised. Section 17 of the Madras Estates (Abolition and Conversion into Ryotwari) Act says—

"Where any land granted on service tenure, whether to an individual or institution, on land under section 3, clause 20 (c) of the Estates Land Act, then irrespective of whether such land consists of only a portion of a village or of one or more villages—

"if the service to be rendered is personal or private service to the landholder, not being a religious, educational or charitable institution, the land shall be discharged from the condition of such service and the holder of such land shall be entitled to a ryotwari patta."

I invite the attention of the House to the words 'if the service to be rendered is personal or private service to the landholder, not being a religious, educational or charitable institution'. That is, if the service for which the inam is given is not for a religious or educational or charitable institution, and if the service is personal to the landlord, that property becomes his own and he is granted a patta. But if the service is for religious, educational or charitable institution, a distinction is made and they are not discharged from the obligation to perform the service. The hon. Member Sri N. S. Varadachari referred to the very good work put in by the archakas; I concede that very good work is done by the archakas and he said they work at a very great sacrifice, rising up early in the morning at 4 o'clock and do duties in the temple till noon and then return after some food and remain in the temple till 10 in the night; that is a very arduous work but it is imagination running ryot to suggest that they would have to come to us with the tail between their legs; otherwise they would be driven out. My submission is, Sir, that if the property of a particular person is an inam property given for the purpose of performing certain services in the temple, then that property is an endowment, because it has been endowed for the purpose of doing charity or service to the temple. It is an endowment that is given as wages or as compensation for the work that he has to perform for the institution and so long as it is endowed for that purpose, it is the duty of the public or the Government or anybody to see that he does that service. If he does not do it, then even according to law, he forfeits his right to hold the property. There is nothing new in this and no new law is necessary. Further, Sir, it cannot be deemed to be a personal gift to the archaka for this reason. Can the archaka give up his service and alienate the properties? That is the test; if he is entitled to give up the service and at the same time sell away the property, it is no longer a service inam. With due deference to the views of hon. Mr. Bhashyam, I wish to submit, Sir, that if an inam is given for the purpose of doing a particular charity or service or a particular work in a temple, there is a presumption in law according to this definition that it is an endowment. My hon. Friend,

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Mr. Gopalaswami, asked why the thing should not be settled in a court of law. Clause 67 says that if it is disputed that it is not an endowment, it is open to the person affected to take the matter to the court of law and get a decision upon it. But *prima facie*, if the property is given as an inam for the purpose of service in a religious institution, or a charitable institution or for the performance of charity, the presumption is that it is an endowment. It is however, open to that archaka who is affected by the presumption to go to a court under clause 62. There is thus no question of acquisition, or things being done without compensation and there is no question of immorality. Therefore, Sir, I am unable to accept the amendment."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, the Hon. Minister said that he has not understood the relevancy of most of our remarks. It is most unfortunate that he has not understood the relevancy of our remarks and that is our complaint, because the subject-matter is so extraneous to the object of the Hindu Religious Endowments Bill that the Hon. Minister has not bestowed any attention upon service-tenure and inams. He has been reading nothing but the mismanagement of religious endowments and properties belonging to endowments and has been bestowing his thoughts as to how to control them, whether it is through executive officers or through some other agencies. These things have been engaging his attention and that is the reason why he has not been able to understand the relevancy of our remarks and that is why we were not able to understand why by an executive stroke the scope and content of the subject of inams could be brought under a legislation of this kind, a legislation which does not deal with the principles of inam tenures and which by its very nature cannot deal with interpretation of grants whether for the archakas or for anybody else. That is the reason why he has not been able to understand our remarks. With your permission, Sir, I shall take some more time to explain the matter further."

MR. SPEAKER:—"If the hon. Member can finish his remarks within five minutes, I have no objection."

SRI T. VISWANATHAM:—"I may take a little more time, Sir."

MR. SPEAKER:—"Then we shall adjourn. The House will rise and meet again at 2-30 p.m."

(After lunch—2-30 p.m.)

There was no quorum, the bell was rung and the quorum was formed.

MR. SPEAKER:—"The hon. Member, Sri Viswanatham, will now continue his speech."

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* SRI T. VISWANATHAM:—"Sir, as I already submitted, the subject of inams is unrelated to the religious endowments. My contention is, Sir, that legislation should always be confined to the object which is stated in the title and in the preamble of any legislation. Otherwise the persons affected will have no notice as to what is happening. Now, people really are thinking that we are having discussion on religious endowments. People in the State and people affected will not know and do not know the nature of inams included in this Bill. They would be right in thinking so. And, therefore, Sir, it is well for us to always confine to the object in view, and that is one of the reasons, a chief reason, why the question of inams should not be dealt with in this legislation."

"Sir, in reply to my argument, the Hon. Sri Madhava Menon said that he did not see the relevancy of my contention. As I submitted, I do not see the relevancy of this 'Explanation' either. My argument becomes relevant, because he puts in a clause, which according to me is irrelevant. If the substance of my argument becomes irrelevant, it is because it is based upon this provision, which is irrelevant to the purpose of this Bill. There are other pieces of legislation, as the hon. Mr. Varadachari pointed out, where we are considering the same question of inams. In fact there is another Bill where the nature and treatment of these inams are being considered. That is at the Select Committee stage now. Then, under the Zamindari Abolition Act, there is an inquiry about so many other kinds of inams. In all these cases, whenever there is any doubt with regard to the nature of the inam, till now, it was left to the courts of law to decide as per the language of the grant. But the Hon. Sri Madhava Menon seems to be under the impression that the words 'shall be deemed' should be understood as 'shall be presumed.' The whole basis of his argument is that after all we are not taking away the property of anybody and this is not a confiscatory legislation. He says, instead of leaving it to a court to decide, when a dispute arises, we only presume that it is part of an endowment, we are not doing anything more, and therefore the question of confiscation does not arise. I want him to go through the language in this provision. It runs thus:

'Any inam granted to an archaka . . . shall not be deemed to be a personal gift to the archaka . . . but shall be deemed to be a religious endowment.'

I ask in all earnestness what does the term 'shall be deemed' mean? I deny the contention that it means 'it shall be presumed.' When the Bobbili Ministry passed a legislation in 1936 giving occupancy right in certain kinds of inams, they did not go to this extent. They simply said it shall be presumed to include both warams. Then in another piece of legislation which we passed a few months back with regard to artisan inams, the word 'presume' was used (in the Act of 1895, which referred to emoluments

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consisting of something) and extended to include also the land. Even there we objected that all presumptions should not be statutory made. It should all be left to ordinary provisions of the Evidence Act. If I understand English aright, the words 'shall be deemed' are not 'presumption', and the inam granted to an archaka is not his personal property but is the property of the endowment. And what is the result? Property till now treated as personal property by the archakas, has by statute, been converted into property belonging to the religious endowments and converted so without paying any compensation. Certainly it is confiscatory! Possibly it is not the intention of the Hon. Minister to do it. If it is not the intention of the Government to take away the property of the archakas, I ask the Hon. Minister to change the language of the Explanation. I am not asking him to do anything more than that. I am only asking him to give the religious institutions all the properties that are legitimately due to them. The question whether an inam belonging to an archaka is really an inam which is his or belongs to the endowment is a matter to be decided on the merits of the case. Each case has to be decided on its merits according to the language of the grant or according to the practice obtaining in a particular locality or according to the practice and enjoyment of the endowment which has been obtaining from time immemorial. It should not be the province of the Government or it should not be the province of legislation to say that every inam which is now in the name of an archaka shall hereafter belong to the temple. This Government have had no compunction in introducing legislation taking away properties without giving just compensation. It has always prided that it is doing it; it is taking pride in moving with the times, in taking away property without just compensation. I submit this Government may be taking a 'forward move.' But unfortunately the Constitution Act is not so forward as the Government of Madras is. The entire Constitution Act is based on individual property and individual freedom, and it declares that no property shall be taken without paying compensation. The Government of Madras and those of us who are supporting its measures may be proud that we are taking a forward step in giving good-bye to the sense of private property and individual property; whenever we feel that it is in public interest to take away property without paying compensation, we may do so. But at the same time our enthusiasm should not take us off our feet, for the Constitution binds us down; we have taken the oath of allegiance to the Constitution on the floor of the House; and when we show all sincerity in standing up here and speaking, it is not because we have no other business—in fact I am anxious to go away in a day or two. When we raise objections here to the provisions of measures, we do so, because we feel they are wrong; we do so, because we are anxious that things should be done in a right manner. May I remind the Hon. Minister what happened when the Criminal Law (Amendment)

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Bill was being passed in this House? The Hon. Minister, Mr. Madhava Menon was in charge of that Bill. What did he say then; what language did he use then? What did we say then? And what has happened to-day? I do not want to say that every one of my contention is right, or every contention I raise will be right; but I only say, when I raise a matter of objection, I feel that it is a matter for consideration. When my hon. Friend, Sri Bhashyam raises any point of objection, he does so, because he feels that it is a point for consideration before the provision is passed. Government should examine what it is, and it is not right for the Hon. Minister to say, he does not understand the relevancy of the contention. Have those of us who sit here come here to bandy words? Is it correct to say, so and so alone is an expert and so and so is not an expert? I submit in all earnestness that all unrelated subjects have been clubbed together in this Bill."

MR. SPEAKER:—"If they are all unrelated subjects, then the Bill is out of order. The hon. Member could have raised it as a point of order."

* SRI T. VISWANATHAM:—"Unfortunately, Sir, I did not raise it as a point of order, as there is no legislation on it. So, it is a matter for our understanding and commonsense. In some of the States of America there is a legislation that if unrelated subjects are brought in in one enactment, it shall be declared void. But, here, we have no such legislation. So we have to proceed upon our commonsense. I believe I have made it clear that the subject-matter of inams is quite different from the subject-matter of management of religious properties. Therefore the persons who are affected by this provision are not at all aware of what is happening here. Everybody thinks that we are legislating for the better management of temples. I myself, until I came to this explanation, when I gave notice of amendments, did not know that we are dealing with inams in this Bill. Therefore, Sir, I submit it is not right we should legislate about inams in this Bill. Hon. Mr. Varadachariar said that we are actually considering in another Bill about inams. I happen to be a member of the Select Committee of that Bill. Government also intend to bring in a comprehensive legislation about inams after the inquiry under the Zamindari Abolition Act is over. So, I submit Government should not take away the property—I assert they are taking away the property, they are taking it away without compensation! If the Hon. Minister thinks that the words 'shall not be deemed' mean only 'shall not be presumed' and the words 'shall be deemed' mean only 'shall be presumed', I wish just to ask him what the following words mean:—

'The Act shall be deemed to have come into force on such and such a date.'
It means, the Act comes into force on that specified date. It is not a presumption. It is a positive mandate. I submit, under

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these circumstances, it is wrong to convert one man's property into the property of an institution. By all means, if the Commissioner appointed under this Act, feels that there is a good case for taking away the inam given to an archaka as per his title, let him do it. Do you think the donor would be such a fool as not to mention to whom the land should go? Sir, it all depends upon the merit of each case. Sir, a number of such cases of inams from Guntur district have come up before the High Court and settled. Particularly in the matter of an inam relating to an archaka there was great doubt and a decision has been given by the High Court on it. Now, there is another point which I did not mention till now. The Explanation does not say whether it holds good even against a decree of court. Suppose in 1949 the High Court had decided that a particular inam standing in the name of an archaka belongs to him and not to the temple; what happens to it under this Explanation? Does this take away the property from the archaka?

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"I submit that this is very wrong, unjust to the persons concerned and unjust to ask the House to agree to it. I once more submit that, if the Hon. Minister feels that 'shall not be deemed to be' is only a presumption, let him move an amendment. The acceptance of that amendment is the farthest limit to which a person of my stamp can go, though I do not agree even with the use of the word 'presumption' as each case must be decided on its own merits in a court under the general law of the country. Let him not misunderstand that the wording used connotes a presumption. This provision bodily takes away the property of a person, property which stands in his name and has been in his enjoyment for years and years, and vests it in the religious institution. Therefore, I submit that my amendment may be accepted."

THE HON. SRI K. MADHAVA MENON:—"Sir, when I said that I could not understand the relevancy of introducing the question of inam tenure, I was not under the impression that I was bandying words. Anyhow, I had no such intention at all. When stones are thrown at me, I try to defend myself. If this is construed as bandying words, I cannot help it. I still maintain that the explanation has nothing to do with inam tenure. My hon. Friend said that there was a Select Committee considering about inams. That is true. But this Explanation has nothing to do with inam tenure. If there is an endowment for the performance of any service in, or a charity connected with, any religious institution, that is deemed to be a religious endowment. That is the presumption there and I maintain that it is a presumption. Hon. Mr. Bhashyam said in the course of his speech that it was a presumption. I felt he was right. Clause 62 of the Bill says—

'Subject to the rights of suit or appeal hereinafter provided the Deputy Commissioner shall have power to enquire into and decide whether any property or money is a religious endowment.'

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This clause provides for a suit or appeal against the decision of the Deputy Commissioner.

"I cannot understand the point about taking away one's property and vesting it in another. When a service, for rendering which an inam has been granted, ceases to be rendered, the Government or the Collector can resume the inam. There are inams registered in the name of a temple and in the possession and enjoyment of the archaka. There may be service inams of which the archaka himself is the pattadar. An inam granted for doing a religious service is presumed to be an inam for the religious institution. I want the House to consider this with reference to sub-clause (16). The sub-clause says—

"Specific endowment" means any property or money endowed for the performance of any specific service or charity in a math or temple, or for the performance of any other religious charity, but does not include an inam of the nature described in Explanation (1) to clause (14).

The words 'but does not include an inam of the nature described in Explanation (1) to clause (14)' were added by the Select Committee. The effect of the addition is that an inam of the nature described in the Explanation will not be a specific endowment. When that is not a specific endowment, what is the power that the Commissioner has got? He cannot call for accounts, claim any contribution or appoint a trustee, as the provisions conferring these powers do not apply to it. When the archaka is not performing the service, the only power that the Commissioner has is to move the Collector to resume the inam.

"I still think that there is no question of any tenure involved in this Explanation."

SRI T. VISWANATHAM:—"I just want to ask for some clarification."

MR. SPEAKER:—"I have already given enough time. The question is—

'Delete Explanation (1).'

The amendment was lost.

* SRI N. S. VARADACHARI:—"Sir, I move—

'In Explanation (1) omit the words "shall not be deemed to be a personal gift to the archaka, service-holder or employee, but."'

This amendment is very different from the previous amendment to omit the Explanation. Even if the Government think that inams should not be excluded from the purview of this Bill and the control which it aims at, they should not draw the presumption that these were not personal gifts. If that presumption is drawn, what happens? I shall come to that later.

"The Hon. Minister Sri K. Madhava Menon has a very nice way of dealing with irrelevant objections. But when relevant objections are raised, he simply shuts his mouth and does not

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even attempt to answer. I raised two relevant objections. Let me point out that this is grossly misinterpreting section 17 (1) of the Madras Estates (Abolition and Conversion into Ryotwari) Act. The section says—

“Where any land granted on service-tenure, whether to an individual or institution, falls under section 3, clause (16) (c) of the Estates Land Act, then, irrespective of whether such land consists of only a portion of a village or of one or more villages—

(a) if the service to be rendered is personal or private service to the landholder, not being a religious, educational or charitable institution, the land shall be discharged from the condition or such service and the holder of such land shall be entitled to a ryotwari patta in respect of the land.”

If I ask a learned man to write a slokam about me every day as some ancient Rajas did, that is purely personal service. The land given for rendering that personal service shall be discharged from the condition of that service irrespective of what the Inams Commission might have said, and the holder shall be entitled to a ryotwari patta in respect of that land. But if the land has been given for doing other than personal service, the holder shall have the same rights and liabilities in respect of that land as the inamdar of a minor service inam in a ryotwari village. Minor inam means only this. I do not know very much about it. It may have a favourable rate of assessment so far as the landholder is concerned. The land does not carry any obligation over and above what a ryotwari patta land is carrying. The inamdar of a minor service inam is a ryotwari pattadar in every sense of the term except for this one condition that he must continue to perform the service. That is all. If he does not continue the service, the Government can resume the inam. I agree to it. But that is a matter which is wholly irrelevant to this Bill. Even if there is no provision in this Bill, an inam can be taken off the list of inams when the service ceases to be rendered. Service inam means that.

“I come to the second objection I raised. The Hon. Sri Madhava Menon has been good enough to point out that it does not matter since the inam taken away from an archaka or service-holder is only vested in the religious institution to which he renders service, and to admit: ‘There is no control at all. We do not ask for the accounts or any contribution or the power of appointing trustees. The archaka is the trustee. He carries on his work and he really does very hard work.’ Then, what is the control left and why do the Government want it? This is, to use a very appropriate expression, a very perverse control. I can understand control over management, effective control against mismanagement and other kinds of control. You say you do not want accounts, you do not want any contribution and you do not want to appoint the trustee and yet you want control. I say this control is a hobby horse which you are riding.”

MR. SPEAKER:—“The hon. Member has been saying ‘you, you’. Now I am going through some of the proceedings of the House of Commons. If the proceedings are read a hundred years

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hence, the word ‘you’ may be construed to refer to the Chair. Please, for goodness’ sake, let hon. Members avoid using the word ‘you’ when referring to a Minister or the Government.”

* SRI N. S. VARADACHARI:—“By ‘you’ I mean the Hon. Minister. There is no control and yet the Hon. Minister says that he wants control. The effect of this very perverse control will be that the archaka will be subjected to harassment and tyranny by petty officials who run after him asking for petty emoluments. If the Government want to deprive the archaka of his *dosais*, by all means let them have that satisfaction. That is the only kind of control that is left. I believe that this House does not want that kind of thing to occur. We must think in large terms, in terms of service honourably and voluntarily rendered. We should not at every turn in our life think that the whole world will misbehave if we do not keep our hands on the control machine. It is not control that makes an archaka work; it is the force of public opinion and the general moral law that makes him work. As the Hon. Minister himself admitted that essentially there was no control at all, why should he not be good enough to respond to my request to recast the clause so as not to include inam?”

“Sir, let me now come to another point. Till now the archaka 3 p.m. has all the rights of a full pattadar. His tenant has no occupancy rights. We created a doubt by section 17 (1) of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 and that doubt has been decided in his favour by courts of law and also by the Hindu Religious Endowments Act. But now that section is sought to be amended by an amending Bill which is now before the Select Committee. I submit, Sir, that it is a most unhappy amendment and I shall have to deal with it later on when an opportunity comes. But, having got all rights of property, an attempt is now being made to make these inams part of Hindu Religious Endowments by means of this Explanation. I cannot understand the reason behind it. This is as it were a double-edged sword. First, the Government have taken away his rights to property and secondly, they are forcing an imaginary control, while in fact, there is nothing for any control being exercised. I ask the Government, why should they stick to this imaginary control, which will only lead to misunderstanding in the institution and not conduce to the efficient upkeep of the services concerned. Of course, the right of resumption of an inam is always there and the Government can exercise that right at any moment. It means that the officers of the Government are not blind. They are vigilant enough and so are the public also. Does the Hon. Minister think that when there is no worship in a temple, or when the services in a temple are not carried on properly the public would sit quiet with folded hands and allow such a state of things to continue? The Hon. Minister must be fully aware that if such a thing happens, the public would not only rush to the Government and intimate to them what is

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happening, but at the same time they would take upon themselves to see that the services are performed in the temple then and there, because, temple service is considered to be most important and it will not be allowed to be stopped even for twelve hours. That is the position even in these days. Then where is the question of control, I am unable to understand, except that it is in the imagination of the Hon. Minister which he is sticking to, because he has already resolved about it."

SRI K. BHASHYAM:—"May I know, Sir, the exact wording of the amendment of the hon. Member?"

SRI N. S. VARADACHARI:—"My amendment, Sir, is this—

"In Explanation (1) under sub-clause (14) of clause 6, omit the words, "shall not be deemed to be a personal gift to the archaka, service-holder or employee, but.""

SRI M. S. PATTABIRAMIAH:—"I second the amendment, Sir."

SRI K. T. KOSALRAM:—"Mr. Speaker, Sir, கனம் வாத்தாச்சாரியார் அவர்களுடைய amendment ஐ நான் எதிர்த்தேன். ஒரே கோவிலுக்கோ அல்லது மடத்திற்கோ ஒரு மனிதன் ஏதாவதும் செய்ததை எழுதிவைத்திருந்து அந்த தர்மத்தை அவன் செய்யாமல் இருந்தால் பொது மக்கள் சம்மத இரக்கமட்டார்கள் என்பதை நான் அவருடைய கவனத்திற்குக் கொண்டு வருகிறேன். எவ்வளவோ கோவில்களுக்கும், மடங்களுக்கும் எவ்வளவோ மனிதர்கள் தனிப்பட்ட முறையிலும், இன்னும் அவர்களுடைய மூதாதையர்களும் இன்னும் பலபேர்கள் தங்களுடைய சொந்தமுறையிலும் தர்மங்களை நடத்துவதற்காகவும் இன்னும் சத்திரங்களுக்கும், மடங்களுக்கும் அவைகளை நிர்வகிக்கும் பொருட்டு பல சொத்துக்களை எழுதிவைத்திருக்கிறார்கள். எந்தக்காரியங்களுக்காக அந்த சொத்துக்களை எழுதிவைக்கப்பட்டதோ அந்த தர்ம காரியங்களை நடத்தாமல் இருக்கிறார்கள். இன்னும் கோவில்களிலிருக்கும் அநேகம் வெள்ளி, தங்கம் முதலியவையையும் விற்கும் முறையிலிருக்கிறார்கள். கோவில்களிலிருக்கும் விறக்கூடிய நன்மையையும் வற்று வருகிறார்கள். இன்னும் சில இடங்களில் கோவில்களிலுள்ள சில பாகங்களை கலைத்தும், பிடுங்கியும் அவைகளை வற்றுக்கொண்டும் வருகிறார்கள். அதை இப்பொழுது பொதுமக்கள் பார்த்துக்கொண்டு தான் இருக்கிறார்கள். ஆனால் எந்த இப்பொழுது வந்து மத தர்மத்தை அமிக்க பிரிப்பதில்லை. தர்மங்களும், கோவில்களின் பூஜைகளும் ஒழுங்காக நடக்க வேண்டுமென்றதற்காக யாரோ ஒருவர் தன்னுடைய சொத்தை எழுதிவைத்திருந்து அது சரியானபடி நடத்தப்பட மலிருந்தாலும், எந்தக்காரியங்களுக்காக எழுதி வைக்கப்பட்டதோ அந்தக்காரியம் நடைபெறாமலிருந்தாலும் அதை அரசாங்கம் பார்த்துக்கொண்டிருக்க முடியுமா என்று கேட்கிறேன். குறிப்பாக செல்லவேண்டுமென்றால் எங்கள் ஜில்லா மடந்தப்பட்டமட்டில் பல கோவில்களுக்கும், பல சத்திரங்களுக்கும் எத்தனைபோதே நான் தங்களுடைய சொத்துக்களை எழுதிவைத்துப் பெயிருக்கிறார்கள். ஒருநாள் ஒன்றுக்கு இவ்வளவுபேர்கள் எப்பிடவேண்டுமென்று எழுதிவைத்திருக்கிறார்கள். ஆனால் இப்பொழுது எவ்வளவு பேர்களுக்கு சாப்பாட்டு மருகினார்கள் என்பதைப் பார்க்கவேண்டும்.

(Sri. N. S. Varadachari: 'அங்கு அநேகம் சோமே நிகழிருக்கலாம்.') திருநெல்வேலியில் சேம்பேரிகளிருக்கிறார்கள் என்று சொல்லுகிறார். நான் சொல்வது என்னவென்றால் அங்கு இருப்பது சேம்பேரிகள் ஜில்லாக்களிலும் அப்படித்தானிருப்பார்கள் என்று நான் சொல்லுகிறேன்.

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எங்கள் ஜில்லாவில் 96 கிராமங்களிருக்கின்றன. குறிப்பாக எங்கள் ஜில்லாவில் பல மடங்களும், பல கோவில்களும் இருக்கின்றன. அவைகளுக்கெல்லாம் பல பெரியோர்கள் சொத்துக்களை எழுதி வைத்திருக்கிறார்கள். ஆனால் அங்கு நடக்கும் நிர்வாகத்தைப் பார்த்தல் போன்ற காரியங்களை நடப்பதாகத் தான் தோன்றுகிறது. அங்கு நிர்வாகங்களெல்லாம் சேம்பேரிகளிடமிருந்து. அவர்களுடைய வேலைகளை அவர்கள் பார்ப்பதே இல்லை. அவர்களுடைய சொத்துக்களை கவனிப்பதைப்போலது பிரமாதமாக மாற வேறு அப்பாவசியமில்லை. எனினால் எந்த மனிதன் குறிப்பாக எந்தக்காரியத்தைச் செய்வேண்டும் என்று சொத்துக்களை எழுதிவைத்து அந்தக்காரியங்களை செய்யாமலிருந்தால் அரசாங்கம் அதைப் பார்த்துக் கொண்டிருக்க முடியுமா. ஒருவனுக்குக்கே தத்த காரியத்தை அவன் செய்யாமலிருந்தால் அவனை அரசாங்கம்தான் அடக்கமுடியும். சரியான நிர்வாகம் நடைபெற்றால் அந்த தடை செய்யவேண்டியிருக்காது. இன்றைதினம் கெட்டுவாப்பட்ட சட்டத்தில் அவ்விதம் தடை செய்வதற்குள்ள அதிகாரமில்லை. அந்த நிலையில்தான் இந்த சட்டமிருக்கிறது. சில இடங்களில் எவ்வளவோ தர்ம சொத்துக்களெல்லாம் சரியானபடி நிர்வாகம் செய்யப்பட்டு அரசாங்கம் ஒழுங்காக நடத்தி வருகிறார்கள் என்று சொல்லுகிறார்கள். அவைகளைப்பற்றி நமக்கு கவலை இல்லை. அவைகளில் அரசாங்கமும், அதிகாரிகளும் தலையிடவே மாட்டார்கள். அவ்விதமேதான் இப்பொழுதுள்ள சட்டமும் நிச்சயமாக இருக்கிறது என்று சொல்லுவேன். ஒரு தர்மத்தைத் துர்வநியோசம் செய்தல் அதை அரசாங்கம் எடுத்துக்கொண்டுதானாகவேண்டும். இப்பொழுது இருக்கும் நிலைமையில் பொதுமக்கள் அந்த சொத்துக்களை எடுத்துக்கொள்ளவேண்டுமென்று சொன்னால் அவைகளை எடுத்துக்கொள்ள முடியாத நிலைமையிலிருக்கும் என்ற நிலைமையில் இப்பொழுது நாம் இருக்கிறோம். இப்பொழுது பொதுமக்களுடைய அபிப்பிராயம் அவைகளை எடுத்துக்கொள்ள வேண்டுமென்பதுதான். இப்பொழுது எந்தக்கூட்டத்தில் போய் பேசினாலும் வந்து மத தர்ம பரிபாலன யோசனாவை வைத்துக்கொண்டு இரண்டு வருஷம் கட்டியால் அவர்கள் வாதாடிக்கொண்டிருக்கிறார்களே, என்ன நிலையிலிருக்கிறார்கள் என்று கூட கேட்கிறார்கள். ஆனால் தர்ம சொத்துக்கள் அக்கிரமமாகப் பெயர்க்கொண்டிருக்கின்றனவென்றும் சொல்லுகிறார்கள்."

MR. SPEAKER:—"நீங்கள் இப்பொழுதிருக்கும் amendment-ஐப் பொருத்ததான் பேசவேண்டும்."

SRI K. T. KOSALRAM:—"Amendment-ஐப் பொருத்ததான் பேசுகிறேன். இப்பொழுது மடாதிபதிகள் லட்சக்கணக்கான தர்ம சொத்துக்களை வைத்துக்கொண்டு சூரையாடிக்கொண்டிருக்கிறார்கள். அதைப்பார்த்து மக்கள் கொதித்துக் கொண்டிருக்கிறார்கள். ஆகையினால் அனுவசி மாக இப்படிப்பட்ட amendmentகளை கொண்டு வரவேண்டாம். ஆகவே அரசாங்கமும் இதை எதிர்க்கும் என்றே நம்புகிறேன்."

SRI K. BHASHYAM:—"May I request you, Sir, to permit me to speak in Tamil."

MR. SPEAKER:—"I have no objection."

*SRI K. BHASHYAM:—"கனம் அக்கிராசனாதிபதி அவர்களே! ஸ்ரீ கோசலராம் அவர்கள் ரொம்ப தெளிவாக, ரொம்ப ஸ்பஷ்டமாக, ரொம்ப விமர்சனமாக கோவில் டிரஸ்டிகளும், மத குருமார்களும் எப்படி இப்போது நடந்து கொண்டு வருகிறார்கள். அவர்கள் எப்படி நடந்துகொள்ள வேண்டுமென்பதைப்பற்றி சொல்லிவிட்டார்கள். அது பற்றி நமக்கும் அவர்களுக்கும் கொஞ்சம் கூட வித்தியாசமே கிடையாது. அவ்வாறு யாராவது இருந்தால் கடவுள் தண்டனை அளிப்பதோடு கூட அரசாங்கத்தாரும் தண்டனை அளிப்பார்கள் என்பதெல்லாம் வாஸ்தவமானதுதான்."

[16th November 1950]

THE HON. SRI K. MADHAVA MENON :—“Sir, on a point of order, my hon. Friend Mr. K. Bhashyam says that he is not speaking on the amendment of hon. Mr. Varadachari, but that he is only replying to what my hon. Friend Mr. Kosakiam has said. May I submit, Sir, that it is not relevant to the subject matter of the present discussion?”

MR. SPEAKER :—“The hon. Member may confine his remarks to the amendment under discussion.”

SRI K. BHASHYAM :—“இந்தத் திருத்தப் பிரேரணைக்கும் தர்ம பரிபாலனத்தைப் பற்றிய பொதுப்படமான ஒழுங்குகள் போன்ற விஷயங்களுக்கும் என்ன பொருத்தமிருக்கிறது என்று எனக்குத் தெரியவில்லை.

“அது போகட்டும். என்ன இருந்தாலும் கனம் கோசலராம் அவர்கள் நமக்கு புத்தி சொன்னதைப் பற்றி ஆசேஷனை எதுவும் கிடையாது.

“இப்போது விவாதிக்கப்படுகிற விஷயம் என்னவென்றால்: கோவில் அர்ச்சகர்கள் அல்லது மாலைட்டிகள், ஓதுவார், மேளகாரர், இம்மாதிரி கோவில்களுக்கு தொண்டு செய்பவர்கள் இருந்தால் சர்க்கார் என்ன சொல்லுகிறது என்றால் அவர்களுக்கு சொத்து இருக்குமேயானால் அது அவர்களுக்குச் செந்தம் எனது அல்ல. ஆதிபாலத்தல் அவன் பாட்டன், தகப்பன் யாராவது கோவிலில் பணிவிடை செய்வதற்காக அந்த சொத்தை மானியமாக பெற்றிருப்பான். ஆதலால் இப்போது அந்த சொத்து Religious Endowment-ன் சேர்த்துவிட வேண்டுமென்று சொல்லுகிறார்கள். உதாரணமாக சிதம்பரத்தில் தீக்ஷிதர்கள் இருக்கிறார்கள். அவர்களுக்கு செத்து கிடையாது. அவர்கள் வேலைக்கு போவதும் கிடையாது. பின்னர் அவர்கள் எப்படி பிழைக்கிறார்கள் என்றால் மாதம் 5 ரூபாய், 10 ரூபாய் என்று வெளியிடங்களுக்குச் சென்று அர்ச்சனை செய்ய பணம் வாங்கி அர்ச்சனை செய்து ஒரு கவரிலே அந்த பிரசாதத்தை அனுப்பியும் ஜீவித்து வருகிறார்கள். இப்போது இந்தச் சட்டத்தின் வாசகப்படி இம்மாதிரி தீக்ஷிதர்களிடம் எனக்காக அர்ச்சனை செய்துவர என்று யாராவது நினைவு எழுதி வைத்திருந்தாலும், சொத்து வைத்திருந்தாலும் அது Religious Endowment-க்கு சேர்ந்து விடுகிறது என்று இருக்கிறது கனம் கோசலராம் அவர்கள் இந்த விரிவுரையில் (explanation) சொல்லப்பட்டிருக்கக்கூடியவாற்தான் அதாவது any other religious charity shall be deemed to be a religious endowment . . .) என்றிருப்பதை கூர்ந்து பார்க்க வேண்டும். Deemed என்ற வார்த்தைக்கு எவ்வளவு power இருக்கிறது என்று பார்க்கவேண்டும். ஆகையால் இந்தமாதிரி வார்த்தையை போட்டதினால் அவரட்டம் உள்ள மனிதம் கோவில் Endowment-ஐ சேர்ந்ததுதான் என்று விசரிக்கவே இடமின்றி அது கோவில் Endowment-ஐ சேர்ந்தது என்று முடிவுசுறி விடுகிறது. அது சரியல்ல—நியாமம் அல்ல என்பதுதான் எங்கள் வாதம்.

“இப்போது அர்ச்சகர்களை வேண்டுமானாலும் தள்ளிவிடுங்கள். உங்களுக்குப் பிடித்தமான கோவில் ஒதுவார் ஒத்தி ஊதி, மாலைட்டி மற்ற பலருடைய தலைமீலே இந்த சட்டம் கைவைத்து விடுகிறது. ஆகையால் நீங்கள் எல்லோரும் இதை நன்றாக யோசித்து இந்த திருத்தத்தை ஒப்புக் கொள்ளவேண்டுமென்பது எனது அபிப்பிராயம். அவ்வாறு ஒப்புக் கொள்ளும்படியும் உங்களை தயவு செய்து கேட்டுக்கொள்கிறேன்.”

* **SRI N. ANNAMALAI PILLAI :—**“கனம் தலைவர் அவர்களே, கனம் N. S. வரச்சரி அவர்கள் கேட்டுவந்திருக்கிற திருத்தத்தை ஆதரித்து சில வார்த்தைகளைச் சொல்லப்போகின்றேன். நான் இப்பொழுது பேசும் பொழுது திருத்தத்தை ஆதரித்துப் பேசுவது எல்லோருக்கும் வேடிக்கையாகவும், விந்தையாகவும் இருக்கும். ஏனென்றால் பெரும்பாலான ஜனங்களிடத்தில் ஒரு டபரப்பும், கோவில்-ஐப் பார்த்தால் ஒரு விருவிருப்பும் ஏற்பட்டிருக்கிறது. கோவிலிலிருக்கும் கல்லை கழுவ

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கிறார்கள் என்றும், இன்னும் கடவுள் இல்லை என்றும், அவைகளுக்கு மான்யம் எதற்கு என்றும், லிங்கபுரபோவது எதற்கு என்றும், பூஜை எதற்கு என்றும், மணியடிப்பதும், கற்பூ ஹாத்தி முதலியவை சளைச் செய்வது மிஷும் தையக்கரத்தனம்க இருக்கிறது என்றும் இப்பொழுது கருப்புச்சட்டக்காரர்கள் வெளியே செல்கிறார்கள். அவர்கள் பேசுவதற்கு ஏற்றுறியேல் இம்மாதிரி சட்டம் செய்வது ஹிந்து மதத்தைக் கேவலப்படுத்துவதாகும். எங்கள் ஜில்லாவில் திருவண்ணாமலை கேஷத் தித்தில சமார் ஆயிரம் வருஷங்கள் க' ஒரு பரம் ரை இருக்கன் வேலை செய்துகொண்டு இருக்கிறது. அங்குள்ள கே வில்களில் அர்ச்சகம் செய்கின்ற குருக்களின் ஆயிம் வருஷமாக இருக்கிறார்கள். பிரிட்டிஷ் சாம்ராஜ்யம் ஏற்பட்ட காலத்திலிருந்து வெகு நாட்கள்வரையிலும் கூட அந்தக் கோவிலுக்கு அர்ச்சகர்களே தர்மகர்த்த வாக இருந்தார்கள். அந்தக் கோவிலில் சமார் ரூபாய் இருது ஸ்டம் மதி புள்ள நகைகளிருக்கின்றன. அதிக தொகை மதிப்புள்ள நகைகள் இருக்கின்றன. எனக்கு அவ்வளவாக மதிப்பு தெரியாது. அவ்வளவு உரிய மதிப்புள்ள நகைகளையும், செத்திக்களையும் அந்த அர்ச்சகர்கள் தாவிப்போகாது வந்தார்கள். அது மத்தி மல்ல. ஆதமங்கன், புரணங்கள், ஸாஸ்திரங்கள், விதிகள் எல்லாவற்றையும் அவர்கள் பாதுகாத்து வந்தார்கள். அவைகளையெல்லாம் ஒன்றைக்கு நம்முடைய கையில் கே தேதிருக்கிறார்கள். அதை நாம் சீர்திருத்தம் செய்ய ஆம்பித்து இருக்கிறோம். இவ்விதம் நாம் ஆரம்பிப்பதற்கு முன்னால் ஒரு கோவிலுள்ள அர்ச்சகர் ஒருவருக்கு சம் ஸம் ரூ. 4. பூஜை செய்கிறவர்களுக்கு அதாவது சின்ன குருக்களுக்கு சம் ஸம் ரூபாய் மூன்று பிரிட்டிஷ் சர்க்கார் வந்த பிற்பாடு ரெ. 10 குருக்களுக்கு சம் ஸம் ரூபாய் எழு. சின்னக் குருக்களுக்கு சம் ஸம் ரூபாய் ஆறு என்று ஏற்பாடு செய்திருக்கிறார்கள். அவ்விதம் செய்ததினால் அவர்களுக்கு வருமானம் என்னவென்றால் அவர்கள் கோவில் அர்ச்சகம் செய்து சரிவர காலங்களை நடத்துவதற்காக நவரப் காலத்திலும், கரிகாலசே முன் காலத்திலும் மான்யம் விட்டார்கள். அந்த மான்யம் இன்னும் அவர்களிடமே இருக்கிறது. அதற்காக கே விலுக்கு தொண்டு செய்துகொண்டிருக்கிறார்கள். அதே மாதிரி மத்தளம் கொடுபவர்களுக்கும், மேளமடிப்பவர்களுக்கும், ஒத்தி வாசிப்பவர்களுக்கும் இன்னும் இதர தெழில் செய்கிற எல்லைவர்களுக்கும் மான்யம் விட்டிருக்கிறார்கள். அவர்களுக்கு சம்பளம் கோவிலில் ரூ. 1, 2, 3 தன் கொடுக்கிறார். அதற்குமேல் கிடையாது. அந்த மான்யங்களையெல்லாம் இப்பொழுது எடுத்துவிட்டார்கள். இன்னும் கே வில்களைக் களைக்கென்று தேவதாசிகள் இருக்கிறார்கள். அவர்களுக்கும் மான்யம் ஒதுக்கி வைத்திருக்கிறார்கள். அவர்களுக்கெல்லாம் கோவிலில் கொடுப்பது ஒரு ரூபாய்தான் சம் ஸம். அதனால்தான் அவர்களுக்கு மான்யம் விட்டிருந்தார்கள். இப்பொழுது தேவதாசி முறையை எடுத்துவிட்டார்கள். இப்பொழுதிருந்தி ந்தால் அந்த மான்யங்களையும் எடுத்துக்கொண்டிருப்பார்களே என்பதுதான் எனக்கு சந்தேகமாக இருக்கிறது. அந்தமாதிரி யான செத்துக்களை எந்தப் பல்லை அடைவேண்டுமென்று ஒதுக்கிவைத்திருக்கிறார்களோ அந்த செத்துக்களை இன்றைக்கு நாம் எடுத்துக்கொண்டால் அதாவது அரசு கம் எடுத்துக்கொண்டால் அதற்குள்ள உத்தேசகர்த்தர்களுக்கும், அர்ச்சகர்களுக்கும் ரூபாய் ஐம் து சம் ஸம் கேட்கும்படியாக இருக்கும். இன்னும் எசப்படி ரூ. 25 வேறு கொடுக்கவேண்டும். இந்த மதியான நிலைம தேவஸ்தானங்களுக்கு ஏற்பட்டு, கமிஷனர்களுக்கும் Endowment மந்திரிக்கும் இந்த வேலைகளைச் செய்யத்தான் முடியும். அதனால் கே வில்களெல்லாம் அளவியித்துப்போய் மூடப்பட்டன. அவ்விதம் மூடப்பட்டால் என்ன நஷ்டம் என்று சொல்லலாம். நான் சொல்வது என்னவென்றால் அதனால் கருப்புச்சட்டக்காரர்களுக்கு வெற்றி ஏற்படும் என்பதுதான். ஆகையால் நான் சொல்வது என்னவென்றால் இந்த கே வில் சொத்துக்களைப் பெல்லம் மைனர் செத்துக்களைப் பாவித்துவைத்து, தயதகப்ன் இல்லாத சமூகத்தையின் சொத்துக்களைப் பாவித்துப்போல் இந்த மைனர் சொத்த சிய கோவில் சொத்தை பாவித்து பாதுகாத்தவர வேண்டாம் என்று கேட்டுக்கொள்கிறேன். கடன் நிவாரண சட்டம்

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P.M.

[Sri R. V. Swaminathan] [16th November 1950]

செய்யாமல் விட்டுவிட்டால் அதை நாம் எப்படி திருத்த முடியுமென்று கேட்கிறேன். ஆகையால், அதற்குச் சட்ட பூர்வமான டரிசாரம் காண வேண்டியது அவசியமானதுதான் என்று தெரிவித்துக் கொள்ளுகிறேன்."

* SRI L. N. GOPALASWAMI :—“கனம் தலைவர் அவர்களே! எனது நண்பர் ஸ்ரீமான் கந்தாமி பிள்ளை அவர்கள், ஸ்ரீமன் அண்ணாமலை பிள்ளை அவர்கள் இந்த திருத்தத்தைப் புரிந்து கொள்ளவில்லையென்று குறிப்பிட்டார். ஸ்ரீமான் கந்தாமி பிள்ளை அவர்களும் இந்த திருத்தத்தைப் புரிந்து கொள்ளவில்லையென்பதை நான் உங்களுக்குத் தெரிவிக்க ஆசைப்படுகிறேன்.

“இப்போது இந்த (Explanation) விரிவுரையில் கண்டிருக்கிற விஷயம், அதாவது ஒரு கோவில் சிப்பந்திக்கு அவர் செய்யும் வேலைக்காக சில நிலமோ பொருளோ மானியமாகக் கொடுக்கப்பட்டிருக்கிறமேயானால் அது அவருக்கு சொந்தமான சொத்து அல்ல. அவர் இந்த தர்ம ஸ்தாபனத்துக்கு ஊழியம் செய்கிறவர் ஆகையால் அந்த சொத்தும் இந்த ஸ்தாபனத்தையே சேர்ந்தது என்று திட்டமாக முடிவு செய்கிறது இந்த விரிவுரை. அதைப்பற்றித்தான் இப்போது விவகாரம். ஒருவனுக்கு ஒரு காரியத்தைச் செய்து கொண்டுவர வேண்டுமென்பதற்காக மானியம் கொடுக்கப்பட்டிருக்கிறது என்றால் அப் முடியே பட்டாலும் எழுதப்பட்டிருக்கிறமேயானால் அதைப்பற்றி விவரமே கிடைப்பது. அந்த வேலையை அவன் செய்து வரவில்லை உடனே சட்டத்தின் பிரகாரம் ஸ்க்கார் மாத்திரம் அல்ல ஒரு தனி நபர்கூட புகார் செய்து அந்த வேலையை அவன் தொடர்ந்து செய்யவேண்டுமென்றும் இல்லாவிட்டால் அவன் மானியத்தைப் பறிக்கவும் அதிகாரமுண்டு. அதற்கு இந்த விரிவுரை தேவையேயில்லை. ஆனால், இந்தச் சட்டத்தில் இந்த விரிவுரையில் சொல்வது என்னவென்றால் இம்மாதிரி ஒருவன் இந்த வேலை செய்வதற்காக வென்று மானியம் பட்டா செய்யப்படாமலிருந்தாலும்கூட இந்த வேலைக்கும் அதற்கும் சம்பந்தம் இருக்குமேயானால் இந்த சட்டப்படி அந்த சொத்து இந்த ஸ்தாபனத்தைச் சேர்ந்ததாகுமென்று முடிவு கூறுகிறது. ஸ்ரீமான் டி. விஸ்வநாதம் அவர்கள் கூறுவதோல் இது அந்த நபருடைய சொந்த சொத்தாக இருந்தாலும்கூட இந்தச் சட்டப் பிரகாரம் அவன் கோயிலைச் சேவகம் செய்பவன் அதற்காகவே அவனுக்கு அந்த நிலம் கொடுக்கப் பட்டிருப்பதால் அது இந்த ஸ்தாபனத்தைத்தான் சேர்ந்தது என்று கூறுவது நியாயமல்ல. ஸ்ரீமான் வரதாச்சாரியார் அவர்கள் கூறுவதும் இம்மாதிரி முடிவு செய்வது மிகவும் வென்றும் ஒருவனிடமுள்ள நிலம் அவனுக்குச் சொந்தமானது அல்லது கோயிலைச் சேர்ந்தது என்று கோர்ட்டார் முடிவு செய்வெண்டுமே தவிர இந்தச் சட்டத்தின் மூலம் கவே அது கோயிலைச் சேர்ந்தது என்று கூறுவது நியாயமில்லை. அவனிடமுள்ள நிலம் (Endowment) ஐசேர்ந்தது என்று ரசகார் நினைத்தால் கோர்ட்டிலே தாவா செய்து ருசுப் தெதி அதை அவனிடமிருந்து எடுத்துக் கொள்வதுதான் நியாயமே தவிர இது மாதிரி எட்டம் செய்து அதை எடுத்துக்கொள்வது நியாயமில்லை.”

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* THE HON. SRI K. MADHAVA MENON :—“Mr. Speaker, Sir, the amendment moved by my hon. Friend Mr. N. S. Varadachari is not for the omission of the Explanation as some hon. Members have taken it to be. It is not intended to take away the private property of the archakas as my hon. Friend Mr. Annamalai Pillai was led to believe by the very persuasive and humorous speech of my hon. Friend Mr. Bhashyam. I am sorry, Sir, I cannot speak as good a Tamil as some of my other hon. Friends, otherwise I should have preferred to talk in Tamil in order to clear any misapprehensions which some of my hon. Friends might have entertained with regard to the actual intention of the Government so far as Explanation (1) to this sub-clause

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is concerned. Sir, I was watching very closely the Tamil speech of my hon. Friend Mr. K. Bhashyam in order to find out what his arguments are and whether he was really supporting the amendment of Mr. N. S. Varadachari or not. But I may say, that apart from the pleasing and humorous way in which he was trying to say something in reply to the remarks of my hon. Friend Mr. Kosalram, for obvious reasons, he did not actually speak anything about the amendment itself, nor has he uttered a word in support of or against the amendment, and when I deliberately got up and pointed out to you, Sir, that he was not speaking on the amendment, he simply retorted by saying that it was for the Chair to call him to order, if he was not relevant. Sir, the amendment moved by my hon. Friend Mr. N. S. Varadachari to the Explanation is for the omission of these words,— ‘shall not be deemed to be a personal gift to the archaka, service-holder or employee, but’, from that Explanation. If that amendment is accepted, the Explanation will read as follows :—

“Any inam granted to an archaka, service-holder or other employee of a religious institution for the performance of any service or charity in or connected with a religious institution shall be deemed to be a religious endowment.”

He wants the retention of the words ‘shall be deemed to be a religious endowment’ at the end of the Explanation. He wants the omission only of the negative portion of the explanation, but has no objection to the retention of the positive portion. Sir, I remember that in the Select Committee my hon. Friend Mr. Bhashyam moved an amendment for the deletion of the positive portion of the Explanation which was not accepted, but which if it had been moved here would have cut at the root of the whole thing. But Mr. Bhashyam knows that even if the amendment for the omission of the negative portion is accepted, it would not make much difference and would not affect the explanation very much, so long as the positive portion is retained. That is why, Sir, I suppose, he was not very serious in either speaking in support of or against the amendment of Mr. N. S. Varadachari. But I submit, Sir, that so long as the positive portion is there, there is nothing wrong in having the negative clause also there.

“Sir, in this connection, I want to say one thing about the Explanation itself. Neither my hon. Friend, Mr. Bhashyam, nor Mr. Kosalram, nor Mr. Swaminathan has really understood the true implication of the Explanation or the amendment of my hon. Friend Mr. N. S. Varadachari. Mr. Bhashyam was explaining as if the Explanation implies that if a blower of the conch or the Nathaswaram, or the person who makes garlands or the person who rings the bell or beats the drum in a temple or religious institution, has any inam or property, that property will be deemed as the property of the endowment, if he does not perform or ceases to perform the duties and services, which he has been doing in that institution. I am afraid, Sir, that that is

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not at all the idea of the Government and that is not a correct understanding of the Explanation. It is not the intention of the Government to touch any of the private properties of these people. It is wrong to presume that the private property of the archakas or the service-holders of the temple will be deemed as the property of the temple of the service, are not performed. There is a condition precedent to this presumption, in this Explanation which must be satisfied. It is not any property which a service-holder possesses that will come within the scope of this Explanation. I want my hon. Friend Mr. Annamalai Pillai to understand this point clearly, because he seems to have been led away by the speech of my hon. Friend Mr. Bhashyam that the Explanation takes away even the private property of the archaka, if he does not perform the duties assigned to him. Sir, my hon. Friend Mr. Bhashyam said in Tamil—

‘ஏதாவது சொத்து இருந்திருந்தால் அந்த சொத்தை யெல்லாம் பிடுங்கி விடப்படும்.’

That is exactly where he is wrong, and that is the point which I want to make clear to my hon. Friends. The explanation says—

‘Any inam granted to an archaka, service-holder or other employee of a religious institution for the performance of any service or charity in or connected with a religious institution.’

Please mark the words ‘for the performance of any service or charity in or connected with a religious institution’. That is the condition precedent to the presumption, ‘that it shall be deemed as a religious endowment’, so that in every case of an inam granted to a service-holder, if it is to be deemed as a religious endowment, it must be examined whether it has been granted for the purpose of service or charity in that institution. It is not any property which an archaka has, because he is an archaka, that is deemed to be the property of the religious endowment. It is only the inam granted for the performance of a particular service or charity that comes within the scope of this explanation and it shall alone be deemed as a religious endowment, if the specific service is not performed. Therefore this first condition, that the inam has been granted for the specific performance of a service, must be satisfied and then only the other things follow. Then where is the harm in retaining this provision? Is it not right to say that if an inam is granted to an archaka or a service holder for the specific performance of a service to a religious institution, it shall not be treated as a personal gift to the service-holder? That is why, Sir, I cannot accept the amendment of my hon. Friend Mr. N. S. Varadachari, so long as the condition is there.

“Sir, hon. Mr. Varadachari asked, where is the power to resume the inam under this legislation? He said that all that we can do is, we can ask the trustees to keep accounts under clause 60 of this Bill and it is only a question of contribution. Sir, if an archaka does not perform his duties, if as my hon. Friend Mr. Kosalram has said, there are hundreds of cases in his district where the service-holders had not performed their duties, but have sold away

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those endowment properties, and if as my hon. Friend Mr. Kandaswami Pillai has said that he had known of a case where a person had actually converted a particular institution into a tea-shop—in all these cases if it is proved that that property was given to that person for the specific performance of a service or charity, the Commissioner of the Hindu Religious Endowments or the authorities of the temple concerned, will be entitled to move the Collector of the district to resume the inam, and that is why, Sir, control is necessary and that is the only control we have, over these religious institutions and religious endowments. Sir, my hon. Friend Mr. N. S. Varadachari was so much obsessed with the conditions that are obtaining in the Tirupathi temple which is one of the best Hindu religious institutions where ideal conditions exist, that he thinks that the same ideal conditions would prevail in every place. I submit, Sir, that the Commissioner of the Hindu Religious Endowments has the power to move the Collector to resume an inam, provided it has been granted for the specific performance of a service in a religious institution, and if that service is not performed by the service holder.”

* SRI K. BHASHYAM:—“A word of personal explanation, Sir. I think the Hon. the Minister for Law has not been fair to me when he said that I did something which was not quite correct or that I exaggerated a bit. All that I said related to the case that the present service holder in a temple was given some service inam for performing *archana* (any private person may give an inam to the *archaka* for performing *archana* in a temple). He may tell the *archaka* ‘you really perform *archana* every day in the temple, and for that purpose you enjoy this *manyam* property’. The *archana* is for the benefit of the person who makes that inam. I ask, is it open to the Commissioner to say that it is a religious endowment, and, therefore, it should come under the provisions of this Bill. I want to know whether that property is really subject to the control of the Commissioner. That is all I want to know. (Interruption.) Sir, I will repeat what I said. What I said was not that every property which an *Archaka* or service holder had got, would be taken over by the Commissioner. No such thing can happen or will happen. If the Hon. the Minister understood me that way, it is because either he did not understand Tamil properly or that my Tamil was not clear enough for that purpose. My intention was only this. Suppose a person is now doing work as a service holder in a temple. I give that man one acre of land and tell him ‘you take the income from this land; do some service in the temple in the sense that you remember me to God every day; you go to the temple, stand before the deity and utter a few *mantrams*, and say “May Bhashyam and his family prosper”’. This is what is being done in Tirupathi temple every day. There are so many *manyams* made by the Maharaja of Mysore in Tirupathi. He has endowed lands for the temple. The lands are given to the *Archaka* or the person who

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renders the service. Are those lands to be brought under the provisions of this Bill under cover of religious endowments? If that is so, I stand corrected. If it is not intended to be so, I think it requires a little modification."

* THE HON. SRI K. MADHAVA MENON:—"Sir, the instances quoted by the hon. Member Mr. Bhashyam of particular individuals making endowments for worshipping God for the benefit of themselves and their families can never become a service or charity connected with a religious institution. It is a charity connected with the individuals concerned. If the hon. Member Mr. Bhashyam wants X, Y or Z to pray in a temple for his own good, it is not a charity or service connected with the religious institution. Therefore, it cannot come under the provisions of this Bill."

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, I wish to reply to the Hon. the Minister at some length. I wish to reply to all the points raised by the Hon. the Minister. My appeal to him is to drop the Explanation altogether. But failing that . . . (Interruption). I am not asking the Government to do that now, though they have the right, on their own initiative, after being convinced of the soundness of the case, to withdraw it altogether at any stage of the proceedings. Let me answer all the points one by one. I am aware that it applied only to inams given on service tenure. It does not refer to the other private property which the Archaka may hold. I do not also agree that there is no other power, if the service is not rendered, for the Government to resume the lands. There is abundant power reserved for Government in other Acts to resume the inam in case the service is not performed. If Government have not done so even on proved suspension—or absolute neglect of the service—the blame is more on Government than on the person rendering the service or is expected to render the service. Sir, through you, I want to inform the hon. Member Mr. Swaminathan that if a service holder of an inam does not render the service, he cannot continue in possession of the service inam. There is ample power for the Government to expel him from the inam which he holds. Even if that inam has been alienated in favour of another man, the burden of service will devolve on the alienee. He cannot escape the burden of service. That is the law as it stands to-day. It is the law and the practice also. If for instance a sharer in a village has alienated the lands in favour of a third party, who may not be the person who performs the service to-day, the burden of performing the service equally rests on the other man along with the members of his family. These points being absolutely clear, there is every case for the service holder to ask for these small mercies at the hands of the Government. The Commissioner need not move in the matter, and there is no need also for the Commissioner to move in the matter. The Commissioner is already overburdened with various duties. Why should we burden him with this

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empty duty of looking into the service tenure holders' records? It is not a proper thing for him to do. I would ask the Government to desist from that path.

"The second point raised by the Hon. the Minister is this, namely, 'why do you want the negative to be omitted when you concede the positive'. I say, Sir, 'if you do not give the whole bread, at least give one-half'. If it is specified in an inam document that it is a personal gift to the Archaka, I tell the Hon. the Minister that in spite of the declaration contained in the document itself, a new interpretation will be given to it on account of this provision that it shall not be deemed to be a personal gift. It does not apply to the cases cited by the hon. Member Mr. Bhashyam. If one wants to perform Sahasranama Archana every day in Tirupathi temple, and he has got an agent for the purpose there, there is no inam behind it. If it is a few hundreds of rupees given to him, or it is a common contribution, or even if it is a question of a few acres of land, it will certainly not be an inam. There is no grant in that case. But the case I am pointing out is different. Sir, the hon. Member Mr. Annamalai Pillai drew pointed attention to the fact that Archakas and other temple servants got only a nominal salary. Why was this low salary fixed? I will explain to the Hon. the Minister. In those days there were no communications, no roads, and no bus transport. People had to render service under very difficult conditions. It was just possible that they ran away from one place to another. So, it was the intention of the original donors not to tempt the temple servants with cash which could be dropped and the service abandoned, but to tie to them a piece of land and make them render service in the temple from day to day and from generation to generation. What a good and noble object! Why are the Government looking at all that with a very bad eye? I say these Archakas are good people. The other service holders also are good people. They are very honourable men who have taken upon themselves the duty of rendering service in the temple not from the paltry income which they got from the inam village they possessed, but from other collections and income which the other members of their families were getting towards the upkeep of the service. I am sorry that the Hon. the Minister did not understand the force and the significance behind my appeal. The force of the argument is really this. If really the Government do not want any control of any character, administrative or financial, then why call it control and why include it as a religious endowment? It would be better to leave it severely alone. The other argument is that the Government unwittingly would have prevented many people from seeking this kind of noble service. It is as good a service as any that is being attempted by us. The attempt now made is to convert every such village into a religious endowment. Even a future owner (who is not the present owner of that inam) will think one hundred times before he enters any such service. The Government are really detracting

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him from the dignity of the temple service. They really have obstructed the progress of worship in temples, if ever they believe in temple worship. I say this in the interests of peace, harmony and well being of the people. The hon. Member Mr. Annamalai Pillai rightly raised the question of minors; not those who have come of age, but those who are unprotected; those who seek the Government protection; those who are at present helpless and have no representation anywhere; those who made no representation to the Government when this Bill was passed, and who are not influential. I say that the Government should really go back on their original decision and exempt all such inams from being brought under 'religious endowments'. The other Act deals with land tenures. It even seeks to deprive them of whole village inams. I do not object to that. But if it is a minor inam, it seeks to make them the sole proprietors. Thus there is considerable anomaly between the two. As I pointed out the other day, even if it be the Government's intention, I still forcefully appeal to them to withdraw this Explanation altogether, if not now at least at a later stage, and then come to the conclusion that all our people are not so bad. There is still hope for us. There is still good sense and good feeling in the country. There are still people anxious to render service of a difficult and very unattractive character. It is not all who aspire to get to these small things. Mr. Speaker, Sir, many of these Archakas are regarded as inferior even in their own sect. Nobody intermarries with them, and sometimes people even do not inter-dine with them. They are considered as something apart from the community to which they belong. It is very unfortunate. My conscience revolts against such treatment being meted out to such good, respectable and honest citizens. I know at least of some Archakas in Tirupathi who, after the grant of the village to them, have developed beautiful gardens. They have devoted their whole time and attention to agriculture and improvement of the soil. Now the Government are trying to lay their hands unnecessarily on their shoulders. The Government should not frighten them. They should be gentle and deal with them in a very honourable manner. I say there is nothing wrong in leaving out this Explanation. What would happen if the Explanation is left out? If this negative presumption is left out, what would happen? The Hon. the Minister said nothing in reply to that. The positive would be there, and he should be content with that. Why should the negative be there? The check reminds me of things happening even in temples. We go to the temple with all sorts of strange dress. Yet the Archaka does not refuse to honour the man who goes in his whimsical way. There are ways prescribed. But the person goes there in his own dress and in his own way. He may even insult the Archaka inside the temple. But still the Government want control over him. I do not know what control it is—empty control and useless control which may result in petty harassment. There is nothing else in that control. If all that

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control is taken away, I will be glad. I am glad that the Hon. Mr. Madhava Menon has made it clear that there is no control of any sort except the only control that the Commissioner may move for the resumption of the endowment if the service is not performed. I hope that will stand as law and not as mere *obiter dicta*."

* THE HON. SRI K. MADHAVA MENON:—"Sir, my hon. Friend Sri Varadachari mentioned by way of answer that if this amendment were not accepted and if there was a document containing a statement that it was a personal gift to a particular Archaka, this Explanation would deem it as a religious endowment. It is not so, Sir, because we are talking forgetting the main clause that we have already passed. The main clause says that 'religious endowment' or 'endowment' does not include gifts of property made as personal gifts to the archaka, service-holder or other employee of a religious institution. We have already passed it.

"Hon. Sri Varadachari asked me what the objection was to remove the negative thing. It is because we have already said that personal gifts of property shall not be deemed to be religious endowments. Now we only say that gifts made for the purpose of a service shall not be treated as personal gifts. It is necessary because the other thing has already been passed."

MR. SPEAKER:—"The question is—

'That the words "shall not be deemed to be a personal gift to the archaka, service-holder or employee" shall be omitted.'"
The amendment was lost.

Explanation (2).

* SRI T. VISWANATHAM:—"Sir, I move—
'That Explanation (2) may be deleted.'"

THE HON. SRI K. MADHAVA MENON:—"Sir, in view of the Government amendment to the proviso to substitute 'before the commencement of this Act' for the words 'before the 2nd day of April 1946', I do not think my hon. Friend is pressing his amendment."

* SRI T. VISWANATHAM:—"It is only in view of the Government amendments that we have given notice of our amendments. Somehow in spite of our greatest attempt both on the part of myself and my hon. Friend Sri Bhashyam, we have not been able to persuade the Hon. Minister and get the language modified. He believes that he is right. We are at pains to show him that his explanation is not borne out by the language. That is why I want the deletion of both these Explanations. We have done with one Explanation and come to Explanation (2). We must be very clear as to what is a religious endowment. In the main Clause, as the Hon. Minister has now pointed out, it is said

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that personal gifts of property do not constitute religious endowments. He has given it with the right hand and in Explanation (1) he has taken away with the left hand what he has given in the main Clause.

"Now we are dealing with Explanation (2) which runs as follows:—

"All property which belonged to, or was given or endowed for the support of a religious institution, or which was given or endowed for the performance of any service or charity shall be deemed to be a "religious endowment" or "endowment" within the meaning of this definition, notwithstanding that, before or after the commencement of this Act, the religious institution has ceased to exist or ceased to be used as a place of religious worship or instruction or the service or charity has ceased to be performed."

Even if the institution has ceased to exist and even if the man is willing to perform the services, still the provision says it shall be deemed to be a religious endowment. In this connexion, I might point out that these grants are generally divided by persons who have written some text-books into four classes. The question of resumption depends upon the terms or nature of the grant in each particular case. That is the general proposition on which I want to lay emphasis. For 150 years the documents which made the grants have been investigated, closely scrutinized and commented upon by the Courts in this country and they have all come to the conclusion that in the case of these inam grants, each grant must be investigated on its own language and a decision arrived at. No general proposition such as the present one can be laid down. Of course, Hon. Sri Madhava Menon may say that it may be Courts have thought that for 150 years people have followed a particular doctrine but that to-day as Members of a Legislature we have a right to change it. But when we want to change long-established titles, usages, customs and legal presumptions, we must be very careful that we do not hurt people. Why? Because people have relied upon the laws and those who have relied upon the laws of this country shall not be prejudiced or affected on account of subsequent legislation. That is why whenever any prejudice occurs on account of subsequent legislation, the Constitution provides for something to compensate that man. I submit that this definition and these Explanations trench upon the language of Clause 2 of Article 31 of the Constitution. There are four classes of grants. The first class relates to grants of a public nature, i.e., grants which involve police or magisterial duties. The second class consists of grants for services, private or personal. Private or personal grants may again be of two kinds. Either the grants may be burdened with services or the grant may be in lieu of remuneration for services. There is a great difference between these two which I want the Hon. Minister to appreciate. These are certain types of cases which are familiar to us who belong to this portion of the State and which people coming from Malabar are not very familiar with. I do not suggest that the Hon. Minister does not know these things as much as we know. But just as we do not understand, although

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we were all students of law, the difference between kanamdar and kuzhikanamdar and all those as clearly as the Hon. Minister does, so also we who have been dealing with these inams, who have been in the midst of these inams and observing the practice here, want him to understand that there is a difference between grants of estates burdened with services and grants given in lieu of remuneration for services. It is there the confusion has arisen because that difference has not been appreciated. Of course, it is a matter for interpretation and unless you see the terms of the grant, it is impossible to say whether it is a grant burdened with services or one given as remuneration for the performance of some duties. Different consequences are produced in the two cases. Unless these things are clearly noted from the terms of the grant, the law cannot say that it is an endowment. Here it is a matter of interpretation. If it is a matter for presumption, although I am not willing, I shall reconcile myself because there will be a chance for the other side to show whether it is a grant burdened with services or grant in lieu of wages. Here the Government give him no option at all. For 200 years they have given that option in the Hereditary Village-offices Act, Proprietary Estates Act and the Estates Abolition Act. That option is given even in the other Amending Bill which is before the Select Committee. In the face of all these things, we are now going to this position and say that 'all these shall be deemed to be religious endowments.' I am not able to understand it.

"As regards the Government amendment, only the date is changed to the date of commencement of this Act, when passed. Therefore, I move my amendment, Sir."

SRI K. BHASHYAM:—"I beg to second the amendment, Sir."

MR. SPEAKER:—"Amendment moved—
'That Explanation (2) be deleted'."

* SRI L. N. GOPALASWAMI:—"Sir, in supporting this amendment, I would like to place before you a few facts. This seems to be an omnibus Explanation. Anything connected with religion seems to come within the terms of this Explanation which says—

"All property which belonged to, or was given or endowed for the support of a religious institution, or which was given or endowed for the performance of any service or charity of a public nature connected therewith or of any other religious charity shall be deemed to be a 'religious endowment' or 'endowment' within the meaning of this definition."

Therefore, I do not think anything is let out of this Explanation. I am unable to understand how any Government, however powerful it may be, will be able to properly supervise all these endowments. To my mind it seems that it will be misused more than properly used. I will only say that so far as these charitable

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endowments are concerned, the Government are not taking them all at once. Under the amended Clause 3 which we have now passed, the Government have to state whether a charitable endowment has been mismanaged or not and if they are satisfied that it is mismanaged, then it can be brought within the scope of this Bill. But the Government are not going to have enough machinery to supervise all these various kinds of endowments. The only thing is, if there are some opponents to the Government who will be in power at any time, the Government will simply lay their hands on some property, charity or endowment of the party who is not amenable to the Government and say, 'Your endowment is mis-managed and, therefore, I bring it under the clutches of law.' This I want to avoid. It is better that the Government now take up only such of the endowments as they want to bring under their control and not any charity or anything connected in any way with religion on the face of it. If they think of bringing under the clutches of law all kinds of charities connected with religion, however small they may be, in spite of the fact that they may not be able to cope with all the work, I submit that it is likely to be misused by Government for political ends. I shall quote one instance here. There is a temple in my district where the Executive Officer mismanaged the whole property. By bringing this temple under the Religious Endowments Act, we have not been able to prevent it. The Government have appointed trustees for the temple. The trustees were asked, 'What has happened?' They said that the Executive Officer had misappropriated. At once an order was received by the trustees that they had been removed from service because they had not been able to control the Executive Officer and make him discharge his duties properly but allowed him to misappropriate the property. On the other hand, no action was taken against the Executive Officer himself. He was simply transferred. This seems to be the sort of control which the Government are going to have over these endowments.

4-15 p.m. "One word more regarding the proviso. Hon. Sri Madhava Menon said that in view of what is contained in the proviso and the proposed subsequent amendment of the Government, everything would be all right. It is not so. I do not think that this proviso will ever confer any rights on any person. It is just like a Clause which comes at the end of this Bill and says, 'Nothing contained here shall be deemed to be in contravention of the fundamental rights of the Constitution . . . and so on. Even if the Government did not say so, the position will be the same and nothing can be in contravention of the Constitution. Similarly, even if you do not say in the Explanation that the Clause shall not be deemed to apply in respect of any property which had vested in any person before a particular date, by the operation of the law of limitation and all that, the position will be the same, and the law of limitation will certainly be there and the

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Government cannot do anything even by statute that is in contravention of the same. I do not think that we are going to say that a property that is already vested in a person will be taken back."

* SRI D. V. RAMASWAMI:—"Mr. Speaker, Sir, when the Hon. Minister for Law justified the retention of Explanation (1) I was able to understand that. Because he refers specifically to the provision that an inam is granted to an archaka for a specific service. There, the service is linked with the grant of inam. When the grant is so very clear, certainly there is some force in the argument that when the service is abandoned or is not done or is neglected, the person must not be entitled to the inam as it cannot be taken as a personal gift. But, when we come to Explanation (2), it is a matter of great surprise to me that any inam granted to a person for a particular charity should be taken away from the persons concerned once the religious institution ceased to exist and so on. When it is not possible to prove that he has neglected his duty, the person concerned should not be penalised for no fault of his and he should not be deprived of the properties that he might have been enjoying. He might have been rendered incapable of performing the service. In line 5 of this Explanation it says, . . . shall be deemed to be a religious endowment or endowment within the meaning of this definition, notwithstanding that, before or after the commencement of this Act, the religious institution has ceased to exist or ceased to be used as a place of religious worship or instruction or the service or charity has ceased to be performed.' My submission is that when a particular service could not be rendered by a person, this Explanation should not militate against that person and he should not be deprived of the enjoyment of the inam. Centuries ago, when these inams were granted, as hon. Member Sri Varadachari said, it was the essentiality of the service that was counted and not the paltry sum that was given to them as wages. Because, such positions were considered to be dignified and valuable they have also become hereditary. Hence I feel that even though the religious institution has ceased to exist or ceased to be used as a place of worship, this Explanation should not militate against the rightful enjoyment of the inamdar or the employee of the institution. I therefore feel that the second Explanation does not hold water and may be dropped."

* THE HON. SRI K. MADHAVA MENON:—"Sir, coming soon after Explanation (1), many of us are only reminded of inams and so Explanation (2) is also taken as something related to inams. The question of inam may come in here. But I should say that Explanation (2) is really based on this principle. If a person has misappropriated money or property or if a person is in possession of property which belongs to some other person, he should not be allowed to continue to be in the enjoyment of that misappropriated money or property, and that he must be disgorged

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of what he has unlawfully taken. The last speaker, hon. Member Sri D. V. Ramaswami said that this Explanation should not apply to the inamdars and they should not be made to suffer. Suppose there is a temple for which there is some property and some trustees are appointed for the purpose of managing this property, and something is given to the archakas for performing pujas, etc. If this temple is destroyed at a future date and there was no prospect of its being re-erected what should be done with the properties attached to this temple? Should not the Government or somebody have the right and power to take these properties so that they could be utilized for the public instead of their being enjoyed by a few individuals? Is there any justification or fairness in people keeping the property which was intended for a particular purpose and which was in their possession by accident of circumstances? When a property was endowed for the support of a religious institution or for the performance of any service or charity of a public nature, nobody should be allowed to continue to be in the enjoyment of that property if for any reason the service or charity could not be performed. That is the principle on which this Explanation is based.

"Now coming to hon. Sri Viswanatham's remarks, his dictum is this. The Constitution provides and the jurisprudence demands that those who have relied upon the previous legislation should not be made to pay for and penalised for having done so. That is the principle on which hon. Sri Viswanatham based his argument. But I should point out to him that this Explanation is only a reproduction of the previous legislation. Even in the old Act, we have got the same Explanation, except the words 'of public nature' which we are adding in the present Explanation now under discussion. So there is the existing legislation with regard to this matter and people have relied upon it. Hon. Sri Viswanatham said that those who have relied upon the previous legislation should not be made to pay for and penalised for having done so. We have followed that principle suggested by him in having the same Explanation as in the original Act."

SRI T. VISWANATHAM:—"Sir, there was, apparently some misunderstanding of the position that I have taken. At present there are some laws. Do the Government want to abrogate all those laws and propound new laws? Whenever they wanted to make any special provision, they used to have a Clause saying, 'Notwithstanding anything in so and so, this shall be the case and so on.' What is to happen after the passing of a particular legislation? Here the Government do not wish to make any reference to the existing laws. They do not make any reference to the existing Standing Orders of the Board of Revenue. The Board of Revenue and the Revenue Department have been dealing with this subject very intimately and elaborately year after year. They have been dealing with cases where inams might have been endowed for charitable and religious purposes. I want

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the Hon. Minister to be clear about his object, so that I can understand his viewpoints clearly, and criticise his proposal. Now there are laws. The Hon. Sri Madhava Menon goes on speaking as if there is no law at present. Don't we have laws with regard to this matter? The Board of Revenue have been passing their Standing Orders from time to time, and they have been in force for a number of years. I may be permitted to read the relevant Standing Order of the Board of Revenue. It says:

'Religious and charitable inams when resumable.—Religious and Charitable inams may be resumed on the ground that the whole or a portion of the land in respect of which the title deed was issued has been alienated or otherwise lost to the institution or service to which it once belonged or that the terms of the grant are not observed. The alienation of the land specified in the title-deed by sale, lease, mortgage or otherwise will not however be treated as an alienation of the inam, if such alienation is subject to the payment to the institution or in support of the service of a sum not less than the net assessment on the land. If an inam is alienated and the service is performed by the alienee, the alienee will be recognized as the namdar and the inam will not be resumed.'

During the discussion, it was asked by some hon. Members, 'what is the present position of law in regard to this matter?'. If any particular inam is alienated and the service for which the inam was granted was performed by the alienee then the alienee will be recognized as the inamdar and the inam will not be resumed. If, however, he does not perform the service, the inam can be resumed. If the alienee is willing to continue the service, it cannot be resumed. Supposing the institution itself disappears, the properties that might have been granted for performing some specific services in respect of that temple, should be credited to the general revenues. My submission is that these properties would then become part of the general revenues and part of the Consolidated Fund of the State. The Government should bring appropriate legislation by a Money Bill. That is the position, Sir. It is not as if there is no law at present. If an institution has ceased to exist, I do not mean to suggest for a moment that some private individuals should be allowed to take the properties attached to such institutions. The whole position is being canvassed by the Government on a wrong principle. I would only wish to point out that there are provisions even now to deal with cases where the institution might have ceased to exist and with regard to the utilization of the properties attached to such institutions. Are the Government making this provision in amendment of the existing provisions? If it is also to be there side by side with the existing provisions, let there be some correlation between the two. That is what is wanted. I think according to the existing law, it is provided that in certain cases such properties should be handed over to the local bodies, if there were no other parties. So, the local bodies have got a reversionary claim as it were, upon the assets of such institutions. If nothing else has happened, I think it is part of the general revenues. In view of all these, I feel that my amendment is quite in order and the Explanation must be deleted and some full-fledged legislation should be brought forward to cover all these things."

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4-30 p.m. * THE HON. SRI K. MADHAVA MENON:—"Sir, there is something new in what the hon. Member, Sri Viswanatham has said. What he said originally was that those who relied upon existing laws should not be made to suffer. Sir, this sub-clause is identical to the existing sub-section in the Act but without the words 'public charity'. Then, he pointed to the Board's Standing Orders. Even under the provisions of this Bill, resumption can be done only by the Board. All that this sub-clause does is that it enables the Commissioner or the Deputy Commissioner to move the Collector to take appropriate action in accordance with the Standing Orders of the Board of Revenue. It does not mean that the property will come into the possession of the Commissioner or the Deputy Commissioner."

MR. SPEAKER:—"The question is—

'Delete Explanation (2) of sub-clause 14'."

The amendment was lost.

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

'In the proviso at the end for the expression "before the 2nd day of April 1946" substitute "before the commencement of this Act."'

The object with which this amendment has been moved is that whatever rights that have accrued under the Statute now in existence, i.e., before this Bill becomes law, should not be affected. It was suggested here during the general discussion of the Bill that the interests of those who had proceeded in the belief that the existing Act would continue should not suffer. This is in deference to that wish expressed by hon. Members."

MR. SPEAKER:—"Amendment moved—

'In the proviso at the end for the expression "before the 2nd day of April 1946" substitute "before the commencement of this Act."'

* SRI K. BHASHYAM:—"Sir, I am glad that the Government have recognized the justice of making the proviso read 'before the commencement of this Act'. I would, however, like to invite attention to certain specific cases which even this amendment will not cover. Suppose there are properties divided among the members of a family and sold and full consideration for the same taken. Do the Government take into consideration such cases (?). I feel that such cases will also be covered if the proviso reads 'property which lawfully vested in any person before the commencement of the Act'. That would be more gracious. I would request the Government to amend the proviso in the manner suggested by me, if it is possible for them to do so."

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* THE HON. SRI K. MADHAVA MENON:—"Sir, I submit that it is not necessary to say 'lawfully vested'. The term 'law of limitation' is there because any decree has to be executed within twelve years. When we use the words 'vested in any person' it means 'vested in any person by decree, estoppel or *res judicata*'. This proviso will apply to all property in whatever manner it vests. After all, it can vest only lawfully and not unlawfully."

MR. SPEAKER:—"The question is—

'In the proviso at the end for the expression "before the 2nd day of April 1946" substitute "before the commencement of this Act."'

The amendment was carried.

* SRI T. VISWANATHAM:—"Sir, I want to raise a point of order. Now that the whole sub-clause stands amended I have got a point to make . . ."

MR. SPEAKER:—"The hon. Member may raise his point of order in the end when the whole Clause (clause 6) is put to vote."

Sub-clause (15).

* SRI T. VISWANATHAM:—"Sir, I move—

'Delete sub-clause 15.'

I feel that this sub-clause is not necessary, because 'math' has been defined already, 'temple' has been defined already and there is a definition about 'specific endowment' also, all the three meaning 'religious institution'. Yesterday, while discussing a previous sub-clause relating to maths, we said that a 'math' was a religious institution. So also in respect of the other two terms, there is a similar definition. When we have defined these three as a religious institution, where is the need now to define 'religious institution' as math, temple or specific endowment? Why this repetition? Here I am reminded of a discussion which took place once upon a time between two philosophers. One philosopher asked the other "What is 'mind'?" The other man said 'no matter'. Then the first philosopher asked what is 'matter'. The reply came 'never mind'. (Laughter.) This sub-clause looks like that."

SRI K. BHASHYAM:—"I second the amendment."

MR. SPEAKER:—"Amendment moved—

'Delete sub-clause 15.'

* THE HON. SRI K. MADHAVA MENON:—"Sir, the amendment moved by my hon. Friend, Sri Viswanatham, says that the sub-clause is not necessary. I am afraid I cannot accept this view. On the other hand, I feel it is very necessary. In this

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Bill, we have used the words 'maths,' 'temples' and 'specific endowments' in very many places. Unless we have a simpler expression such as 'religious institution' we have to be repeating these three terms often and often. So, in order to avoid the repetition of such terms in the various clauses, we have adopted the simpler term for all the three, viz. 'religious institution.'

MR. SPEAKER:—"The question is—

'Delete sub-clause 15.'"

The amendment was lost.

MR. SPEAKER:—"The next amendment standing in the name of hon. Sri L. N. Gopalaswami seeks to delete the word 'math' from this sub-clause. There is also another amendment, standing in the name of hon. Sri K. Bhashyam, which is identical to and even more comprehensive than the one proposed by Sri Gopalaswami. I suggest that he withdraws his amendment in view of the more comprehensive one suggested by hon. Sri Bhashyam."

SRI L. N. GOPALASWAMI:—"I have no objection, Sir. However, it may be that the Government will be inclined to accept my amendment and throw out his." (Laughter.)

SRI K. BHASHYAM:—"Sir, though I have given notice of only one amendment, it deals with two distinct points and my arguments for one will differ from those for the other. So, I would like to split it into two amendments and move them separately."

MR. SPEAKER:—"In that case, the hon. Member, Sri Gopalaswami may move his amendment."

* SRI L. N. GOPALASWAMI:—"Sir, I move—

'In sub-clause 15, delete the word "math".'

My reasons for moving this amendment are these. 'Math' has already been defined as something more than a religious institution. Now a religious institution is sought to be defined as a 'math'. I do not know how the Government reconcile themselves to these things. When we say $X = Y + Z$, how could we say again in the same place $Y = X$ only. I do not understand the meaning of such definitions. 'Math' has been accepted by this House as meaning a Hindu religious institution with properties attached thereto and presided over by a person whose duty it is to engage himself in imparting religious instruction, etc. That being so, to bring 'math' under this sub-clause also, is, if I may use the term, utterly mischievous. No doubt, the Government have been somewhat kind towards these maths in providing a separate chapter for them in the Bill, where they are dealt with somewhat leniently. But even there, there are certain provisions which are repugnant to the Constitution. So far as the secular activities of

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a math are concerned, the Government can interfere and there is provision to this effect in the Constitution. But so far as the religious activities of a math are concerned, it is not open to the Government to interfere since the Constitution says, 'you shall not tread on that ground'. By defining 'religious institution' as a 'math' the Government will get certain powers. Even under the limited powers that they will get under Clause 57, the Commissioner or any two persons can put in a petition to the Court for the removal of the trustee of a math. The only condition laid down for this is that the two persons must have 'interest' and this word 'interest' has been defined to include anybody. It was declared here yesterday as a very vague term. All that needs to be satisfied is that they should belong to the Hindu religion, no matter whether they believe in God or worship God. If they tell the Court that the trustee is of unsound mind, then he can be removed. This is what that Clause says and what great havoc it will work on the heads of maths is a thing which the Government should realise. It is not as if, as my hon. Friend, Sri Viswanatham pointed out yesterday, all these Matadhipathis are simply trustees of maths. Our religion has a certain aspect in it which is more than a trust. For some of the Matadhipathis, we have very great regard and respect. It may be that certain Matadhipathis do not deserve any respect or regard from us. But there are certainly some who never care for property, who have never thought of property all their lives and have remained so with the firm conviction that their lives are dedicated to the propagation of the Hindu religion. Such being the case, with what conscience, I ask, are we to interfere with these maths? The Constitution clearly says—

'Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—

(a) to establish and maintain institutions for religious and charitable purposes;

(b) to manage its own affairs in matters of religion;

(c) to own and acquire movable and immovable property; and

(d) to administer such property in accordance with law.'

Sir, the appointment of a Matadhipathi is certainly a matter of religion. Nobody can have a voice in it, not even the Commissioner and not even the Government who appoint this Commissioner. There is another curious thing about the provisions in Clause 57. A trustee can be removed from the math not only if he is of unsound mind but also if he has ceased to profess the Hindu religion or the tenets of the math. I ask, who are these persons, the so-called 'interested persons' to say that the Matadhipathi is of unsound mind or has ceased to have faith in Hindu religion? Who are the Government to say so? It is here that the Constitution says, 'you keep aloof; you shall not have anything to do there'. This is the reason why I have confined my amendment to the deletion of 'math' alone. I have no objection to charitable endowments under the control of these maths and temples being brought within the purview of this Bill. But to bring the math

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வந்தபோது, அதாவது தலைவர் ஸ்ரீஜத் இராஜாஜி அவர்கள் பிரதம மந்திரியாக இருந்து இந்த சட்டத்தைக் கொண்டுவந்தபோது 1932-ஆம் வருஷத்திற்கு முன்னாலிருந்து வட்டி, வாங்குமலி முதலானவை அவர்கள் எல்லாம் வட்டி அணதையும் தள்ளிவிடவேண்டுமென்று இருந்தது. ஒரு ரூபாய் கடன் கொடுத்திருந்து இரண்டு ரூபாய் வட்டியாக வங்கியிருந்தால் அசலே கொடுத்த கிவிட்டது கிவிடும் என்று தீர்மானம் வந்தது. இந்த தீர்மானத்தை கட்டிக் கட்டத்தில் வந்திருந்தது. அப்பொழுது ஒரு விதவை தன்னுடைய பத்தாவது வயதில் ஆயிரம் ரூபாய் அருப்பு கூலி பணம் வாங்கி வந்து அதை வட்டிக்கு கேட்டு 10 வருஷத்தில் மூன்று மடங்காடியிருந்து அந்த அசலேத் தன்னுடைய செம்பலேண்டுமென்று சென்னையில் அவருடைய 30-வது வயதில் அவருடைய கதி என்னவாகும் என்று கேட்டேன். அதன்மேல் மைனர் சொத்துக்களை அந்த சட்டத்திலிருந்து நீக்கினார்கள். அதன் பிறகு மைனர் சொத்துக்கள் அந்த சட்டத்தின்படி கட்டுப்படாது என்று ஒதுக்கினார்கள். அதைப்போலவே இந்த சட்டத்திலும் செய்வேண்டும். இப்பொழுது கொண்டுவந்திருப்பது ஒரு நல்ல சட்டமானாலும் துரிதீர்ப்பைச் செய்யும் பணத்தை சர்க்கார் manage செய்யவேண்டுமென்று நல்லதுதான். ஆனால் அவைகள் நல்லவழியில் நடக்கும்படியாக விட்டுவிடவேண்டுமென்று தெரிவித்துக்கொண்டுள்ளோம். மொத்தமாக கேவில் சொத்துக்களை மைனர் சொத்துக்களாக ஒதுக்கிவைத்தால்தான் கோவில் காரியங்களும், மத சம்பந்தமான தர்ம கைங்கரியங்களும் நன்றாக நடந்துவரும். சொற்ப சம்பளத்தை வைத்துக்கொண்டு கோவில் ஊழியர்கள் என்வரங்களைச் செய்யாவிட்டால் என்று தெரிவித்துக்கொண்டு இத்துடன் முடித்துக்கொள்ளுகிறேன்.”

SRI P. KANDASWAMI PILLAI:—“கனம் தலைவர் அவர்களே, கனம் வரதாச்சாரியார் அவர்களுடைய திருத்தம் என்ன வென்பதை புரிந்து கொள்ளாமல் எனது நண்பர் கனம் அண்ணாமலை பிள்ளை அவர்கள் ரொம்ப தூரம் பேசி இருக்கிறார்கள். கனம் இராஜாஜி காலத்தில் தான் சொன்னது என்ன விஷயம் என்பதை அவர்கள் புரிந்து கொள்ளவில்லை என்பதை நான் பிரங்கமாகக் கூறுகிறேன். அவ்விதம் புரிந்து கொள்ளாமலேயே அதைப்பற்றி பேசிவிட்டார்கள். இப்பொழுது Service inam என்றிருக்கிறது. ஒரு கோவிலுக்கு ஊழியம் செய்யவேண்டுமென்றிருந்து அந்த ஊழித்தை அவன் சரியாக செய்யாமலிருந்து அதனுடைய பணை அடைய முடியாமலிருக்கும்படி செய்து விட்டாலும், அல்லது அந்த ஊழியத்தை அவன் செய்ய தவறிவிட்டாலும் அல்லது அந்த ஊழியத்திற்கு என்று ஏற்பட்டுள்ள காரியத்திற்கு மாற்றாக காரியங்களைச் செய்தாலும் அந்த சொத்துக்களை அவனால் அனுபவிக்க முடியாமல் செய்து பொது மத்தகா எடுத்து கொள்ளப்படும் என்பது தான் இப்பொழுது கொண்டுவரப்பட்டிருக்கும்படி. அந்த விஷயத்தைப் பற்றி சொல்லும் காலத்தில் கனம் பாஷ்யம் அய்யங்கார் அர்ச்சகர் என்றால் போம் வரும் என்றும் மற்றப்படி மேளக்காரர்கள் என்றும், மாலை கட்டி என்றும், ஒதுவார் என்றும், பிரித்துக்கட்டி பேசினார். அவர் அவ்விதம் பேசும் போது மனதில் எதையோ வைத்துக் கொண்டு தான் பேசினார். காலி கோவில்களில் பூரிகள் இருக்கிறார்கள். அங்குள்ள பூரிகள் பிராமணர்களல்ல. என்பதை அவருக்குத் தெரியப்படுத்துகிறேன். ஒவ்வொரு ஊரிலும் அப்படித்தான் இருக்கிறார்கள். எங்கள் ஊரில் ஒரு கோவில் இருக்கிறது. அங்கு பூஜ செய்யவேண்டுமென்று நிலம் கொடுக்கப்பட்டு வட்டாவும் கொடுத்திருக்கிறார்கள். அவ்விதமிருக்கும் பொழுது அங்குள்ளவர்கள் தான் செய்யவேண்டிய ஊழியத்தைச் செய்யாமல் அந்தக் கோவில் இடத்தில் ஒரு மடகடைய வைத்து நடத்துகிறார். இப்பொழுது யார் வந்தாலும் அதைப் பார்ச்சலாம். இவ்விதமான நிலைமையில் தூற்றிக்கொண்டே கே விஷயங்களைக் கிறேன். இவைகளை யெல்லாம் தடை செய்ய வேண்டாமா வென்று கேட்கிறேன்.”

“மற்றப்படி சிதம்பரத்திலுள்ள தீட்சதர்கள் ஒரு வேலைக்கும் போவதில்லை என்று அவர் சொன்னார். அது முற்றிலும் பி.கு. அங்குள்ள தீட்சதர்களுக்கு ரேக்ளாக்களை வாடகைக்கு ஒடுவதுதான் வேலை. இன்னும் கோழிச் சண்டை விடுவதும், பந்தயம் வைப்பதும் தான் அவர்களுக்கு வேலை

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இன்றைய தினம் என்னுடன் வந்தால் அதை நான் காண்பிக்கிறேன். அவர்கள் வேறு வேலையில் ஈடுபடவில்லை என்று சொல்வது தவறு. ஆகவே இம்மாதிரியான அபிப்பிராயங்களை புதுத்த வேண்டாமென்று கேட்டுக் கொள்ளுகிறேன். ஆகையினால் இப்பொழுது கனம் வரதாச்சாரியார் அவர்கள் கொண்டுவந்த திருத்தத்திற்கே அவ்விதமில்லை. அது நியாயமும் இல்லை. ஒரு தொழிலைச் செய்ய வேண்டுமென்று ஒரு பொருளை எழுதுவைத் திருந்து அந்தத்தொழிலை சரியாகச் செய்யவிட்டால் அதை பொது ஜன சொத்தாக சர்க்கார் முறையமைக்கவேண்டும். அவ்விதம் செய்வதுதான் பொது ஜன சர்க்காரின் கடமையுமாகும். பொது ஜன நன்மைக்காகவும், கேஷபத்திற்கு கஷயத்தான் அந்த சொத்துக்களைக் கொடுத்தார்கள். தர்மங்களைப் பரப்பவேண்டுமென்பதற்கு நத்தான் அவைகளைக் கொடுத்தார்கள். எந்தக்காரியத்திற்காக அவைகளைக் கொடுத்தார்களோ அதைச் செய்யாமலிருந்தால் அதை நல்ல முறையிலுள்ள காரியங்களுக்கு உபயோகப்படும்படியாகச் செய்யவேண்டியது அரசாங்கத்தினுடைய கடமை. ஆகவே இந்தத் திருத்தம் பொறுத்தமானது அல்ல. இதை சபை அங்கீகரிக்கவே கூடாது என்று கேட்டுக்கொண்டு கனம் வரதாச்சாரியார் அவர்கள் கொண்டு வந்த இந்தத் திருத்தத்தை நான் எதிர்த்தேன்.”

SRI R. V. SWAMINATHAN:—“Mr. Speaker, Sir, I should also like to speak in Tamil.”

MR. SPEAKER:—“I have no objection to the hon. Member speaking in Tamil, but the difficulty is that we have got only two reporters and they will find it difficult to take down if all the Members go on speaking in Tamil. Let the hon. Member make his remarks very briefly.”

SRI R. V. SWAMINATHAN:—“I shall be very brief, Sir. I am going to speak only two or three sentences.

“தலைவர் அவர்களே! கனம் பாஷ்யம் அவர்கள் பேசும்போது மிக அழகாகப் பேசினார்கள். அவர்கள் மிக்க காரசாமாக எல்லாவற்றிற்கும் பதில் சொன்னார்கள். அவர்கள் சொன்ன பிரகாரம் பார்த்தாலேயே எனக்கு ஒரு சந்தேகம் வருகிறது. அதை நிவர்த்திக்கவேண்டும். சிதம்பரம் தீட்சதர்கள் அல்லது கோவில் மாலை கட்டி, மேளக்காரன் முதலியவர்களுக்கு இப்போது மானியம் கொடுத்திருப்பதாக வைத்துக்கொள்வோம். இப்போது இந்த சட்டம் பிரகாரம் அவர்களுக்கு முன்பு கொடுக்கப்பட்ட நிலங்களுக்கும் (Endowment) போன்றவையே சேர்ந்ததாகிவிடுமென்றால் அந்த என்வரம் என்வர்கள் என்வர்கள் ஆகுமென்று கேட்டார்கள். ஆனால், ஒன்று கேட்கிறேன். அவர் சொல்லும் விஷயம் நியாயமானதுதான். இந்தந்தக்காரித்தைச் செய்யவேண்டுமென்று மானியம் கொடுக்கப்பட்டிருக்கும்போது அவர்கள் அந்தக் காரியத்தைச் செய்யாவிட்டால் என்ன செய்வது என்று கேட்டேன். அந்த மாதிரி குறிப்பிட்ட காரியங்களைச் செய்யத் தவறினால் அவர்களை டிஸ்பீஸ் செய்துவிட வேண்டுமென்றாம். உண்மை. ஆனால், குறிப்பிட்ட ஒரு காரியத்தைச் செய்யவேண்டுமென்று கொடுக்கப்பட்ட மானியம் தனிப்பட்ட மனிதன் பேரில் இருக்கிறது. அவன் அம்மாதிரி காரியங்களை சரியாகச் செய்வதில்லையென்று அவனை டிஸ்பீஸ் செய்தாலும், அவன் பேரிலுள்ள பட்டாவை எப்படி மாற்றமுடியும். இப்போது நீக்கிவிட்டு வேறு ஒருவனை அந்த இடத்தில் கொண்டு வந்து அமர்த்தினால் அவனுக்கு அதே காரியத்தைத் தெரிந்து நடத்த அந்த மானியத்தையே கொடுக்க வேண்டுமென்றால் எப்படி எந்த மானியம்? இந்தச் சட்டத்தின்படி அவன் அந்தக் காரியத்தை சரியாக நடத்தவில்லையென்றால் அவனது சொத்து மத ஸ்தாபன இலாகாவுடன் சேர்த்துக்கொண்டு விடுவதால் மறுபடியும் அதே வேலையை தொடர்ந்து நடத்த வேண்டுமென்று யாரையாவது போட்டால் அந்த மானியத்தை புதிதாக வருகிறவர்களுக்குக் கொடுத்து வேலை சரியாக நடக்கும்படி செய்யமுடியும். இப்படிச் செய்யாவிட்டால் ஒருவன் குறிப்பிட்ட காரியத்தை

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itself under the control of the Government is not what is warranted by the Constitution. This definition will have far-reaching consequences. It would enable a person who has no belief or faith in God to file a petition (by virtue alone of his belonging to the Hindu religion), before the Court for the removal of the Matadhipathi whom he may not like but who used to be viewed by others with respect and veneration. I would request the Government to delete 'math' from this sub-clause."

4-45 P.M. * SRI K. BHASHYAM:—"Sir, I have given an amendment to the same effect. I did it for two reasons. One is the Government have defined it in two places which is somewhat misconstruing. If you look at the definition of the 'math' it is called a religious institution. Later a religious institution is defined as a 'math'. That is the way Government have tried to define the 'math'. When once the Government call 'math' a religious institution, why again include it in another place and call a 'math' a religious institution I am not able to see the purpose behind it. Why do it over again and say a math means a religious institution. Probably it means more which nobody can appreciate.

"As I have said even at the very beginning of the discussion of this Bill, so far as maths are concerned they have to be treated differently from the ordinary temples, temples for which the heads are merely trustees having no beneficial interest in property; these trustees having nothing to do except to manage it for the purposes of these temples. But so far as these matadhipathis are concerned, it has been held that they are trustees of some sort but having large beneficial interest in the property and its income. But I have more than once said on the floor of the House that these matadhipathis are persons who acquire these properties mostly by their personal qualifications. The matadhipathi is an esteemed person and is respected by everybody. He is honoured and respected not only by the members of the denomination to which he belongs, but also others respect him and make presents to him out of personal regard for him. So much so, if Sankaracharyar comes to Madras, though I am not his disciple, I will go to him, offer my pranams and present him with money, not because I am his disciple, not because I really subscribe to the philosophy to which he belongs, but as a person who is entitled to my personal respect by his austere life, his conduct and for the way in which he keeps people within the bounds of religion. Therefore, Sir, these are persons who should be kept apart and treated in a different way from the temple trustees. When we come to Chapter 5, I will deal with the amendment which I have given for the substitution of a new chapter for the existing one in respect of the maths. Because I have suggested that amendment I am trying to make the position of these maths clear now. The ordinary math should be omitted here; because you cannot really call these maths as religious institutions. It is a curious thing to call them so. I do not know the psychology behind the sponsors

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of the Bill. Do they call him a mere trustee as if to send him away after a period of five years? And again throughout the whole Bill the Government avoid using the word 'matadhipathi' and thus give him a higher position than mere trustee. It looks a curious thing, that the word matadhipathi is not being used anywhere in the Bill. He is merely called a trustee. This is not correct. If you really say the matadhipathi is only a mere trustee it is not correct at all or legal. I can quote cases after cases in support of this view. But what is the purpose in quoting? Who is there to follow it? The Courts and their decisions are at a discount now-a-days. I know my learned Friend the Hon. Minister for Law himself may have some respect for law and courts. But generally speaking we are creating an atmosphere where law courts are not held in regard and respect because they think the courts are taking a long time, there is delay and expense and then there are these terrible lawyers who want to make money always for arguing cases—persons, who live upon the ill-fortune or the misfortune of the ordinary persons. We have created an atmosphere like that. It may be a good or a bad thing. I do not know, if it is a good thing to be governed by any other thing than law. If we are not governed by law what will the country be worth. But we must look at the ultimate result of the things that are being done now. I can understand Socialism and Communism but not the 'ism', midway between these, this gudu-gudu business. Take a clear position and say we do not want these institutions and abolish them, pull down these temples and destroy the idols. But the pity is that some persons really want to raze all the temples to the ground for the general good. What is the general good for the people? If the people are not moral is it to the general good?"

MR. SPEAKER:—"The hon. Member is not speaking on the amendment."

* SRI K. BHASHYAM:—"I have digressed a bit because I feel strongly on the matter. What I wanted to point out is this. If the Government are to improve these maths, and religion generally, the matadhipathis should be given the respect they deserve. These matadhipathis are not such bad men as is described by these blackshirts. These blackshirts merely create evidence for the purpose of saying that they, the matadhipathis, are bad people and that they should be dispossessed of their belongings. These blackshirts publish matter in letters in thick and bold. Why? It is only for the purpose of saying that these are bad people and then confiscate their property. Are you going to do that, is the question.

"So far as my amendment is concerned it is a harmless amendment and it is only in accord with the general traditions of the people. Somebody should have for the purpose of political

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advantage tried to bring them here. Otherwise they won't be clubbed in here. I beg to state that it is not necessary. It is a matter which indicates the mind of the people in charge of this matter.

"Then, Sir, the only other point I wish to put before the House is this. The Hon. Mr. Madhava Menon is capable of enlivening the discussion so that we may not get too serious in respect of these matters. He gets up to pull us down from the heights and now and then comes down to the level of the discussion. I am thankful to him for that. My point is that these maths are not ordinary temples. These are colleges of learning. These are institutions for the purpose of religious instructions. It is not as if it is a public place of worship. It is not open to everybody to go into the math. Only persons of that persuasion are entitled to go there and not all of them either. It is intended only for those disciples of the math who acknowledge the matadhipathi as his 'Guru' to whom they look up for initiation. To go into the math is not just like temple entry. Every temple is now open to anybody, the temples are open to the public. But the math is not so open. These are what I call colleges of learning. Suppose the Government institute a chair for the purpose of oriental philosophy and appoint a certain person for it with an endowment for it. He continues there and after some time the Principal appoints his successor, a person who is well qualified for teaching the particular philosophy. Then what happens is this. I am only saying that according to the definition you have of a math, it will be a math. We have got maths which are really 'Sombheri maths', solely for the purpose of feeding people. There are also maths presided over, not by the ascetics but by those who are called 'Vellai Vettikattara Matadhipathis' persons who have families and these are supposed to initiate people. They are also married matadhipathis. Many people may not know this. That person marries, begets children and so on. This is not like the Catholic clergy. The Catholic Bishops do not marry and their disciples also do not marry. Heads of maths are persons who are held in esteem and these should be kept intact. Our religion is tolerant, that is why it suffers most. It is more or less a conformist religion. If you have 'natnam' and 'kudumi' it is enough and you can claim to be a Hindu. Why all this, even simply call yourself a Hindu and it is enough. So the question of defining this math is very difficult. I should like the Government to think very seriously in making a law for these maths.

"Again I have been more than once told that the country is behind the Government in this matter. I cannot fully agree with the statement. I may be right or wrong. But I would like the Government to take the sense of the people who believe in temples, who wish for the continuance of these temples, who believe in matadhipathis and discipleship and not persons who do not believe in these things but feel that these idols are more stones

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and the temples are only costly buildings of no utility. At least to the extent of preservation of these works of architecture, one would want the retention of these maths."

MR. SPEAKER:—"It is already 5 o'clock. How long does the hon. Member want to continue?"

SRI K. BHASHYAM:—"I want another 10 or 15 minutes, Sir. I will continue to-morrow."

MR. SPEAKER:—"I adjourn the House till 11 a.m. on Friday, the 17th November 1950."

The House then adjourned.

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APPENDIX I.

[Vide answer to starred question No. 410 asked by Sri S. Nagappa at the meeting of the Legislative Assembly held on 16th November 1950, page 182 supra.]

Number of candidates recruited for appointment as District Munsifs during 1949 from the Andhra area other than the Rayalaseema.

District.	Number.
Godavari, East	1
Godavari, West	..
Guntur	..
Krishna	1
Nellore	..
Visakhapatnam	..
Total ..	2

Number of candidates recruited for appointment as District Munsifs during 1950 from the Andhra area other than the Rayalaseema.

District.	Number.
Godavari, East	2
Godavari, West	4
Guntur	2
Krishna	6
Nellore	3
Visakhapatnam	3
Total ..	20

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APPENDIX II.

[Vide answer to starred question No. 419 asked by Sri S. Nagappa at the meeting of the Legislative Assembly held on 16th November 1950, page 191 supra.]

List of secondary schools permitted to be newly opened by local bodies in the current year.

District Board, Visakhapatnam, North—	District Board, Guntur—cont.
1 Board Middle School, Savarakota.	53 Board Middle School, Maddipadu.
2 Do. Bathi.	54 Do. Govada.
3 Do. Kotturu.	55 Do. Karumanchi.
4 Do. Veeraghattam.	56 Do. Krosur.
5 Do. Baravu.	57 Do. Ganapavaram.
6 Do. Chapara.	58 Do. Chintayapalem.
7 Do. Balijapeta.	59 Do. Penumaka.
8 Do. Naupada.	60 Do. Alaparru.
9 Do. Budhiti.	61 Do. Chinalingayapalam.
10 Do. Theralam.	62 Do. Veldurthi.
District Board, Visakhapatnam, South—	63 Do. Pedakodamagundla.
11 Board Middle School, Jami.	64 Do. Durgi.
District Board, East Godavari—	65 Do. Poonur.
12 Board High School, Dosakayapalli.	66 Do. Murikipudi.
13 Do. Gollapole.	67 Do. Abbineniguntapalem.
14 Do. Ravaram.	68 Do. Uppugundur.
15 Do. Kandikuppa.	District Board, Kurnool—
16 Board Middle School, Island Polavaram.	69 Board High School, Thurumella.
17 Board Middle School, Gollapalem.	70 Do. Maddikera.
18 Do. Gokavaram.	District Board, Bellary—
19 Do. Seethanagaram.	71 Board High School, Sandur.
20 Do. Mukte-waram.	District Board, Anantapur—
21 Do. Ponnampeta.	72 Board High School, Bikkapatnam.
District Board, East Godavari Agency—	73 Do. Yaliki.
22 Board Middle School, Kunavaram.	74 Do. Amrapuram.
District Board, West Godavari—	75 Do. Kothacheruvu.
23 Board High School, Iragavaram.	76 Board Middle School, Bukarayasamudram.
24 Do. Ungutur.	77 Board Middle School, Kottalapalli.
25 Do. Kakaraparru.	District Board, Cuddapah—
26 Do. Kopalle.	78 Board High School, Yerraguntla.
27 Do. Penumatra.	District Board, Nellore—
28 Do. Yalupadu.	79 Board High School, Nayudupeta.
29 Board Middle School, Chataparru.	80 Board Middle School, Chennur.
30 Do. Anantapalle.	81 Do. Kurugonda.
31 Do. Dendurur.	District Board, Chingleput—
District Board, Krishna—	82 Board High School, Cheyyar.
32 Board High School, Nidumolu.	83 Do. Kunnathur.
33 Do. Chandralapadu.	84 Board Middle School, Kadambathur.
34 Do. Gampalagudem.	District Board, North Arcot—
35 Do. Chennuru.	85 Board Middle School, Timiri.
36 Do. Bantumilli.	86 Do. Desur.
37 Do. Aruttagalapadu.	87 Do. Pernamallur.
38 Do. Veerullapadu.	District Board, Chittoor—
39 Do. Indupalli.	88 Board High School, Athimanjeripet.
40 Do. Kaza.	89 Do. Irala.
41 Board Middle School, Kothakani.	90 Board Middle School, Padaturpeta.
42 Do. Gollapalli.	91 Do. Ramigunta.
43 Do. Kavutaram.	92 Do. Kothakota.
44 Do. Mudunur.	93 Do. Chowdepalle.
45 Do. Mandavalli.	94 Do. Kajahasti.
District Board, Guntur—	District Board, Tanjore—
46 Board High School, Ravela.	95 Board Middle School, Aykkaram.
47 Do. Vemur.	96 Board Middle School, Persam.
48 Do. Vallabhapuram.	97 Do. Kivalur.
49 Do. Achampet.	
50 Board Middle School, Ponnakallu.	
51 Do. Thullur.	
52 Do. Vallatur.	

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District Board, Tiruchirappalli—		
98	Board Middle School, Labbaikudikadu.	
99	Do. Tirunelavadi.	
100	Do. for Girls, Kulitalai.	
101	Do. Chiniradharapuram.	
District Board, Mathurai—		
102	Board Middle School, Periyur.	
District Board, Ramanathapuram—		
103	Board Middle School, Mathurampalingapuram.	
104	Board Middle School, Aliganallor.	
105	Do. Pandalgudi.	
106	Do. Paganeri.	
107	Do. Sipparai.	
108	Do. Chattapatti.	
District Board, Tirunelveli—		
109	Board High School, Kayathar.	
District Board, Coimbatore—		
110	Board Middle School, Vettaikaranpudur.	

District Board, Coimbatore—cont.		
111	Board Middle School, Annur.	
112	Do. Karamadai.	
113	Do. S v a g i i.	
114	Do. Ujjalur.	
115	Do. Olagadam.	
District Board, Nilgiris—		
116	Board Middle School, Nanjanad.	
District Board, Salem—		
117	Board High School, Palakode.	
118	Do. Belur.	
119	Do. Kadathur.	
120	Do. Pennagaram.	
121	Do. Vadugam.	
District Board, Malabar—		
122	Board High School, Manantoddy.	
District Board, South Kanara—		
123	Board High School, Admar.	
124	Do. Sullia.	
125	Do. Hiriadka.	

Municipal Schools.

Municipal Council, Gudiyada—		Municipal Council, Coimbatore—	
126	Municipal Branch Middle School, B thavole.	132	Municipal Middle School, Big Bazar Street, Coimbatore.
Municipal Council, Masulipatnam—		133	Municipal Middle School, Oppanakara Street, Coimbatore.
127	Municipal Middle School for Girls, Masulipatnam.	134	Municipal Middle School, Sreenivasapuram, Coimbatore.
Municipal Council, Anantapur—		Municipal Council, Tiruppur—	
128	Municipal Middle School for Girls, Anantapur.	135	Municipal Middle School for Girls, Tiruppur.
Municipal Council, Karur—		Municipal Council, Pollachi—	
129	Municipal Middle School, Karur.	136	Municipal Middle School, Pollachi.
Municipal Council, Tirunelveli—		Municipal Council, Rasipuram—	
130	Municipal Middle School, Petai.	137	Municipal High School, Rasipuram.
131	Municipal Middle School, Melaveeragharapuram.		
Total number of High Schools		..	..
Total number of Middle Schools		..	..
		137	

N.B.—No. 71. Sandur High School. This school is not a newly opened school; it has been taken over by the District Board, Bellary, from Ex-Sandur State.

List of Aided Secondary Schools permitted to be opened in 1950-51.

District.	Name of the school.
1 Guntur, South ..	High School, Palaparu.
2 Guntur ..	St. Ann's Middle Girls' School, Phirangipuram.
3 Krishna ..	Middle School for Girls, Masulipatnam.
4 Madras ..	Middle School, Mannady.
5 Chingleput ..	Secondary School for Girls, Chingleput.
6 South Arcot ..	Middle School, Chidambaram.
7 Do. ..	Middle School, Srimushnam.
8 North Arcot ..	Middle School, Tiruppattur.
9 Tiruchirappalli ..	Secondary School, Vairichettipalayam.
10 Do. ..	Middle School, Dalmiapuram.
11 Ramanathapuram ..	Secondary School, Rajapalayam.
12 Do. ..	Secondary School, Elayirupanneri.
13 Do. ..	Middle School, Kallurani.

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District.	Name of the school.
14 Coimbatore	Middle School, Karathumadam.
15 Do.	Middle School, Dharapuram.
16 Do.	Muslim Middle School, Erode.
17 South Malabar	Secondary School, Vellapuzha.
18 North Malabar	Middle School, Nannirda.
19 Do.	Middle School, Naduvannur.
20 Do.	Middle School, Azhicode.
21 South Kanara	Secondary School, Manjeshwar.
22 Do.	Middle School, Vittal.
Total number of High schools 7	
Total number of Middle schools 15	

APPENDIX III.

[Vide answer to starred question No. 424 asked by Sri A. Kaleswara Rao at the meeting of the Legislative Assembly held on 16th November 1950, page 196 supra.]

Name of district.	Number of villages with a population exceeding 2,000 for which panchayats are proposed to be constituted.
1 Anantapur ..	52
2 Arcot, North ..	69
3 Arcot, South ..	142
4 Bellary ..	27
5 Chittoor ..	84
6 Chingleput ..	60
7 Coimbatore ..	284
8 Cuddapah ..	80
9 Godavari, East ..	89
10 Godavari, West ..	25
11 Guntur ..	64
12 South Kanara ..	78
13 Krishna ..	77
14 Kurnool ..	78
15 Mathurai ..	177
16 Malabar ..	447
17 Nellore ..	34
18 The Nilgiris ..	Nil
19 Ramanathapuram ..	62
20 Salem ..	190
21 Tanjore ..	27
23 Tirunelveli ..	227
22 Tiruchirappalli ..	159
24 Visakhapatnam and Srikakulam ..	214
Total ..	2,746

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Name of work. (1)	Estimated cost. (2) Rs.	Expenditure in 1940-50. (3) Rs.	Villages benefited (4)
3 Minor Irrigation Works—cont.			
(14) Repairs to Poondi thangal.	2,570	1,124	Poondi.
(15) Repairs to Orikkai Parikkam thangal.	1,240	969	Orikkai.
(16) Repairs to Siruvakkam Kanakam thangal.	900	331	Siruvakkam.
(17) Repairs to Oddan thangal.	1,700	630	Oddan thangal.
(18) Repairs to Madapuram tank.	4,000	2,196	Madapuram.
(19) Repairs to Sirukaveripakkam Ekanpuram tank.	1,200	2,552	Ekanpuram.
(20) Repairs to Kilambi kasam.	9,500	9,280	Kilambi.
Total ..		52,094	

4 Ordinary repairs to Public Works Department sources—

(1) Special repairs to Veda-thur tank.	18,200	2,326	Vedathur.
(2) Special repairs to Vada-pakkam tank.	5,100	2,300	Vallapakkam.
(3) Special repairs to Perunagar tank.	6,000	500	Perunagar.
(4) Special repairs to Kadalamangalam.	6,000	2,000	Kadalamangalam.
(5) Special repairs to Nallur tank.	2,500	1,600	Nallur.
(6) Special repairs to Vayalakavoor tank.	14,000	3,000	Vayalakavoor.
(7) Special repairs to Arapak-kam Rotteri.	1,000	992	Arapakkam.
(8) Special repairs to Kammalamampoondi tank.	4,700	1,102	Kammalamampoondi.
(9) Special repairs to Neyyadivakkam supply channel.	8,400	5,378	Neyyadivakkam.
(10) Special repairs to Melpodavur Melthangal.	4,600	1,590	Podavur.
(11) Overi thangal	4,600	552	Overi.
(12) Podavur Vadathangal ..	4,500	1,747	Melpodavur.
(13) Repairs to Nagalthangal ..	2,800	535	Nelvey.
(14) Repairs to Nagapattu chitteri.	2,000	848	Nagapattu.
(15) Repairs to vents of Govindavadi channel.	3,250	490	Govindavadi.
Total ..		24,600	

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APPENDIX V.

[Vide answer to unstarred question No. 34 asked by Sri S. Nagappa at the meeting of the Legislative Assembly held on 16th November 1950, page 201 supra.]

G.O. Ms. No. 552, Rural Welfare, dated 19th June 1950.

Industries—Cottage industries—Development—Advisory Boards for certain cottage industries—Constitution—Approved.

Order—No. 552, Rural Welfare, dated 19th June 1950.

The Director of Industries and Commerce has reported that one of the main reasons for the department not having achieved substantial results in the development of cottage industries in this Province is that the Industries department has had to work against a background of partial ignorance regarding the economic conditions prevailing in the various industries and the needs of the artisans engaged in them. With a view to remedy this defect, the Director of Industries and Commerce has submitted proposals for constituting Advisory Boards for selected cottage industries in which there is scope for quick development. The Boards are to be charged with the task of advising the Government regarding the measures to be taken to develop those industries. The Government accept the proposal of the Director of Industries and Commerce and direct that Advisory Boards be constituted for developing the six industries in the respective regions where they are important:—

Name of the cottage industry.	Region for which the Board is to function.
(1) Match Industry	Sivakasi and Sattur areas in the Ramanathapuram district.
(2) Palmyra fibre and leaf products.	Tuticorin and Tiruchendur areas in the Tirunelveli district.
(3) Leather goods manufacture.	Dindigul area in the Mathurai district.
(4) Woollen cumby and blanket weaving.	Kudligi, Kudatani and Bishalli areas in the Bellary district.
(5) Pile carpets	Eluru area in the West Godavari district.
(6) Handmade cotton lace ..	Narasapur area in the West Godavari district.

2. The composition of the Boards will be as follows:—

(1) The Director of Industries and Commerce, Madras—*Ex-officio President.*

(2) Local Revenue Divisional Officer—*Ex-officio Vice-President.*

(He will preside over the meetings of the Board in the absence of the President.)

(3) Deputy Director of Industries and Commerce (Cottage Industries), Madras—*Secretary.*

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- (4) A Technical Expert of the department,
 (5) Local Deputy Registrar of Co-operative Societies,
 (6) Local member of the Legislature
 (7) & (8) Two representatives of the industry.
- } *Members.*

3. The function of the Boards will be to advise the Government generally in regard to all measures necessary for developing the industry including—

- (i) assistance, financial or otherwise, to be afforded to deserving artisans in the industry;
- (ii) improving the quality of the products and standardization;
- (iii) increasing the production;
- (iv) facilities necessary to expand the market for the products of the industry by stimulating exports or otherwise;
- (v) technological research; and
- (vi) carrying out a detailed survey and preparation of statistics relating to the industry.

The Board will meet not less than once in two months and as often as may be necessary at an important centre within the region of the industry.

4. The Board will be classified as a second-class Committee. The rates of travelling allowance and daily allowance of the non-official members of the Boards will be regulated with reference to the rates laid down in G.O. No. 853, Finance, dated 13th August 1949, as subsequently modified subject to the condition laid down in Memorandum No. 71182-Exp.-A/48-1. Finance, dated 17th February 1950. The Director of Industries and Commerce will be the countersigning authority in respect of the travelling allowance bills of the non-official members of the Board.

5. The Director of Industries and Commerce has recommended the appointment of an additional Deputy Director and the subordinate staff necessary to form another section in his office to attend to the additional work involved in connexion with the working of the Boards. The Government consider that there is no case for the appointment of such a large staff now. Sanction is accorded to the employment of one upper division clerk and one typist only on the usual scale of pay and allowances temporarily for a period of one year in the first instance in the office of the Director of Industries and Commerce for the work connected with the Advisory Boards.

6. The expenditure will be debited to the relevant sub-head under "42. Co-operation—d. Cottage Industries."

(By order of His Excellency the Governor)

M. S. JAGANNAYAKULU,
 Secretary to Government.

THE MADRAS LEGISLATIVE ASSEMBLY.

Friday, the 17th November 1950.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

MR. SPEAKER:—"I have placed six questions on Food. At the rate of five minutes, they will take half-an-hour. There are 18 other questions for which answers are ready. As regards questions on Food I am trying to place them at the rate of six before the House on Monday, Tuesday and Wednesday next. So, I want to allow five minutes for each of the questions on Food put down for today and these six questions will take half-an-hour."

Food ration.

* 333 * Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Food be pleased to state the scales and composition of the food ration to card-holders in all statutorily and informally rationed areas from 2nd July 1950?

THE HON. SRI J. L. P. ROCHE VICTORIA:—"The following was the scale and composition of rations for the card-holders in all statutory and informally rationed areas from 2nd July to 13th August 1950:—

Rice eaters.—Seven ounces of rice, wheat, millets and/or semolina plus 2 ounces of semolina plus 3 ounces of wheat, semolina and/or millets according to availability.

Mixed diet eaters.—Four ounces of rice, wheat, millets and/or semolina plus 2 ounces of semolina plus 6 ounces of wheat, semolina and/or millets according to availability.

Millet eaters.—Two ounces of rice, wheat, millets and/or semolina plus 2 ounces of semolina plus 8 ounces of wheat, semolina and/or millets according to availability.

"The following scale and composition of ration are in force from 13th August 1950:—

Rice eaters.—Six ounces of rice, wheat, millets and/or semolina plus 2 ounces of semolina or wheat if semolina is not available plus 4 ounces of wheat, semolina and/or millets according to availability.

Mixed diet eaters.—Three ounces of rice, wheat, millets and/or semolina plus 2 ounces of semolina or wheat if semolina is not available plus 7 ounces of wheat, semolina and/or millets according to availability.

* Left over from list of questions, dated 16th October 1950.

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Millet eaters.—One ounce of rice, wheat, millets and/or semolina plus 2 ounces of semolina or wheat, if semolina is not available plus 9 ounces of wheat, semolina and/or millets, according to availability.

“With effect from 17th September 1950, the card-holders in Madras City are given 2 ounces of maida in lieu of wheat owing to the low stock position of wheat.

“If the card-holder so chooses bread tickets may be drawn against the rice and non-rice portions of the ration except against the 2 ounces of semolina portion. If, however, semolina is not available, bread tickets may be drawn against the semolina portion as well.”

SRI S. NAGAPPA :—“From the answer, it is seen that 7 ounces of rice and 2 ounces of millet are given to rice eaters. May I ask the Government, Sir, whenever rice was not available in the ration shops, what was the diet that was given to the people during that period?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“At some places wheat was supplied and at some places millet was supplied.”

SRI S. NAGAPPA :—“In places like Rayalaseema where people are not accustomed to wheat and millet, may I know, Sir, what arrangements the Government have made to supply those people with their familiar food.”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“Their familiar food is millet and they had plenty of it during this season.”

SRI A. KALIESWARA RAO :—“May I know, Sir, whether the Government are aware that, even in a place like Vijayavada which belongs to a surplus district, not only not the 7 ounces of rice was supplied, but also when rice was not available other non-rice products also were not supplied, and whether it has come to the notice of the Government?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“There were some temporary difficulties, Sir. But, they have been remedied and now I think there is not much difficulty in giving the necessary quota.”

SRI V. M. RAMASWAMI MUDALIYAR :—“May I ask, Sir, whether the Government are not aware of the fact that as a general rule in all informal ration areas, the overall quota of rations was not kept up at all even for 1 or 2 days and for an entire week too, and that this is the case in almost all districts?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“We had some difficult days. But, at present we are trying to meet the situation as much as possible and it is only an exception rather than a rule.”

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JANAB K. M. SEETHI :—“May I know, Sir, whether it is the considered opinion and belief of the Government that the public are depending entirely on the rations given by the Government?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“No, Sir. We are meeting the demand of the people according to their application and requirements. There may be some who do not depend upon these rations at all.”

DR. S. SUBRAHMANYAM :—“Sir, are the Government aware that in the informal ration areas of Ramnad district, not even 6 ounces of rice ration was supplied to the people for weeks at a stretch?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“Yes, that was brought to the notice of the Government some time ago. But, at present the position is improving.”

JANAB K. M. SEETHI :—“May I know, Sir, whether the Government had called for any report from the Collector of Malabar regarding the conditions in several places of Malabar where rations were not supplied for some days and the people were put to hardship, and whether the Government have received any report from the Collector of Malabar?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“There have been no recent complaints from Malabar. But, after the harvest things have improved considerably except for occasional complaints which are generally looked after by the local authorities.”

SRI V. RAGHAVAYYA :—“May I know, Sir, whether the Government are aware that, in all cities and towns blackmarket rice is easily available even today at high prices of one rupee and one-and-a-half rupee a seer, and whether the Government are prepared to raise the ration in such places from 8 ounces to 10 ounces of rice rather than insist upon mere calculation?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“The Government at present cannot take any responsibility for giving additional rations. It is true that there may be grains available elsewhere. But, Government have to provide the present rate of rationing according to the stocks available with the Government.”

SRI D. V. RAMASWAMI :—“Has the Hon. the Minister for Food received any information from the Collector of Visakhapatnam, that even now it is not possible to give 6 ounces of ration in all the ration shops in Anakapalle taluk? We expected to meet the Hon. the Minister when he flew back from Calcutta. He could not come to Visakhapatnam though he flew over Visakhapatnam.”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“I have not seen any latest reports. But, Visakhapatnam is always receiving special attention.”

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RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ Mr. Speaker, Sir. With reference to the composition of the ration food that is given at 12 ounces, may I remind the Hon. the Minister for Food, Sir, of the answer he has given that he will take into consideration the suggestion made by me in one of the supplementaries in August, viz., that he would consider the advisability of giving 6 ounces of rice and 6 ounces of wheat throughout the year for persons with an income of Rs. 500 per month and more, 8 ounces of rice and 4 ounces of wheat for persons whose income is between Rs. 250 and Rs. 500 per month and 12 ounces of rice for all whose income is below Rs. 250 per month. I am now reminding the Hon. the Minister for Food of the suggestion given two months ago and I would like to know what he has done in the meantime.”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ The Government considered the matter and found that it is not practicable.”

Decontrol in rural areas.

*359 * Q.—SRI K. T. KOSALRAM : Will the Hon. the Minister for Food be pleased to state—

(a) whether, in the recent Food Ministers' Conference, the decontrol of food in the rural parts was considered;

(b) if so, what the outcome of the Conference in the matter is; and

(c) the attitude of the Government of India in decontrolling food in the rural parts of the Madras State?

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ (a) The proceedings of the Conference were confidential and cannot, therefore, be divulged.

“ (b) & (c) The attention of the hon. Member is invited to the reports that appeared in the Press on 21st August 1950.”

SRI K. T. KOSALRAM :—“ Have the Government received any representations from the local bodies, Food Advisory Committees and Congress Committees requesting the Government to decontrol food in rural parts once again. If so, will the Government press the need for food decontrol in rural parts on the centre once again? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ The matter is receiving consideration, Sir.”

SRI K. KOTI REDDI :—“ May I know, Sir, why it is that the Government have not decided to give up rural rationing when, as a matter of fact, they have not been able to supply the rations according to the scale applied in rural areas and would not allow the people to purchase themselves, wherever available? ”

a Left over from list of questions, dated 13th November 1950.

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THE HON. SRI J. L. P. ROCHE VICTORIA :—“ As already stated by the Government, the whole matter is under consideration.”

SRI V. M. RAMASWAMI MUDALIYAR :—“ May I ask, Sir, whether it is not a fact that, after the Food Ministers' Conference held in August, the picture has changed completely for the worse on account of the drought in this part of the State and whether the Government will consider the necessity of opening at least a few centres in dry districts where gruel or broken kanji rice can be supplied? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ The proposal of the hon. Member will be considered only in cases where there is real famine condition prevailing and unless the situation is such that it requires the regular opening of gruel centres, I do not think it is necessary to consider the matter. But, anyhow the Government will always bear that in mind.”

JANAB M. S. ABDUL MAJID :—“ Is it not a fact, Sir, that by keeping the proceedings of these Food Conferences confidential, the Hon. Minister creates a greater sense of fear and apprehension in the minds of the people? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ As I said already, some of the proceedings have appeared in the newspapers and that gives a general idea of the points discussed. As already stated, the particular resolutions as passed at the Food Ministers' Conference could not be divulged here.”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ With reference to the supplementary answer given by the Hon. the Minister for Food on decontrol, will he allow me to remind him of the answer he has given me in August that he would place before the House his proposals or plans for the procurement and distribution of food for the next year and when he will be able to do it as he has not done so far? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ We are still in correspondence with the Government of India and as soon as the proposals are finalised, the House will be informed.”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ Is it not a fact, Sir, that the Hon. the Minister for Food has already discussed certain proposals at the State Food Council? If so, will he please place before the House a gist of the discussion that he had and the proceedings of the Food Council for consideration by this House even before finalizing his plans as we feel that such an expression of opinion by this House will strengthen their request for more foodgrains from the Government of India? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ The proceedings of the State Food Council which met some time ago were already published in the newspapers and they are also taken into consideration for discussion with the Government of India. There are certain factors which have to be initially

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decided before we can announce our proposals at this stage. Then there will be time enough to inform the public and this House also."

JANAB ABDUL HAMEED KHAN :—" May I know, Sir, whether the Hon. Minister concerned does not realize that the Government will have to consider this matter much in advance of the following year, in order that the Government may be prepared to meet the demand from the people so far as food is concerned, instead of saying that there is yet time and that the Government will consider it in due time? Does he not realise that the people also should know what is going to be given to them? "

11-15
a.m.

THE HON. SRI J. L. P. ROCHE VICTORIA :—" It depends upon the nature of the monsoon. As we are all aware, the south-west monsoon was a failure. We are still expecting the north-east to break in in full force. That has something to do with the requirements for the next year and with the production in the State. Apart from that, the total requirements for the next year have already been taken into consideration by the Government and they are already making arrangements for importing the necessary quantities of food."

JANAB M. A. MUHAMMAD IBRAHIM :—" May I know what the real reason is for not bringing decontrol into effect in rural areas? Who is against it, the Government of India or the Government of this State? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" We are following a uniform policy throughout the country. If we want to change the present system, we can do only with the consent of the Government of India."

SRI A. KALESWARA RAO :—" In view of the fact that even the people of the surplus districts suffered badly on account of mismanagement with regard to procurement and no rice was available to non-producers in rural areas, would the Government take great care with regard to the policy for the next year even now or whether they would remove all the controls or manage procurement more satisfactorily? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" We are paying all the attention necessary."

JANAB P. K. MOIDEEN KUTTY :—" Is there any truth in the report appearing in the papers that the Hon. the Chief Minister announced at a public meeting that the Government were considering or had already decided to do away with informal rationing in rural areas? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" As I said, that proposal is being considered."

MR. SPEAKER :—" I may mention at this stage that we have four more questions on this subject of food."

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SRI L. C. PAIS :—" Having regard to the fact that distress prevails in our State, have the Government considered or are they going to consider the desirability of exempting palm juice from the Prohibition Act? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" That question does not fall within the food policy."

JANAB ABDUL HAMEED KHAN :—" Are the Government aware that people are somehow getting on in spite of the very minimum ration supplied by the Government; if so, what is the remedy? Why do they not go into the question thoroughly so that they can procure enough and give sufficient ration to the people? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" Proposals regarding rural de-control and so on are based upon the fact, as the hon. Member himself stated just now, that the people manage even though regular ration is not sufficient. It is only on account of these report of the present conditions prevailing that the Government are considering their policy regarding future rationing."

Food situation.

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

(a) whether the Central Government have promised to give any additional quota of rice to Madras State, as a result of the Chief Ministers' Conference held at Delhi on 20th and 21st August; and

(b) whether he will make a statement on the floor of the House about the discussions and decisions with the Central Government on the food situation in Madras?

THE HON. SRI J. L. P. ROCHE VICTORIA :—" (a) The Government of India have allotted a quantity of 28,039 tons of rice in addition to the original ceiling import quota of 2.3 lakhs of tons for the current year. They have also actually supplied 15,320 tons of rice in August against the original quota of 8,000 tons and a quantity of 54,622 tons in September against the allotment of 45,306 tons for that month. The Government of India have also accelerated the supplies to this State on topmost priority consequent on the special representations made during the Chief Ministers' Conference. The net result of all the special steps taken by this Government and the ready response of the Government of India is that by the end of September, Madras had received 222,401 tons of rice against a quota of 258,039 tons, leaving a balance of about 35,638 tons only. These speedy allotments and movements of rice to this State and the movement of other foodgrains like wheat and milo on topmost

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priority during the present crisis, are due to the representations made during the Chief Ministers' Conference and subsequently.

“(b) The discussions at the Chief Ministers' Conference were confidential and cannot therefore be divulged. As regards the decisions reached at the Conference, the attention of the hon. Member is invited to the reports that appeared in the Press on 21st August 1950.”

SRI V. M. RAMASWAMI MUDALIYAR :—“ Apart from the quotas fixed at the Conference of Chief Ministers, may I ask whether, in view of the worsening food situation in the State after the Conference, the Government of Madras have been able to give further facts to the Central authorities? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ Yes, Sir.”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ With reference to the answer that the Government of India are making arrangements regarding the import of food grains, presumably rice also, and the statement that plans are under consideration for being placed before the House with regard to the supply of food, might we know what the quantity of rice that the Government of India are likely to give this State for the next year? I may add that the Hon. Minister's answer given this morning relate only to October 1950.”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ We have already informed the Government of India about our requirements till the end of this year and they are making allotments from time to time. We have still to receive some quantity. I do not know the exact figure—to tide over the rest of the period to the end of this year. With regard to future supplies, as I have already said the quantity has not yet been decided.”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ If the quantity likely to be allotted by the Government of India is not known, certainly the House is entitled to ask the Hon. Minister what quantity the Government have demanded of the Government of India for the next year, taking into consideration as a forecast figure the rice that is available by procurement next year and remembering the fact that the Government hope to restore the 12 ounces of rice ration as early as possible. What is the demand that this State has made of the Government of India? This is the sum and substance of my question.”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ Our requirements, according to our rough calculation will be about 600,000 tons for the next year. But, as I have said already, this figure will have to be increased or decreased according to the conditions of the next harvest in the State. Our figures may not otherwise be quite correct. We want to place the correct figures before the Government of India so that we might get all our requirements in time and in full measure.

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JANAB MOHAMED RAFFEUDIN AHMAD ANSARI :—“ May I know whether as a result of the discussions with the Government of India, the Hon. Minister is in a position to state that statutory rationing will be introduced in all the municipal towns of the State? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ Statutory rationing is in force in all the municipal towns except in surplus areas. With regard to the introduction of rationing in surplus districts, the matter is under consideration.”

JANAB M. MUHAMMAD ISMAIL :—“ Last year this Government asked for an allotment of 1,200,000 tons, though the Government of India allotted only a much smaller quantity. This year we are told that the Government's requirements would be 600,000 tons. I think this is based on the estimate of 1,200,000 tons made at the beginning of the current year. If this is so, I want to know why they asked for 1,200,000 tons last year and only 600,000 tons this year. Does it mean that an increase in production has been effected in this State after taking into account even the increase in population? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ Last year we asked only for 800,000 tons and not 1,200,000 tons. Then we were faced with a cyclone disaster in which we lost more than 300,000 tons of grains and this led to an increase in our requirements. Afterwards we were able to get something out of that cyclone-affected area also and managed with 600,000 tons ultimately during that period. ●

“ For the next year, as I said, we have made only a rough calculation of our requirements and we have not formally presented our figure to the Government of India. But we have made them understand that our requirements will somewhere be between 600,000 and 700,000 tons.”

JANAB ABDUL HAMEED KHAN :—“ May I know whether the reduction in the demand is due to the fact that the Government are determined to give only six ounces and not eight ounces and that is why they have reduced their demand in proportion from 800,000 tons to 600,000 tons? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ No, Sir. We are aiming at restoring the 8 ounces ration.”

JANAB M. S. ABDUL MAJID :—“ It is seen from a press report that the Hon. the Prime Minister of India is making all efforts to get all available rice from Burma; if so, may I know whether this Government have made any effort to see that all the rice from Burma is given to Madras State, as this is the only rice-eating State in the whole country, so that the ration here may be increased? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ Madras is not the only rice-eating State in India, and yet, we are getting the major portion of the imports which the Government of India arrange from other sources.”

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JANAB M. A. MUHAMMAD IBRAHIM :—“ May I know whether this Government are satisfied with the assurance of the Central Government that they will come to our aid when we find our supplies running out, if not, what are the alternative proposals of this Government for the coming year? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ The assurance is there. We need not think of alternative arrangements.”

11-30 a.m. JANAB MOHAMED ABDUL SALAM :—“ As in matters of food, quick decisions have to be come to and immediate action has to be taken, and since the present food situation creates anxiety in the mind of the public and is giving anxiety to the Hon. Minister for Food, will the Government consider the advisability of having a Deputy Minister for Food in our State? ”

MR. SPEAKER :—“ I think that ought to be put to the Hon. the Chief Minister.”

SRI L. N. GOPALASWAMI :—“ Will the Hon. Minister give us his computation of the final figure of our requirements and also the basis on which our requirements are going to be calculated? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ As I have said, proposals for partial derationing are being considered, and as soon as those proposals are finalised, we will definitely know the quantity that we will be able to get.”

DR. S. SUBRAMANYAM :—“ It was reported in the Press that recently the Hon. Minister for Food went to Ceylon. Will he please tell this House if he was able to get any food for our State? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ It was entirely a private visit; but I took advantage of my visit to remind them about the 5,000 tons that we asked for some time ago and which they were not able to give; anyhow, I thanked them for the 10,000 tons they have already given us.”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ With reference to the statement made by the Hon. Minister that so far as the Madras Government's demand of the Government of India for the next year was concerned, it is 600,000 tons of foodgrains, he has not told us what amount of this 6 lakhs of tons is by way of rice; I would like to ask the Hon. Minister to tell us what amount of this 600,000 tons is expected in the shape of rice, taking into consideration the forecast of rice to be procured in this State itself, as it is then only that we can have an idea of the total availability of rice by way of procurement and by way of allotment by the Government of India. Might I also ask another question, Sir—as I do not have many opportunities to ask questions simultaneously—that as it should be the policy of this Government to restore the 16 oz. ration as early as possible, and give that 16 oz. in rice if possible, or at least 12 oz. of it as rice, will the

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Hon. Minister be pleased to state the basis for this 600,000 tons, whether it has been worked out on the total of 12 oz. of foodgrains out of which 8 oz. is to be rice, or on the total of 16 oz. of foodgrains out of which 12 oz. is to be rice? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ It is not possible now definitely to say what percentage the foodgrains will be to the total. Of course, the major portion will be rice for our State; but as regards the proportion of other grains like wheat, milo and so on, as I have already said, we are just now working up the exact figures. I merely said roughly that it would be 6 or 7 lakhs of tons, but with regard to the actual proportion, I will be able to give reliable information only a little time later.”

SRI V. M. RAMASWAMI MUDALIYAR :—“ In view of the admitted fact that in spite of the Government of India of late speedily have been moving the grain promised to us, the ration shops in rural areas have not been able to give more than a day or two of rations in a week, may I ask whether the Government think that this 6 lakhs of tons they have asked for from the Government of India for the next year will be sufficient, since at least for the next year we must see that the over-all ration in non-statutory areas is being kept up and that the villagers get at least 12 oz. of ration? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ It depends upon the results of our own harvesting here. Though of course we have had some harvesting in some of the districts, the main harvest, as hon. Members know, comes off only in January and afterwards. And much depends on how much this State will be producing in order to meet the total requirements of the State.”

SRI A. KALESWARA RAO :—“ May I know whether the Government have made estimates of the quantities to be procured from the surplus districts in the Circars and from the delta areas, which are about to begin harvesting? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ I require fresh notice, Sir.”

SRI R. V. SWAMINATHAN :—“ Sir, the Hon. Minister told us that we have received 10,000 tons from Ceylon. May I ask him, as he has lately had some experience of Ceylon, when Ceylon was able to solve this food problem—Ceylon which produced very little rice compared to our State—and when it was able even to spare some rice to this State—does it not appear to be strange that this State has not been able to do it, whether the Hon. Minister has examined the question whether if it has been feasible in Ceylon, why not it be feasible here also, and why this Government cannot adopt the same principles and policy as have been adopted by the Ceylon Government? ”

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

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SRI V. RAGHAVAYYA :—“ May I submit whether this Government believe it or not, it is a fact that stocks are still available with producers in the surplus districts? And may I know if the Government are prepared to force the stockists to disgorge their stocks of rice, so that we may have a ration of at least 12 oz. in the surplus areas? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ Yes, Sir; we are trying to stiffen the procurement as much as possible with a view to meet the ordinary requirements of the State. The recommendation of the hon. Member will be borne in mind when the next procurement season begins, to see that a little more care is taken and as much procurement as possible is made from the surplus areas.”

JANAB M. MUHAMMAD ISMAIL :—“ Sir, may I just ask a short question, viz., having in view all the efforts that are being made by this Government, may I know when it is likely that this Government will be able to restore at least 12 oz. of rice ration? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ Let us first get our 8 oz. back; then it will be time enough to consider about 12 oz.”

JANAB MOHAMED ABDUL SALAM :—“ May I know whether the attention of the Hon. Minister has been drawn to a news item in the newspapers where Acharya Ranga has stated, in the course of the discussion on the Hon. President's speech that the food situation in this State is entirely due to the mismanagement of this State Government? ”

Import of broken rice.

*368 Q.—JANAB ABDUL HAMEED KHAN: Will the Hon. the Minister for Food be pleased to state—

(a) whether the Government propose to give full rations including 8 ounces of rice at least to persons whose income is under Rs. 250 per month; if so, when;

(b) whether the Government have requested the Government of India to import broken rice available from Burma for the deficit districts like Malabar, Ramanathapuram and the Ceded districts; and

(c) whether the Government of India have been requested to make arrangements for the import of surplus rice from Burma next year?

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ (a) There is no such proposal at present.

“ (b) & (c) The Government of India have been addressed to import more rice from Burma, in view of the difficult food situation in this State.”

^a Left over from the list of questions, dated 13th November 1950.

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JANAB ABDUL HAMEED KHAN :—“ May I know whether the Hon. Minister is prepared to tell us how much he is going to ask the Government of India on the basis of 8 oz. of rice which he has promised? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ I have already said that our requirements are, on a rough calculation, about 6 or 7 lakhs of tons. That is based on the idea of restoring the 8 oz. of rice. Apart from that, it is not possible now to give the exact figures.”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ With reference to all the questions put so far, the Hon. Minister has not been able to tell us the forecast of rice procurement. I shall be glad if the Minister will give us the forecast of which the Agricultural department and the Food department which are under him must have submitted to the Government, as to how much of rice is likely to be produced in this State. I would also like to know, in view of the necessity to feed the poor people particularly those whose income is less than Rs. 250 with full ration of 12 oz. rice, whether the Madras Government will make a representation to the Government of India asking for more rice allotment on the basis of 12 oz. rice, at least for this section of the population of our State? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ If the hon. Member will kindly give me fresh notice of a question regarding forecast, I shall be able to give full details.”

JANAB MUHAMMAD RAZA KHAN :—“ There seems to be a healthy public opinion developing in this State that the rice part of the ration should be according to the income of persons; in that case, will it not be advisable for the Government to decide that those who are getting an income of a lakh and above will not get any rice at all, so far as food ration is concerned? ” (Laughter.)

JANAB K. M. SEETHI :—“ May I know, Sir, whether the levy system adopted in the Coimbatore district has been found successful, and whether the Government have any idea of extending it to Malabar in order to remove the anomalies and hardships there in the matter of procurement? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ Nobody said that the levy system in Coimbatore was a success. Naturally, we cannot think of extending it to other areas.”

Picketing at Tirunelveli.

*371 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Food be pleased to state—

(a) whether any Congressmen organized a peaceful picketing at Tirunelveli between the 6th and the 10th August before the shops of merchants for the purpose of forcing prices down; and

^a Left over from the list of questions, dated 13th November 1950.

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(b) if so, what action the Government have taken in this connection?

THE HON. SRI J. L. P. ROCHE VICTORIA :—“(a) On 7th August 1950 at about 11-30 a.m. Sri S. V. O. Nellaiappa Pillai, Secretary, Town Congress Committee, Tirunelveli town, accompanied by a batch of volunteers picketed in front of a few grocery shops in Tirunelveli town asking the merchants to sell their goods at pre-Korean War prices.

“(b) The District Collector, whom the Merchants' Association, Sri Nellaiappa Pillai and other Congress volunteers met, on the evening of 7th August 1950, advised the merchants to form an informal Advisory Committee to fix fair prices and warned the demonstrators. It is reported that on the same night at about 9 p.m. about 20 merchants held a meeting of their Association in camera at which Sri Nellaiappa Pillai and a few other Congress members were present. An Advisory Committee consisting of three wholesalers, three retailers and three Congressmen including Sri Nellaiappa Pillai was formed for fixing fair prices. It was resolved that the Committee should meet every Sunday to fix fair prices of commodities and that notices should be issued to all merchants to sell their goods at the prices so fixed. The first list of fair prices was drawn up at that meeting.

“As it was reported that the shops were working normally on the 8th and 9th August and that there was no further picketing, the Government did not take any further action in the matter.”

SRI V. RAGHAVAYYA :—“Just a week prior to this happening, the Hon. Finance Minister, the Leader of the House, in an answer given by him, permitted peaceful picketing before shops for bringing down prices and stated that the Government would welcome such a movement. Is it the idea of the Government that where Government agencies fail in bringing down prices to normality, private agitation like this will succeed and will have a telling effect?”

JANAB M. S. ABDUL MAJID :—“Is it not a fact that this unlawful activity of people picketing shops which has created a scare among the commercial and merchant community in the State is due to the announcement made by Hon. Mr. B. Gopala Reddi the other day on the floor of this House that people can organize picketing in order to bring down prices?”

Rise in prices of essential commodities.

* 373 a Q.—JANAB P. K. MOIDEEN KUTTY (on behalf of Janab M. V. Hydross): Will the Hon. the Minister for Food be pleased to state—

(a) whether it is a fact that the prices of articles including the articles of daily necessities have been considerably increased in this State after the outbreak of war in Korea; and

a Left over from the list of questions, dated 13th November 1950.

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(b) if so, what steps the Government intend taking in the matter?

THE HON. SRI J. L. P. ROCHE VICTORIA :—“(a) The answer is in the affirmative so far as essential commodities other than foodgrains and kerosene are concerned. The Korean War has had hardly any effect on the prices of foodgrains and kerosene.

“(b) An ordinance, called the Supply and Prices of Goods Ordinance, 1950, has already been issued by the Government of India with a view to regulate the prices and supplies of essential commodities. Three copies of this Ordinance and three copies of the notifications issued thereunder so far have been placed in the Library of the Legislature.”

SRI P. NATESAN :—“Have the Government of Madras had any opportunity of enforcing this Ordinance in this State so far?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“A separate question may be put.”

SRI V. M. RAMASWAMI MUDALIYAR.—“The Ordinance issued by the Government of India refers only to 11 articles, that is what I understand. May I ask whether, apart from the 11 articles, prices of other articles which are daily requirements and necessities of life, like gingelly oil, groundnut oil, chillies, etc., have soared high? May I also ask whether some steps said to have been taken by the Civil Supplies Commissioner in Madras, with regard to bringing down of prices of the above articles have borne any fruit; and if so, to what extent?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“I think originally the eleven items were included but later on some more items were added to the list; the efforts of the Civil Supplies Department to regulate prices by means of conferences and consultations are having some effect, Sir.”

Alleged death of Adikesavalu Nayudu.

* 425 Q.—

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

SRI N. GOVINDASWAMI NAYUDU: Will the Hon. the Chief Minister be pleased to state—

(a) Whether it is a fact that one Sri Adikesavalu Nayudu, a resident of Kosapet in Choolai, Madras, died in the lock-up of G-3 Police station, Madras, on 18th September 1950;

(b) if so, whether the dead body was sent for post-mortem examination; and

(c) whether any foul play by the Police was revealed at that post-mortem?

THE HON. SRI P. KUMARASWAMI RAJA :—“(a) Sri Adikesavalu, aged 55 years, was found drunk and behaving in a disorderly manner on 18th September 1950 at 5 p.m. at the

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junction of Challappa Mudali and Pudu streets by a police constable of G-3 Police Station. He was taken to the police station by the police constable with the assistance of another police constable and a head constable, whom he met *en route*. A memorandum was prepared, and at 5-15 p.m. he was despatched under the escort of two police constables to the General Hospital Casualty Department for medical examination, in a police lorry. The Casualty Medical Officer, Dr. Mallayya found Andikesavalu dead, and hence the body was handed in at the mortuary. These are the facts.

The deceased did not die in the lock-up of the G-3 Police Station.

(b) & (c) The dead body was sent for post-mortem examination. The post-mortem examination, which was conducted on 19th September 1950, showed absolutely no marks of injury either internal or external. All the symptoms indicated alcoholic poisoning, and the Professor of Forensic Medicine expressed that 'the deceased would appear to have died of poisoning due to alcohol.' There was nothing to suggest foul play by the police."

Taking over of electricity concerns in the State.

11-45 a.m. * 426 Q.—JANAB MOHAMED ABDUL SALAM: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that the Government have decided to take over all the electricity concerns in the State within five years;

(b) whether it is a fact that the Government have drawn up a list of the companies to be taken over by them each year;

(c) the names of such companies and the years in which they are to be taken over by the Government; and

(d) the basis on which such lists have been prepared?

THE HON. SRI M. BHAKTAVATSALAM:—“(a) to (d) The hon. Member is referred to my speech delivered in this House on 11th March 1950 while moving the Electricity Demand, wherein the programme of acquisition of electrical undertakings in this State and the basis on which the programme has been drawn up, have been announced.”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“Sir, have the Government of Madras given up further acquisition of electrical undertakings?”

THE HON. SRI M. BHAKTAVATSALAM:—“No, Sir.”

JANAB MOHAMED ABDUL SALAM:—“May I know, Sir, whether the Government are aware of the fact that certain companies have been asking the Government to take up their undertakings and yet the Government have not done anything and the companies have been left in the third or fourth year?”

THE HON. SRI M. BHAKTAVATSALAM:—“If the hon. Member gives particulars, I will be able to answer the question.”

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SRI V. RAGHAVAYYA:—“Sir, are the Government aware pathetically that even after the thermal station has been started in Nellore with all the gusto and ceremony and it has been inaugurated by the Hon. Minister, and even though the price at which the Government give electricity to the Supply Corporation is 2 annas per unit, the Supply Corporation is charging at 9 annas per unit?”

THE HON. SRI M. BHAKTAVATSALAM:—“I would like to tell the hon. Member that the inaugural function of the thermal station has nothing to do with the present tariff that is in force.”

JANAB MOHAMED ABDUL SALAM:—“May I draw the attention of the Hon. Minister to the fact that in respect of the Narasaraopet power-house, due to the want of new machinery, there are no lights and in spite of the fact that the company asked the Government more than a year ago to take over the undertaking in their own hands, no action has so far been taken?”

THE HON. SRI M. BHAKTAVATSALAM:—“Probably the hon. Member was not in the House when I answered the question. He must have seen the proceedings of the House where I have said that we had already given notice to take it over in January or so.”

JANAB MOHAMED RAFEEUDIN AHMAD ANSARI:—“May I know, Sir, whether the Government are aware of the agitation in the minds of the public against the management of the Nellore Power and Light Company and in view of the agitation whether the Government are prepared to take over that company?”

THE HON. SRI M. BHAKTAVATSALAM:—“The Government are aware of the agitation about taking over of that concern and we are looking into the matter. Again the question of finance stands in the way.”

SRI K. KOTI REDDI:—“Are the Government aware that in Nellore the distributors are charging 6 to 9 annas per unit, whereas the Government give them only at 2 annas per unit?”

THE HON. SRI M. BHAKTAVATSALAM:—“I do not know about the actual tariff that is in force, but I would like to tell the hon. Member that whatever rates are in force, they have the approval of the Government and have been examined by our technical officers.”

Kajampady Labour School, South Kanara.

* 427 Q.—SRI K. ISHWARA: Will the Hon. the Minister for Rural Development be pleased to state—

(a) whether it is a fact that discrimination between pupils, based on untouchability or caste pollution was made by the Headmaster of Kajampady Labour School, South Kanara, in the matter of serving midday meals in the school;

(b) whether this was brought to the notice of the authorities, and if so, when and by whom;

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(c) whether this has received the attention of the Police, Kasargod, and if so, what has been done in the matter; and

(d) whether it is a fact that the Special Revenue Inspector, Kasargod, wrote in the Visitors' Book of the said Kajampady Labour School on 15th December 1949 that he had assured certain parents that nothing would be done in the kitchen house to pollute their children during the midday meals, and if so, what action was taken or is proposed to be taken against him under the Removal of Civil Disabilities Act?

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

“(b) Sri Swami Anand Thirth, Honorary Visitor of the Harijan Welfare Schools, South Kanara district, noticed this on 12th April 1950 when he visited the school and brought it to the notice of the authorities on 16th April 1950.

“(c) Yes, Sir. The headmaster has been charged by the Police. The case is pending disposal in Court.

“(d) Yes, Sir. Action is being taken against him by the Collector of South Kanara district.”

MR. SPEAKER :—“The question is *sub judice* and it is now before the court. I will now proceed to the next question.”

Number of buses in Rayalaseema.

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

(a) the number of buses running on diesel oil, coal gas and petrol in the districts of Rayalaseema; and

(b) the number of petrol buses that have been converted into gas plants between 1946—1950?

THE HON. SRI B. GOPALA REDDI :—“(a) The number of buses running on diesel oil, coal gas and petrol is 17, 161 and 438 respectively.

“(b) Sixty-six petrol buses were converted into gas-plants in the Rayalaseema districts between 1946—1950.”

SRI S. NAGAPPA :—“Sir, in view of the fact that petrol rationing has since been removed, may I know whether the buses which have been running on coal gas have been permitted to be converted into petrol buses by the R.T.As.?”

THE HON. SRI B. GOPALA REDDI :—“Now that the Petrol Rationing Order has been cancelled, no such permission is necessary.”

SRI S. NAGAPPA :—“May I know, Sir, whether it is the policy of the Government to grant bus routes only to those who own buses, either run on diesel oil or petrol or gas-plant and that no applicant who does not own buses will be granted a route?”

THE HON. SRI B. GOPALA REDDI :—“It is entirely a matter of discretion with the R.T.O. and Government have no policy in the matter.”

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* 429 Q.—

MR. SPEAKER :—“This question will be taken up to-morrow.”

Stockyard of iron and steel in the Circars.

* 430 Q.—

MR. SPEAKER :—“The hon. Member, Mr. B. S. Murthi, is not in his place and the answer will be printed in the proceedings.”

SRI B. S. MURTHI : Will the Hon. the Minister for Industries be pleased to state the number of stockyards of iron and steel in the Circars and the capacity of each stockyard?

THE HON. SRI C. PERUMALSAMI REDDI :—“A statement^a is placed on the table of the House.”

Dearness allowance to non-gazetted Government servants.

* 431 Q.—SRI P. R. KANDASWAMI GOUNDER : Will the Hon. the Minister for Finance be pleased to state whether the Government's attention has been drawn to the high cost of living and, if so, whether the Government are actively considering the grant of enhanced dearness allowance to non-gazetted Government servants under the employment of this State?

THE HON. SRI B. GOPALA REDDI :—“Yes. The matter is under the consideration of Government.”

SRI P. R. KANDASWAMI GOUNDER :—“Sir, will the Hon. Minister be pleased to state how long it will take to give final shape to the proposal?”

THE HON. SRI B. GOPALA REDDI :—“It depends upon many factors. The question of finance also is involved in the matter. It is difficult to forecast when we will be able to take a final decision.”

SRI K. LINGA RAJU :—“Sir, in view of the fact that an Hon. Minister made a statement that the condition of the non-gazetted officer is worse than the prisoners in jails, may I know whether the Government will take expeditious decision in the matter of increasing the dearness allowance of the non-gazetted officers?”

THE HON. SRI B. GOPALA REDDI :—“I do not know which Hon. Minister made the statement. I do not know anything about it.”

DR. S. SUBRAHMANYAM :—“Sir, will the Government consider the possibility of the price control of essential articles, instead of giving dearness allowance which will only keep prices soaring up immediately?”

THE HON. SRI B. GOPALA REDDI :—“It creates other problems. Then immediately blackmarketing will start and all the articles go underground.”

^a Printed as Appendix I on pages 331—332 infra.

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Tarring of roads in Tenkasi town.

* 432 Q.—SRI K. RAJARAM NAYUDU (on behalf of Sri D. Dorairaja Pandian): Will the Hon. the Minister for Public Works be pleased to state whether there is any proposal to tar some roads in Tenkasi town and in Courtallam in the Tenkasi taluk and, if so, what these roads and their lengths in each place, are?

THE HON. SRI M. BHAKTAVATSALAM:—“Yes. There are proposals to blacktop three roads in Tenkasi town and two roads in Courtallam. The names of the roads and their lengths proposed to be blacktopped are:—

	Miles.	Furlongs.
(1) The Tirunelveli-Shencottah road	1	1
(2) The Tenkasi-Sivagiri road	..	3
(3) The Loop road	..	3½
(4) The Courtallam-Five Falls road	2	3
(5) The Tenkasi-Courtallam-Shencottah road.	2	..

Government Technological Diploma Examinations.

* 433 Q.—JANAB N. JAFFAR MOHIDEEN: Will the Hon. the Minister for Industries be pleased to state—

(a) the number of candidates that appeared this year for each Diploma Examination conducted by the Government Technological Diploma Examination Board from the several polytechnics and the number that has been declared successful with percentages in each;

(b) whether it is a fact that the Government Technological Diploma Examination Board was conducting half-yearly supplementary examinations formerly and that this has since been abolished and, if so, the reasons for the same; and

(c) whether the Government propose to institute a Board of Enquiry and reorganize the Government Technological Diploma Examination Board in consultation with the Educational Department or University of Madras and, if so, when, and if not, why not?

THE HON. SRI C. PERUMALSAMI REDDI:—“(a) A statement^a showing the particulars required is placed on the table of the House.

“(b) Yes. As the number of candidates appearing for the examinations was very few they were abolished from 1948.

“(c) No. The Government do not consider the constitution of such a Board of Enquiry necessary as the Technological Diploma Examination Board is working satisfactorily.”

^a Printed as Appendix II on pages 332-333 infra.

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JANAB N. JAFFAR MOHIDEEN:—“Sir, is it not a fact that mass failure is due to insufficient staff and part-time visiting lecturers?”

THE HON. SRI C. PERUMALSAMI REDDI:—“It is partly due to insufficient staff and we are improving the staff now.”

Bunding of Budameru river.

* 434 Q.—SRI M. R. APPA RAO: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether there is any scheme under the consideration of the Government for the bunding of Budameru as a measure of flood protection, and also to construct one or more small dams for irrigation-cum-flood protection purposes;

(b) whether the Kolleru drainage scheme for the widening of the Upputeru is under the consideration of the Government;

(c) if so, what extent of land the above two schemes will bring into cultivation and of this, how much new land will be brought under the plough both by draining water logging Kolleru and by providing water-supply under the dams to be built;

(d) the total estimated cost; and

(e) whether in view of the serious food situation and the havoc caused almost annually by Budameru, the Government propose to expedite the execution of the scheme before 1951?

THE HON. SRI M. BHAKTAVATSALAM:—“(a) There is a proposal to construct a reservoir across the Budameru at Nandigama for irrigation purposes. This will naturally have a flood moderating effect. There are no other proposals for constructing dams for irrigation-cum-flood protection purposes but a proposal to divert a portion of the Budameru waters to the Krishna river some miles above the Bezwada anicut is also under consideration.

“(b) Yes.

“(c) The total extent of land that will be served by the Budameru scheme is 13,000 acres of which the newly irrigated land will be 9,616 acres. The Upputeru scheme will serve a total extent of 16,366 acres of which 5,866 acres will be the extent to be newly brought under irrigation.

“(d) (1) Budameru 105.78 lakhs.

(2) Upputeru 92.00 lakhs.

“(e) The question will be considered on receipt of the report from the Board of Revenue.”

Irrigation works in Tirunelveli district.

* 435 Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) what irrigation works (with names) have been taken up in Tirunelveli district as famine relief works; and

(b) how many have been executed?

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the State in many districts, will the Government see that every one who was a handloom weaver previously is given sufficient quota of yarn to earn his livelihood and also to supply cloth to the society? "

THE HON. SRI C. PERUMALSAMI REDDI:—"Yes, Sir. The Government are taking all necessary steps to supply the required quantity of yarn to the weavers."

12 noon. SRI V. RAGHAVAYYA:—"Are the Government aware, Sir, that in the district of Nellore within the last 20 days there has been serious discontent owing to the mal-distribution of yarn? Even though ration cards were all got ready and supplied to the Textile Officer they were not distributed under some pretext or other and much discontent has been created on account of the justifiable apprehension about blackmarketing going on in yarn."

THE HON. SRI C. PERUMALSAMI REDDI:—"I take the information now given by the hon. Member. An enquiry will be instituted and I shall see that things are properly done."

JANAB P. P. HASSAN KOYA:—"Is it a fact, Sir, that when the Government of India introduced a ban on the export of yarn, the mills stated that they have entered into huge contracts for the export of yarn and, therefore, is it not a fact that much of the supply will not be available for distribution in this State in the coming months? "

THE HON. SRI C. PERUMALSAMI REDDI:—"The Government of India obviously cannot ban exports to which the mills have already been committed; they have stopped only future commitments."

JANAB ABDUL HAMEED KHAN:—"The Hon. Minister was just now pleased to state that he has some plans for improving the yarn position in the state; may I ask if he can kindly tell us in detail what he is going to do and what he has in view? "

THE HON. SRI C. PERUMALSAMI REDDI:—"I have already explained, Sir, that the Government of India have banned the export of yarn and that will relieve to a very great extent the scarcity of yarn here."

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

II.—ALLOTMENT OF HALF-HOUR FOR DEBATE ON FOOD—DISCUSSION RE.

JANAB ABDUL HAMEED KHAN:—"Mr. Speaker, Sir, I wish to ask for a half-hour debate on the food question inasmuch as the answers of the Hon. Minister have not been satisfactory."

MR. SPEAKER:—"Let me tell hon. Members that to-day we have taken not less than forty minutes on questions relating to food and there are eighteen more questions which have to come before the House and they will be put into the list of questions of Monday, Tuesday and Wednesday next at the rate of six a day."

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Hon. Members will see that they have not only one half-hour to debate on the subject but more than that since we are going to have questions on food for three days more."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"May I make a representation to you, Sir? The right of hon. Members to ask for a half-hour debate is entirely different from the number of questions that may be placed on the agenda."

MR. SPEAKER:—"I know that; that is true."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"The demand for a half-hour debate arises from the unsatisfactory nature of the answers given on the floor of the House. If an hon. Member feels that the answers are not satisfactory with reference to a particular question, he is entitled to appeal to you, Sir, for a half-hour debate. We have made a representation to you, Sir, that the answers given to hon. Mr. Hameed Khan's questions were not satisfactory with reference to rice. The Government have so far rejected our request for a special debate on food and they have not so far condescended to consider your suggestion regarding the feasibility and advisability of having a day's debate on food next week. I do hope that the Leader of the House and the Government will see their way to give us a day to discuss this matter and if that is going to be given, we shall not certainly ask for a half-hour debate."

MR. SPEAKER:—"To have a full day's debate on food is a better proposition."

THE HON. SRI B. GOPALA REDDI:—"We would rather have a half-hour debate rather than one full day because we are short of time."

MR. SPEAKER:—"Instead of every day having a half-hour debate, I would suggest that the hon. Member has a talk with the Leader of the House and come to some conclusion. Let me also remind him that in the evenings we do not have the quorum at all."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I am prepared, Sir, to meet the Leader of the House at any time for this purpose, for an hon. Member has no greater duty to discharge than to make representations to the Leader of the House to have a day's debate on the subject of food which is of the gravest importance to the people."

MR. SPEAKER:—"Let the hon. Member have a talk with the Leader of the House and arrange for a full day debate so that he may be satisfied, instead of having half-hour debates at the end of the business of the day."

THE HON. SRI B. GOPALA REDDI:—"Mr. Speaker, Sir, I wish to make a small submission. When an hon. Member asks for a half-hour debate on the ground that the replies to his questions have not been satisfactory and when you, Sir, grant it,

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THE HON. SRI M. BHAKTAVATSALAM :—“(a) & (b) Famine relief works in accordance with the provisions of the Famine Code have not been undertaken in the Tirunelveli district. Departmental works have been expanded to provide employment to agricultural labourers affected by adverse seasonal conditions. A list of irrigation works undertaken in the Tirunelveli district since the beginning of 1950 to provide employment to agricultural labourers, together with information as to which of the works have been completed and which are still in progress, is placed on the table of the House.”

SRI S. NAGAPPA :—“Sir, from the list of works placed on the table of the House I find there are 32 works. May I know how much these works will cost and what will be the number of people that will be absorbed, especially the poor class people, who are not able to find employment on account of famine conditions in the district?”

THE HON. SRI M. BHAKTAVATSALAM :—“It is difficult to prepare an answer to the question raised by the hon. Member.”

JANAB MUHAMMAD M. A. IBRAHIM :—“May I ask the Government, Sir, whether all these irrigation works are productive or unproductive?”

THE HON. SRI M. BHAKTAVATSALAM :—“It is a big list and I would like to have notice.”

Number of handlooms in the State.

* 436 Q.—SRI A. VEDARATNAM PILLAI (on behalf of Sri N. M. R. Subbaraman): Will the Hon. the Minister for Industries be pleased to state—

(a) the number of handlooms that are in the State of Madras;

(b) the quantity of yarn that is required per month for running these looms normally; and

(c) the quantity of yarn that was received in the months of June, July and August in this year for distribution to the handlooms?

THE HON. SRI C. PERUMALSAMI REDDI :—“(a) About five lakhs.

“(b) About 29,000 bales per month.

“(c) The quantity of yarn received during June, July, August and September 1950 were 18,855½ bales, 23,567½ bales, 18,675 bales(?) and 17,324 bales respectively.”

a Printed as Appendix III on pages 333-334 infra.

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SRI S. NAGAPPA :—“Sir, arising out of the answer that there are about 5 lakhs of handloom weavers in this State, may I ask, if all the handloom weavers have to work throughout the month, what will be the requirement of yarn for the whole State?”

THE HON. SRI C. PERUMALSAMI REDDI :—“I have given the answer in regard to clause (b) of the question and that is 29,000 bales per month.”

SRI L. N. GOPALASWAMI :—“Sir, are the Government aware of the fact that though this State produces more yarn than is necessary for our handloom weavers, yet due to the policy of this Government and also of the Government of India according to which yarn is exported out of the State, our handloom weavers are made to suffer for want of work?”

THE HON. SRI C. PERUMALSAMI REDDI :—“It is not due to the policy of this Government, but due to the policy of the Government of India that most of the yarn is exported. But, now that it has been stopped, we will get enough yarn during the next and the coming months.”

JANAB P. P. HASSAN KOYA :—“May I know, Sir, whether the Hon. Minister is aware that during the last five months, starting from May, in Malabar weavers have not received even 5 per cent of yarn and that they have informed that they would be closing their factories from 15th October and may I know what are the prospects of the yarn situation in the coming months?”

THE HON. SRI C. PERUMALSAMI REDDI :—“The position is like that. But we expect to get more yarn in the coming months than previously and I think, by January next the position will be all right.”

JANAB M. S. ABDUL MAJID :—“Sir, in spite of the fact that a ban has been imposed on the export of yarn of counts 30 and below 100, the yarn position in the State has not improved, because several of the mills have switched on to the production of other counts, and may I know whether the Government have taken any action in the matter to see that those mills which have been spinning particular counts of yarn stick to spinning the same counts?”

THE HON. SRI C. PERUMALSAMI REDDI :—“Even if they switch on to other counts they could export only one-fourth of the production and not the entire production and so this Government will have three-fourths production.”

JANAB MOHAMED ABDUL SALAM :—“May I know, Sir, the reason which prompted the Government to put a ban on the starting of power-loom industries in this State?”

THE HON. SRI C. PERUMALSAMI REDDI :—“Yes, Sir, on account of the scarcity of yarn they put a ban on starting new power-looms.”

SRI A. KALESWARA RAO :—“Sir, in view of the fact that many people who have been handloom weavers for generations have lost their livelihood on account of want of supply of yarn in

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does it mean that you are agreeing with the hon. Member and therefore you are allowing it. I wish to know under what circumstances a half-hour debate is allowed. I am aware that it is a matter entirely within your discretion but I ask for it so that I may be on safer ground."

MR. SPEAKER:—"If an hon. Member is not satisfied with the answer, I allow it; it is to satisfy him and not to satisfy the Chair."

THE HON. SRI B. GOPALA REDDI:—"I wish to know whether the Speaker agrees with the hon. Member."

MR. SPEAKER:—"The speaker need not agree; the hon. Member wants to have the half-hour debate saying that they are not satisfied with the answers and the Chair grants it."

"Regarding the demand now made, does not the hon. Member think that it would be better if the Leader of the House and the Leaders of the Opposition meet and come to a conclusion on the question of a day's debate for food."

SRI P. NATESAN:—"I wish to ask, Sir, if it is the intention of the Speaker to allow a half-hour debate every day on the food question or is it only on one day. I myself was anxious to make a submission to you yesterday to ask for a half-hour debate on the question of prohibition because the answers of the Hon. Minister for Prohibition have not at all been satisfactory and particularly just now, Sir, there is every reason to reconsider the question of prohibition so far as the Ministry is concerned because a resolution has been tabled in the Union Parliament about the question of Prohibition in States and the Hon. the Finance Minister is much handicapped for want of funds. So, Sir, I thought we should discuss this question whether it is not time enough for the Government to revise its policy of prohibition and in that connection I wish to ask whether you would kindly allow this being taken up along with the food debate."

MR. SPEAKER:—"I am not going to allow it."

JANAB ABDUL HAMEED KHAN:—"I am glad that the Hon. the Leader of the House has agreed to have a day's debate . . ."

THE HON. SRI B. GOPALA REDDI:—"Not at all; I promised to meet the two Leaders; for the present we agree to meet and discuss the matter."

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III.—GOVERNMENT BILL.

THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS BILL, 1949 (L.A. BILL NO. 10 OF 1949)—cont.

* SRI K. BHASHYAM:—"Mr. Speaker, Sir, in seconding the motion of my hon. Friend Mr. Gopalaswami, I was on the point that you must omit maths altogether from the definition of 'religious institutions'. I also stated, Sir, that there is an

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essential difference between a temple and a math and it has been recognized by courts of law from very early times. While any member of the public is entitled to go into a temple and have darshan of God, in the case of the math there is no such right at all. In fact, it is only the disciples of maths that will have such a right and even then it is not as if every disciple is entitled to initiation or even instruction for it is open to the matadhipathi to say that he is not yet ripe for it and that he would not count him as one of his disciples for many reasons, one of which may be that he has not the respect that is due to acharyaship. So, Sir, you are not dealing with the vested rights of anybody. Of course the math has properties; of course he is not a trustee in the sense that a trustee is a trustee of a temple. In England, you call it naked trustee, it is a case of a sort of trustee who has got a beneficial interest in the properties and the income therefrom. I said, Sir, I can quote a number of cases but in a legislature like this, it is not necessary to quote cases for after all this Legislature is supreme and may override the existing law. But I would submit that Members must realize that maths are different from temples. I do not say that there ought to be no control for that is a different matter because we have passed that stage; I tried for it and the Government was against it and I have been over-ruled in the Select Committee and elsewhere so that I have reconciled myself to some sort of control but it must be one in conformity with the law as it exists. With the traditions as they obtain and the general wishes of the people who are disciples, I have framed certain clauses to take the place of the clauses in Chapter V which will truly serve the purpose for which the Government feel interference is necessary. They profess and they say so (but certainly they do not carry it out in practice) that any person appointed by them or by any other authority subordinate to them should not interfere with the internal management of maths. Many of the clauses in the Bill do really allow officers to interfere with the internal management of the institutions. I should like to quote in support of my proposition some influential opinions. Sir, on page 168 of Volume I of the Memorandum, you will find this is what the President of the Saiva Vellala Mahasabha, Mathurai, has stated—

"Maths and matadhipathis should be treated under a separate Chapter consistent with the history and tradition of a particular math or institution concerned."

A matadhipathi is the Guru of certain devotees and followers and properties have been endowed to them personally to further the spiritual needs of his followers and as a reward for their benedictions on the particular donees concerned. That cannot be concluded as a public fund, though the matadhipathi in his discretion may use it for the spread of philosophy or for particular forms of worship. The matadhipathi should not be considered as an ordinary trustee, but he must be considered as a religious head with temporal authority, like the Pope. He has to provide for the spiritual learning and advancement of his followers.

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12-15 P.m. It is, therefore, not proper to make him a non-temporal religious head. Then, Sir, one Mr. Shanmughanayanar, Advocate, Tenkasi, at page 56 of the booklet, says—

‘The governance of the math may be left in the hands of the members of the community for whose benefit the math was founded, the Government retaining a power of general supervision and control.’

I have strictly followed this idea and that is why in my amendments to Chapter V, I have said that there should be a council of Sishyas or council of disciples, who will look after the management and the general administration of the math and they will bring to the notice of the Commissioner any lapses that may occur and ask him to rectify them:

“Then, Sir, a Tamil pandit from Mathurai, whose words may carry weight with us, at page 275, says this. He refers in Tamil to the Sastras, and he knows the religious practices and canons well, and therefore; he is not like you or I (referring to Mr. S. Nagappa) who speak here without knowing facts in full.”

MR. SPEAKER:—“Order, order, the hon. Member should not address as ‘you’.”

SRI K. BHASHYAM:—“Sir, this ‘you’ does not refer to you, Sir; those words were intended as an aside to my hon. Friend, who was doubting about the weight of the authority I am about to quote.”

MR. SPEAKER:—“It is unparliamentary to speak in ‘aside’.”

SRI K. BHASHYAM:—“I am sorry I have been deflected from my speech. I was referring to the opinion of Sri G. Vadi-velayudham Pillai, Professor in Tamil, American College, Mathurai. This is what he says—

‘In conclusion we are of opinion that like the previous Act and consistent with the tradition of the Maths and Madathipathis, the present Bill should judiciously avoid undue interference with those institutions and allow the management independently perhaps subject to certain restrictions and safeguards which may be deemed necessary for the future good governance of those institutions. The position and status of the Matathipathis as spiritual heads, their honours, their rights to manage the properties and the beneficiary rights they have in them should be duly respected.’

Sir, I would like to quote one more opinion. This is in volume II of the opinions printed in the form of a book.”

THE HON. SRI K. MADHAVA MENON:—“There are several opinions also in favour of the Bill!”

SRI K. BHASHYAM:—“Sir, I do not want to be interrupted. But since the Hon. Minister wants to score a victory over me I would like to point out to him, that if he goes through the opinions published in the form of a memorandum, more responsible opinion and more informed opinion is against the Bill. It may be there are several persons who favour this Bill. But it is not so responsible or reliable; but I quote the opinions of

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learned people, of men who have a stake in the country, and whose opinion commands respect in the country that we should take into account. Therefore, Sir, I have selected only the opinion of persons who hold responsible position, whose view will carry weight, and therefore whose view may be considered fairly as correct.

“Sir, the Mathurai District Saiva Vellala Conference says as follows:—

‘The entire administration of the various maths of Saivites, Vaishnavites, Madhwas, etc., must be left in the hands of a committee elected by the respective sects in the area where the maths and the properties are situated. The right to disburse the funds of a math of a particular sect must vest with the committee elected and not with the Government. Interference by the Government as to the mode of disbursement will only lead to degradation of these institutions. The only power that should vest with the Government is the power of supervision and to check and to audit accounts.’

“Then, Sir, I would quote another opinion, which I think my friends opposite cannot set aside. This is by the Coimbatore District Saiva Conference. It appears at page 7 of volume III of the memorandum of opinions received. The conference was opened by Sri C. K. Subramania Mudaliar. This is what the conference says—

‘மடாலயங்கள் அந்தந்த சிஷ்யர்கள் அபங்கிய நிர்வாக குழுவினால் பல பிரிவுகளாக வகுத்து நிர்வகிக்கத்தக்கன என்றும் அரசாங்கத்தார்களோ வேறு எந்த பிரிவினரோ அதில் பிரவேசிக்கலாது எனவும் எடுத்துக் காட்டினார்கள்.’

I will quote also one other opinion—

‘மடாலயங்கள்:—இவை அந்தந்த குரு சிஷ்யர்களின் தனிப்பட்ட பாத்தியமுடயவை. கிருஸ்து, மகமது, பௌத்தம், லோகாயதம் எல்லா மடங்கிய பொது ஜனங்களுக்கு இவைகளில் எவ்வித பாத்தியதையுமில்லை. அரசாங்கத்தார் இவற்றின் சொத்துக்களின் பராமரிப்பு விஷயத்தில் மட்டும் முனிசிபாலிட்டி போன்ற தனியாட்சியுள்ள ஏற்பாடுகளை திட்டம் செய்து கண்காணித்து அந்தந்த குரு, சிஷ்யர் கூட்டங்களின் தனியாட்சியில் விட்டுவிட வேண்டியது. வேறு எவ்விதமாகவும் இவற்றின் நிர்வாகத்தில் பிரவேசிக்கக் கூடாது. சிஷ்யர்களின் ஜாப்தா ஏற்படவேண்டும்.’

(ஒப்பம்) இராவ் பகதூர் லி. எம். இராமச்சந்திரன் செட்டியார்.’

This is signed by Rao Bahadur C. M. Ramachandra Chettiyar. He is a person well known for his erudition in Tamil; he was for some years Commissioner of the Religious Endowments Board. He is a learned man; everybody respects him. The same also may be said of Mr. Subramania Mudaliar. I quote these opinions, not because I say, these opinions will carry weight with the Government, for they have already made up their mind one way on this matter. I only want to make clear that such respectable persons also feel that Government should have only power of supervision and that they should not interfere with the day to day administration of these maths. It is not as if I plead that Government should have no control over them. I have reconciled myself to the fact that they may have some control. And that is why, I have suggested in my amendment to have a council of disciples for each math, who will carry on the day to day administration of

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the math and who will bring to the notice of Government irregularities, for them to take action. Therefore, Sir, I strongly urge upon the Government the desirability of not setting aside all this responsible opinion. It is not as if their opinion is against this Bill. It is the Government who are opposed to their opinion; it is the Cabinet, the thirteen people who constitute it, who are opposed to it. They propose to decide the matter by a vote. But what about the persons who are affected by the vote, i.e., the disciples? Have they no voice in the matter? I would like the disciples to decide this matter. For if at all there is any beneficiary to these maths, it is they. Let Government take a list of disciples and get their vote in respect of this matter. If that is done, I am sure the majority will vote against this absolute control; they will only vote for general supervision. Why should Government unnecessarily go against the wishes of the beneficiaries?

"Here, Sir, I will refer to one other matter. Though I may get another opportunity, still I prefer to deal with it here, as it will save time. That is about the Constitution Act. I am not talking now as a lawyer. (Laughter.) I want to talk only as a layman. Under the Constitution Act every denomination is entitled to establish, maintain and manage their institutions according to law. That law may be any law, even ordinary law. Under the Constitution Act that is conceded. So under the law, every denomination is given some right to manage its institution. If Government were to pass this Bill, those denominations will have nothing to do with maths. So I submit this is not the proper way of dealing with denominational institutions. There are specific endowments for purposes of special sects or denominations; they are specially set apart for them. Therefore the views of the denomination must be obtained before their management is taken over by Government. That is what I have provided for in my amendment. Therefore, Sir, I submit Government will be doing not only a fair and just act, but also doing the right thing under the Constitution Act, if they accept my amendments given under Chapter V."

* SRI T. VISWANATHAM :—"Mr. Speaker, Sir, I support the amendment that maths should be excluded from this definition clause. Hon. Mr. Bhashyam has explained in some detail the nature of the math and why it should be excluded. Sir, I want the Hon. Minister to look at this question, not from the point of view whether the Government or the public *should have* the right to interfere in the administration of maths simply because they have ample powers to do anything they like, but to view the question, whether Government have got the right to do things, which they propose to do with respect to maths. First of all the Government are proceeding on the assumption that the maths are trust properties, of which the public are beneficiaries. I submit Government representing the people have no right to interfere with any property in which the public have no beneficial

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interest. This Government have no right to interfere with the private life and properties of an ordinary citizen, because they are not in the nature of a public trust and when the public have no beneficial interest. I get a salary of Rs. 150 for doing my duty in the legislature. Have the public any beneficial interest in that Rs. 150? So, before we decide to take a particular course of action or impose certain restrictions we have to see whether we have power to do so. We should see what the nature of the property is with respect to which we seek to impose restrictions. Just as the public have no right to touch the salary of Rs. 150 of the members of the Legislature, likewise the public have no beneficial interest in the property belonging to maths. The unfortunate feature of the whole thing is that the word 'math' has been translated in English to mean a 'trust,' and the matadhipathi has been translated as a 'trustee'. In that way the original sin began. So it is not a question to be decided by counting of numbers for and against. I want to know whether the hon. Sri Madhava Menon can by counting numbers for and against decide whether a man's private property is private property or not. Can anyone decide that by taking votes in this House? Voting in the House is always based on other principles. When we want to know the nature of a particular property, it is not by counting of votes that we should decide that point. I am not going into that aspect of the question just now. Because, hon. Mr. Bhashyam has taken great pains to read out to the House the opinions of people of eminence on this question. It is not the number of people who favours or not favours this legislation that counts. Even if there are only a hundred people of eminence and learning who disavour this legislation against several hundreds of ordinary people, it is the opinion of the former that should decide the point.

"Sir, I submit, we have to know what is the nature of the property of the math. There are people who have before the present controversy arose, before the controversy whether Government should take over the management of the property of maths—this question was carefully considered by a very competent body of men. At that time there was no political controversy about the maths to colour opinions. At that time the question of the nature of math property was taken to a court of law for decision. It happened at a time when there was no political controversy to colour the opinion. So, I submit that opinion is of great weight. I submit that happened so long ago as 1904, when a careful investigation was made by eminent lawyers. A certain dispute arose relating to certain math property and the matter went up to the High Court. I shall presently read out extracts from that judgment of the High Court to show what the nature of the math property is. For unless we know the nature of that property, the House may not be able to appreciate why some of us are incessantly pleading that maths should be excluded from the Bill.

"In the case of the mutts, however, though there are idols connected therewith, the worship of such is quite a secondary matter, the principal purposes of such an institution being the maintenance, in circumstances likely to command

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due respect and estimation, of a line of competent religious teachers, who, as already shown, are given for the welfare of the foundation itself, a real and, so to speak, beneficial interest in the usufruct, the restrictions governing the disposition whereof by them being of the nature of a mere moral obligation. Having regard to these facts, it is obvious that the correct view to be taken is that in the case of mutts the ideal person is the office of the spiritual teacher Acharya, which, as it were, is incarnate in the person of each successive Swami who, for the time, is a real owner and not a mere trustee.

After careful consideration of the arguments of both the parties, this is the opinion expressed by the learned Judge, Sir Subrahmanya Ayyar. It is found on page 442 of the Indian Law Reports, Madras Series 27 (1904). Sri Bhashyam Ayyangar also dealt with the position of the head of a math. In the case to which the judgment relates, the Advocate-General sought strenuously to prove that the head of a math was equivalent to a trustee. After careful consideration of the arguments of both sides and the position placed by the Advocate-General, the learned Judge Sri Bhashyam Ayyangar has expressed the following opinion and it is found on pages 447 and 454-455 of the Indian Law Reports, Madras Series 27 (1904):—

‘I am, however, of opinion that the head of a mutt, as such, is not a trustee in the sense in which the term is generally understood in the Law of Trusts.’

The origin and growth of mutts in this country is thus described in the two judgments of this Court already referred to: “A preceptor of religious doctrine gathers around him a number of disciples whom he initiates into the particular mysteries of the order and instructs in its religious tenets. Such of those disciples as intend to become religious teachers renounce their connection with the family and all claims to the family wealth and, as it were, affiliate themselves to the spiritual teacher whose school they have entered. Pious persons endow the schools with property which is vested in the preceptor for the time being and a home for the school is erected and matam constituted. The ascetics who presided over them were held, owing to their position as religious preceptors and often also in consequence of their own learning and piety, in great reverence by Hindu princes and noblemen who, from time to time, made large presents to them and endowed the mutts under their control with grants of land. Thus a class of endowed mutts came into existence, in the nature of monastic institutions presided over by ascetics or sanyasis who had renounced the world.” The object of these mutts is generally the promotion of religious knowledge, the imparting of spiritual instruction to the disciples and followers of the mutt and “the maintenance and strengthening of the doctrines and tenets of particular schools of philosophy. These institutions have thus exercised considerable influence over the laymen in their neighbourhood, becoming centres of classical and religious learning.” The two classes of institutions, viz., temples and mutts, are thus supplementary in the Hindu Ecclesiastical system, both conducing to spiritual welfare, the one by affording opportunities for prayer and worship, the other by facilitating spiritual instruction and the acquisition of religious knowledge—the presiding element being the deity or idol in the one, the learned and pious ascetic in the other. The position of the head of the mutt is thus not the same as or analogous to that of managers or dharmakartas of devastanams and temples In the case of temples, the endowments, whether in the shape of landed property or tasdik allowances, have to be devoted to the carrying out for the specific purposes connected with the temple, i.e., the daily worship and the periodical ceremonies and festival—purposes defined and settled by usage and custom and generally recorded in what is known as the “dittam”—and the dharmakartas are mere trustees for the carrying out, or executing of such trusts. In the case of mutts, however, such defined and specific purposes immediately connected with the maintenance of the mutt as an institution, are, in the nature of things, very limited and a large part of the income derived from the endowments of the mutt as well as from the money-offerings of its disciples and followers—which offerings as a rule are very considerable—is at the disposal of the head of the mutt for the time being, which he is expected to spend, at his will and pleasure, on objects of religious charity and in the encouragement and promotion of religious learning. His obligation to devote the surplus income to such religious and charitable objects is one in the nature only of an imperfect or

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moral obligation resting in his conscience and regulated only by the force of public opinion and he is in no way, whether, as a trustee or otherwise, accountable for it in law In legal contemplation, therefore, the head of a mutt, as such, has an estate for life in its permanent endowment and an absolute property in the income derived from the offerings of his followers, subject only to the burden of maintaining the institution.

It is clear from the judgment that the learned Judges were of the opinion that the math property was one in which the matadhipathi had got a beneficial interest and that he was not in the position of the trustee of a temple.”

SRI P. KANDASWAMI PILLAI:—“On a point of order, Sir. I wish to know whether this House is bound by the judgments of the High Court. The hon. Member is reading from judgment after judgment. Are we to be bored by this reading?”

SRI T. VISWANATHAM:—“I am reading for the benefit of those who can understand the implications. The hon. Member need not get angry, because it is boring to him. I quoted the opinion of persons who have gone into the question so that we may profit by it. If Mr. Viswanatham expresses it as his opinion without quoting the authority of learned men in support of it, it will be said that Mr. Viswanatham is not an authority on the subject. We have had enough and more of such arguments. I am glad that you, Sir, appreciate the reason which prompted me to quote from the judgment.

“In 1913 or 1914, i.e., about ten years later, Sir Sankaran Nair in a Full Bench case reported in 38 Madras says—

‘The fact that a matadhipathi cannot alienate the land does not mean that he holds it for the benefit of the public.’

I was at great pains to read from the judgments to show the nature of the property which a matadhipathi has in his possession. If the opinion expressed by the Judges after careful investigation is right. I submit that nothing has happened between 1904 and 1950 to change the concept or nature of the property of a matadhipathi. Therefore I submit that the opinions given by them do bind us. They may not bind us as judgments of a High Court because we are a legislature. They bind us because they are judgments given by learned men who knew the topic with which they were dealing. They did not give a mere arm-chair or academic opinion. Persons having interest agitated the matter, they heard the arguments of interested parties, went through evidence and gave their judgment after careful investigation. In view of these weighty pronouncements, I submit the amendment must be accepted.”

SRI R. V. SWAMINATHAN:—“Mr. Speaker, Sir, sub-clause (15) defines religious institution. Sub-clause (10) defines math as a religious institution. By passing sub-clause (10) we have committed ourselves to the position that math is a religious institution and conversely religious institution includes a math. Why should we now say that math should be excluded from the definition of religious institution? The Mover of the amendment,

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the Seconder Sri K. Bhashyam and the supporter Sri T. Viswanatham know the effect of the amendment. Their object is to take away maths from the purview of this Bill whereas our object is to retain them. Inclusion or exclusion of maths is a fundamental point. When the Government prepared the Bill, they included maths. The Bill passed through the first-reading stage in this House with the retention of maths. The Select Committee which went into the Bill also approved the retention of maths. Why then should we now attempt to exclude maths? I do not say that members should not object to the retention of maths. They are free to put forward their case.

Hon. Members Sri K. Bhashyam and Sri T. Viswanatham said that matadhipathi and math should not be treated as trustee and trust respectively. Hon. Sri Viswanatham said that unfortunately matadhipathi and math were defined as trustee and trust in the English language. Anyhow, when the British undertook legislation in this country, they brought maths within the scope of their legislation and defined matadhipathi and math as trustee and trust. A matadhipathi is the head of a math and he has got absolute right including the right of sale over the math property. That is the contention of Sri T. Viswanatham and the substance of the judgments quoted by him. He said that math property was not public property and that therefore the Government could not interfere. The question we have to consider is whether math property is private property or not. A person does not become a matadhipathi by virtue of any hereditary right. When a matadhipathi vacates the gadi or dies, his son cannot succeed. Any one of his sishyas by virtue of his piety, learning and asceticism can succeed. Once a person becomes a matadhipathi, he continues to be so for life. The Bill makes provision for the removal of a matadhipathi in certain contingencies. We do not intend any disrespect to the head of any math; we are prepared to give respect so long as he continues to be a respectable religious head. We only want to have a check over maths to see that matadhipathis do not act according to their will and pleasure or mismanage the math properties. So far as religious functions and rituals are concerned, they are dealt with in later clauses and I shall express my opinion when those clauses are taken up.

Hon. Members Sri T. Viswanatham and Sri K. Bhashyam have not made out a convincing case to show that a matadhipathi should not be treated as a trustee even after quoting several judgments of the High Court. How else should he be treated and the math property managed has not been explained. No matadhipathi has till now agitated in a court of law that he should not be treated as a trustee. (Interruption by Sri K. Bhashyam.) Anyhow, math property is there. It should not be left to be treated as hereditary property. It is public property. Though Hon. Sri K. Bhashyam said that a matadhipathi's right over the math property was a personal right, he admitted in the course of his several

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speeches that the sishyas should have a voice in its management. A math may have 100, 200 or even 500 sishyas. How is the voice of the 100 or 500 sishyas to be represented in the management of the property?

"I am not able to agree with my hon. Friends and I definitely agree with the Government that math and matadhipathi should be treated as trust property and trustee. Of course, a matadhipathi must be given due respect as the head of a math. I strongly support the sub-clause as it stands. I appeal to the Members to accept it as it is and reject the amendment."

* Sri M. S. PATTABIRAMIAH:—"Mr. Speaker, Sir, I rise to support the amendment moved by my hon. Friend Sri L. N. Gopalaswami and very ably seconded and explained by hon. Sri Bhashyam and supported by hon. Sri T. Viswanatham. I speak as a layman who takes some interest in the matter. I am one of those who support the Bill and want that it should be passed in the interests of the religious institutions of the State. But I object to the inclusion of 'math' in this sub-clause.

"It is really interesting to study the origin of the word 'math'. 'Math' is the Sanskrit word. In Hindi and English it is called 'math' and in Tamil 'matam'. In the judgments which were quoted—the quotation was boring to some Members but it was interesting and illuminating to some of us—it was clearly stated that a math was not a place of worship and prayer where the devotees directly prayed to a diety, but was a place where they got spiritual instruction, spiritual solace and spiritual calmness from the preceptor, the head of the math. A math, as generally understood in our country especially in Tamilnad, is not what is defined in sub-clause (10). I think there is no math anywhere coming under that definition. If 'religious institution' is defined as a math as defined in sub-clause (10), there need not be this amendment. I think the Hon. Minister is not prepared to enlarge the definition as I suggest."

THE HON. SRI K. MADHAVA MENON:—"It can mean only that."

* Sri M. S. PATTABHIRAMIAH:—"Then the words 'as defined in sub-clause (10)' may be specifically added. I think that there is no math coming under the definition in sub-clause (10) whose control the Government can take over.

"Sir, in the Kanarese language, a Mata means a place of instruction and it has been confirmed by a Kanarese-speaking gentleman that Mata is a place where children are taught. In Mysore it is known as a school. In every place of pilgrimage, such as Palni and Tiruparankunram, we have got Matams, but I know that there are no religious heads over these matams. Perhaps those matams are quite different from the maths that are described here, which are to be brought under this legislation. Those

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matams are simply rest houses for pilgrims who visit these sacred places, and in the Tamil districts, we call them by the name of chatrams. There are hundreds and thousands of matams like these in all the districts and it is evidently not the intention of the Government to bring them under their control by means of this legislation. Our object in bringing in this legislation is to control only religious endowments and temples and maths which are Hindu religious institutions, and places of religious worship or instruction. There is no doubt about that.

"Sir, let me just say a few words about the origin of these maths. I may state at the outset that most of these maths had no connection with any of the temples at all. Probably these maths were established in India long before the temples had been built. Anyone who has studied the ancient history of our country will agree with me that many of these maths were started at the time when Buddhism was spreading in this part of the country and when the Buddhist monks were going about preaching that religion. These maths were originally established by them and since then these places became the refuge of the Buddhist bikshus. These bikshus used to go about the villages and towns in the mornings for bhiksha and take their shelter in these maths during nights. They preached their religion and taught their disciples anywhere either within or outside the villages and towns, sometimes under the shade of trees or in public parks and sometimes in the forests near the town and sometimes in the natural caves in the mountain regions. They used to preach the great truths contained in the Buddhist religion and in the Buddhist doctrines. They used to preach about the philosophy of life explaining the sufferings and miseries of the world and the various doctrines contained in their religion for the removal of these miseries and sufferings. The rich men of those days became the sravakas or disciples of these bikshus and they helped them to build such places of rest and resort, where they could live during nights and especially during what were called Chaturmasas, that is to say, rainy and winter months. Sir, I may, in passing say that the present day Chaturmasas of the Hindu matadhipathis had their origin from among the customs and habits of these Buddhist bikshus. Lord Buddha himself had stated in a particular place, that during rainy seasons his sravakas or disciples used to build maths or asramas or places of rest, in order to make his stay comfortable and listen to his teachings during those months. Sir, the Sanskrit meaning of the word asrama is a place of rest and comfort. These asramas were not big buildings, but were simple cottages built in forests near the villages, free from public haunts. These forests were not the forests of the type that we now see in hills and mountains. They are called upavanas or tiny forests that we see in cities, where a number of big trees had grown, and which are free from the public bustle.

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"Sir, it was only during the days of Sri Sankaracharya, the first and the great expounder of Advaitism that maths were established all over this country. He was the first great Acharya who went about the country preaching the gospel of the Hindu religion and establishing maths everywhere. In an authoritative work known as Sankaravijayam it is stated that during his lifetime, he had established maths all over India."

MR. SPEAKER:—"The hon. Member may continue his speech after lunch. The House will now rise for lunch and meet again at 3 p.m."

(After lunch—3 p.m.)

MR. SPEAKER:—"The hon. Member Mr. M. S. Pattabhirarniah will continue his speech."

SRIMATHI V. LAKSHMI AMMAL:—"Sir, I request you to allow the hon. Member to speak in Tamil."

MR. SPEAKER:—"I have no objection to allow the hon. Member to speak in Tamil."

THE HON. SRI K. MADHAVA MENON:—"Sir, it is for the hon. Member concerned to make that request and not for others."

* SRI M. S. PATTABHIRARNIAH:—"Mr. Speaker, Sir, I was tracing the origin and the establishment of maths in our country from ancient days and I propose to continue from there. I stated, Sir, that during the time of Bhagawan Buddha, his disciples built and founded asramas, which were his refuge and his disciples' refuge also. His disciples were celibates. They were bikshus. They followed him wherever he went. Buddha taught his doctrines to the common people in the asramas or in groves. His first preaching was in Benares in a place called Deer Park."

THE HON. DR. T. S. S. RAJAN:—"Sir, I just want to know what all this has to do with the Bill under discussion."

* SRI M. S. PATTABHIRARNIAH:—"Sir, as I told you already, I am just tracing the origin of the maths. I am not argumentative."

MR. SPEAKER:—"The hon. Member will not take much time of the House in tracing the origin of the maths."

* SRI M. S. PATTABHIRARNIAH:—"Sir, I cannot stop with a distorted view or distorted picture. When I want to paint the background . . ."

MR. SPEAKER:—"But it should be relevant to the subject."

THE HON. SRI K. MADHAVA MENON:—"Whose view is distorted view, Sir?"

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* SRI M. S. PATTABHIRAMIAH :—" If I stop at this stage, it will be an unfinished picture. Maths began from Buddha's time and his disciples built many aramas. When that religion was propagated, that began to spread not only in India but also outside India. This must be kept in mind. Even during the time of Buddha, there was another reformation of the Hindu religion and that was started by Jaina, the founder of Jain religion."

MR. SPEAKER :—" He is called Mahavira. Let the hon. Member come to the subject proper."

* SRI M. S. PATTABHIRAMIAH :—" His followers and disciples founded maths. His disciples were bikshus and they practised celibacy. I want to mention about Mahavira, because our present day Hinduism and its tenets of ahimsa and other things are more in tune with the Jaina religion than with Buddhism. That is a fact. Ahimsa was preached by Buddha to the people. Buddhist disciples were not forbidden from taking meat or animal food."

MR. SPEAKER :—" What have we to do with ahimsa and other tenets? In tracing the history of these maths let not the hon. Member take much of the time of the House."

* SRI M. S. PATTABHIRAMIAH :—" I shall be as brief as possible, Sir. When Buddhism spread to foreign countries and when many disciples came to this country from other countries, some people thought that they were losing Indian nationalism. There was even a revolt among the people. Buddhists were exhibiting patriotism of an extra-territorial kind. But Jainism was of a different kind. When Sankaracharya founded his math, he also preached his doctrines. When Ramanujacharya came, he also preached his doctrines. In this connection I want to say that Sankaracharya preached Advaitism. This is very much allied to Buddhism and Sankaracharya came to be called by later reformers as Pracchanna Buddha, because he followed, in many respects, the doctrines of Buddha. He was not so rigid. Later on when Ramanujacharya taught Visishtadwaita to the people, he followed Jaina tenets and his doctrines were more exclusive. Ramanuja was called Ethiraja. Ethiraja Mudaliar, Ethiraja Naidu, etc., are all Ramanuja's names. Originally those Ethirajas were heads of maths. What did this Ramanuja do during his time? He is stated to have lived for 100 years. He taught his *Bashyam* on Vedanta Sutras more than one hundred times. Here I am subject to correction of course, because there are so many Vaishnavas here who may know the correct number. He thought it was his duty to teach. Not only did he think so, but he did it. I am simply giving a typical example of what a matadhipathi was expected to do. Other matadhipathis later on founded maths. All these matadhipathis have propounded certain doctrines. As it is wellknown, they were not succeeded by their sons.

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The office was not hereditary. It is not as if they have no right over the math or the arama from which they were teaching and propagating their doctrines. I want here, Sir, to emphasize this fact. These matadhipathis did not emphasize the religious aspect of the teaching. They were philosophers and they were teachers. Their maths were colleges and even now they are simply colleges. In support of my view, I shall quote the essentials given by the glossary of administrative terms used by the Madras Government, published in the year 1893. This is a Government publication. Mutt is defined as—

'Mutt: From (math, Sanskrit, to dwell). Cloister. A species of college where a celibate Hindu priest lives with disciples making the same profession, one of whom becomes his successor.'

It is not described as a religious institution. Simply because the matadhipathi is a Hindu, we cannot call that math a Hindu religious institution. That is what I want to stress. Sir, what are the teachings of Jaina?"

MR. SPEAKER :—" It is a controversial thing. I do not understand what relevancy it has to this Bill. How is ahimsa relevant?"

SRI M. S. PATTABHIRAMIAH :—" Sir, they were san-yasis. They did no kind of ritual."

MR. SPEAKER :—" The hon. Member need not introduce any controversial subject. Ahimsa, for instance, is a controversial subject."

* SRI M. S. PATTABHIRAMIAH :—" I am not introducing any controversial subject, Sir. Ahimsa is an old term. I simply mentioned it. What did the Ethis do? What did they practise and preach? They preached right intuition, right knowledge and right conduct. (Samyak darshanam. Samyak nyaanam, Samyak chauritram.) They have got these five vows. The first is 'Do not kill or injure'. I do not wish to take the time of the House by reading all the five vows. The *Yaty* dharma is of ten kinds. I want the House to see whether any particular deity worship is mentioned here. The *Yaty* dharma says—

'*Aurjavam* to follow the right way and teach it to others; *Maurdavam*, to behave with reverence to superiors, and carefully to instruct disciples; *Satyam* invariably to speak the truth; *Shoucham*, mentally to renounce hatred, affections, or passions, and evil desire, and outwardly to act with purity; *Tyagam*, to renounce all bad conduct; *Cshamay*, to bear patiently like the earth in time of trouble; *Tapas*, outward and inward self-mortification; *Bramhacharyam*, to relinquish all sexual attachment even in word or thought; *Akinchanatva*, to renounce the darkness of error and to follow the light of truth it means the vow of poverty which every hermit should take.'

These are all followed by them. Though ahimsa is not mentioned here, ahimsa is the basis of all dharmas that followed."

MR. SPEAKER :—" The hon. Member will finish his speech soon."

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SRI M. S. PATTABHIRAMIAH :—“ These are the important vows which they practised and professed. They gave spiritual instruction to the people. They belonged to the Hindu religion. But that has no connection absolutely with what they practised and preached. They might have worshipped some aspect of God somewhere as an aid to contemplation. That is immaterial. It is not for directing or for promoting any particular kind of religion at all. It is not a religious institution where people worship a deity or where any prayer is conducted. It is a place for self-purification. In the Hindi Pramanik Kosh, the meaning of ‘ mutt ’ is given thus

- (1) निवास-स्थान ।
- (2) साधुओं के रहने का मकान ।
- (3) आश्रम ।

It means that it is a building where sadhus live. In other words, it is the place of a hermit. It cannot be translated as a monastery. It is not a place where monks live as in western countries. Why do they want to bring under this Bill the hermits who want to live outside the town limits and who are simply propagating and expounding abstruse tenets of the religion? If they are bad people—as human beings everywhere become bad—are there not other provisions of law under which they can be brought? Therefore, the deletion of the word ‘ math ’ will make the Bill less controversial and more acceptable to the people. Of course, people in the State have accepted that there should be a reform of the religious institutions. But if you want to disturb the lives of those people who want to lead a retired and quiet life preaching piety to the people, it will be an unfortunate feature of our scheme and it will hinder the attainment of a welfare state which we want to achieve. Therefore, Sir, the word ‘ math ’ may be deleted.

“ Sir, even if it is taken to be a religious denomination—because there are different kinds of maths preaching different doctrines—Article 26 of the Constitution says—

‘ Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—

- (a) to establish and maintain institutions for religious and charitable purposes;
- (b) to manage its own affairs in matters of religion;
- (c) to own and acquire movable and immovable property; and
- (d) to administer such property in accordance with law.’

Sir, regarding public order, morality and health, there are other laws governing them. In this Bill, the Government are taking over the management of affairs. When they are permitted to own and acquire movable and immovable property, the Government want to bring them under their control. Then the right is given to administer the property in accordance with law. This law which you can make should conform to the Constitution. We may pass a law with some object but that law may not be quite

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valid morally. So, the law we pass must be acceptable to the people of the State. I request the Government to accept the amendment and make the Bill less controversial.”

SRI P. KANDASWAMI PILLAI :—“ Mr. Speaker, Sir, this is a very important clause wherein my hon. Friend Sri Gopalaswami has introduced an amendment to delete the word ‘ math ’. If we exclude the word ‘ math ’, I think we can simply drop the whole Bill. In a temple there is the deity and the trustees perform all the functions. In a math, the matadhipati carries out all the functions. My hon. Friend Sri Pattabhiramiah narrated the history of the growth of maths. Whether it is relevant or not is left to the Chair to decide. Now the point is whether we can exclude maths. In support of the amendment, my hon. Friend Sri Bhashyam quoted several gentlemen intended to be matadhipathis and disciples also. I do not question it. But in answer to all the quotations of Sri Bhashyam, my hon. Friend Sri Viswanatham said, ‘ No use of quoting a hundred quotations. One correct quotation is sufficient.’ ”

SRI T. VISWANATHAM :—“ I have not said it, Sir.”

SRI P. KANDASWAMI PILLAI :—“ He has said it, Sir. It is in the record; it can be perused. Therefore, one correct quotation is sufficient. I am citing one such quotation, Sir. The late Raja of Panagal in all sincerity wanted to purify these institutions. So, he brought forward a Bill in 1927. People protested and cried that religion was being spoilt. However, the Bill was passed, and the Raja of Panagal selected a suitable person at that time. The late Sir T. Sadasiva Ayyar was selected as the President of the Hindu Religious Endowments Board. He has said in a judgment in the case of a temple in Salem district, ‘ All the temples and religious endowments must come under public control.’ It is not private property, Sir. The matadhipathi has not inherited the property. All public property should be administered in a public manner. The matadhipathis are there to impart spiritual knowledge and mould the character of the people or disciples. A Bengali writer has written that Hindus are a dying race. That book is a monumental example of all the work done by the matadhipathis. I have not seen the gentleman, Sir, but I have seen the book. The society to which these matadhipathis are imparting the knowledge must be elevated spiritually. That means they must be elevated in the moral, physical and social spheres. To put it in a nutshell, the matadhipathis must look after the progress of human society. A man who never attends to his physical duties cannot go to the spiritual sphere. He cannot understand what these matadhipathis teach. During the time of the British Government, these people were not educated and so they did not attend to the educational aspect. I feel that these matadhipathis have not discharged their duties properly.

“ Regarding the judgment, some years ago some gentleman expressed his opinion in a court of law. Here we must note that

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time is an important factor in all these things. In 1920 if a Harijan entered a temple, he would be almost killed. In several places people have beat the Harijans. Swami Sahajananda and a few other people were invited to Salem. . . ."

SRI A. KAMESWARA RAO :—" Is it all relevant to the Bill, Sir? "

MR. SPEAKER :—" What the hon. Member says is that times have changed."

SRI P. KANDASWAMI PILLAI :—" Times have changed, Sir. According to Manu, a Sudra may be kicked and beaten and his property may be taken away by a Brahmin. Do you admit that now? "

SRI M. S. PATTABHIRAMIAH :—" On a point of order, Sir. Can any hon. Member quote from his imagination? "

MR. SPEAKER :—" How is it a point of order? "

SRI M. S. PATTABHIRAMIAH :—" Can any hon. Member say that a quotation is from a book when he cannot quote the sloka? "

MR. SPEAKER :—" It is not a point of order."

SRI M. S. PATTABHIRAMIAH :—" Can he say that there are certain words or clauses in a Bill passed by the Government while they are not found there? "

MR. SPEAKER :—" It is only his own opinion. I allowed the hon. Member to have his say on the matter. Let him be allowed to proceed."

DR. S. SUBRAHMANYAM :—" Opinion may be different from extracts quoted, Sir."

SRI P. KANDASWAMI PILLAI :—" Sir, if any hon. Member doubts the correctness of my quotation, I shall take him to the Library and show him the verses. My point is what is said in them is not binding on us. Times have changed, and we must move with the times. Some 50 years ago the people were brought up in a particular way. Gandhiji has now moulded and changed that way of life. I want to give one instance.

3-30 P.M. " Mahathma Gandhi has once said, ' When big leaders like even Jawaharlal Nehru tour the various places, people used to pour money at their feet. These leaders are not entitled to make use of these moneys as the moneys are not their private moneys. They are given large amounts by the people for utilizing in a public cause. The leaders are only tools and instruments of the Congress to receive money from the public in the name of the Congress and they should not mistake that it is their private property.' That is the advice and idea inculcated to us by our great leader Mahathma Gandhi. We should not forget his advice so soon

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after his disappearance. When such a small Bill comes before the Assembly, it is not proper for anybody to suggest the deletion of maths from the scope of the Bill on the ground that the properties attached to the maths are the private properties of the heads of such maths which have been given to them for the purpose of imparting some extraordinary knowledge to their disciples. The main idea that lies behind these institutions is this. They are primarily intended for the utility of the public. They must care for the benefit of the public and for the moral, physical and religious and educational uplift of the society; all departments of human life should be attended to by these people. Now, why do the Government come in here? Are the members of the Government not Hindus? Do they want to destroy all these maths and take away by force all the moneys belonging to these maths into the Government Treasury? That is not at all the object. My hon. Friends evidently seem to forget that. The Government want to maintain these maths in a proper manner and they want to prevent any possible abuse. They want to make use of these institutions for the benefit of human society as a whole and not only the Hindus.

• நெல்லுக்கு இறைத்த நீர் வாய்க்கால் வழியோடி, என்பதைப்போல;

All other people will also enjoy it. Our religion is such a generous one that it will help everybody. We really feel proud of it because of its wide generosity. Our religion is not based on narrow-minded principles. I want to know what will be the gain if these maths were not included in this Bill. The supporters of the amendment for the deletion of maths have not made the position very clear as to why they want their exclusion. Do they fear that all these matadhipathis will be imprisoned to-morrow? Nothing of that kind will happen. The Government are only seeking to check these matadhipathis against any possible abuse of powers. If any deliberate wrong was committed by these people, there should necessarily be some check to prevent them from doing so. Here, we are providing for the Government check, and there is nothing wrong in it. Therefore, I request my hon. Friends who have introduced these amendments to withdraw them as they serve no useful purpose. If they withdraw the amendment, it will help the Government to finish the business speedily and quickly; because every day of our stay here costs Rs. 2,000 and we must not waste time."

MR. SPEAKER :—" We are not wasting time here. The hon. Member should not say that the House is wasting time."

SRI P. KANDASWAMI PILLAI :—" I never meant that time is wasted in this House. If that idea was formed in your mind, Sir, I request I may be excused. I also want to eradicate that idea from your mind. When Sri Rajagopalachari was the Chief Minister, I am told that he used to finish every business very quickly. I know that we are spending time very usefully in

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this House by raising all minor amendments and discussing everything very thoroughly and fully. We have discussed every point concerned in great detail. Therefore I only request the movers of the amendments to withdraw the amendments and thus help the Government in getting through this Bill expeditiously."

SRI V. M. RAMASWAMI MUDALIYAR :—" Mr. Speaker, Sir, I am not going to go into the details as to whether the maths should be retained and other things. Already we have had learned discussions on the point. So far as I can see, we are concerned with certain definitions in this particular clause. This Bill seeks to replace Act II of 1927 which has been on the Statute Book for the last 23 years. I think even under this Act II of 1927, there is a definition of the terms 'math', 'religious endowments', etc. I am yet to learn how the inclusion of maths under the scope of the Act II of 1927 has worked to the detriment of either the functions of the heads of these maths or the spiritual efficacy which they are supposed to confer upon the disciples. I do claim that this definition has fairly stood the test of time and the present definition in the Bill under discussion is an improvement upon the old definition of the term 'math'; clause 6 (15) of the present Bill says: 'religious institution' means a math, temple or specific endowment'. Hon. Member Sri Bhashyam said that the term 'math' should be deleted. Other Friends have said that temples and maths are the twin things of Hindu religion—the temples being the places of worship and prayer whereas maths are really places where spiritual instruction and spiritual light flows from the head of the math for the time being. It is said that due to the efforts of these maths Hindu religion has been made the Catholic religion that it is to-day and so we should be thankful to them. I have reasons to believe that the grounds which prompted the then Government 25 years ago to take powers to exercise a sort of control over the dittams allowed to the temples and the general administration of the affairs of the temples, have gained force during the 25 years. We have seen what has been happening in the various religious institutions and maths. We have gathered force and additional grounds and reasons for exercising this control, not over the spiritual teachings and spiritual message and qualities of the matadhipathis, but over the temporal management of the properties attached to these maths. If I may say so, we have had many cases where the maths' moneys have been mis-spent and mis-used. It was only the other day one Friend said that a particular matadhipathi was trying to purchase properties worth 3 to 4 lakhs of rupees for his convenience in the City of Madras. Some other Friend was saying that a Matadhipathi had set apart several lakhs of rupees for carrying on political propaganda in order to defeat this Bill and so on. Sir, we are not, however, concerned with all those things here. Some of the heads of these religious institutions, namely, maths are really very good men. But there are quite a large number of bad men also among them. After all, laws are not meant for the good people only. The

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present Bill is only intended to check any possible abuse. My learned Friend, Sri Viswanatham, referred to the judgments in 27 Madras and 38 Madras. We find that in that judgment it is said, 'His obligation to devote the surplus income to such religious and charitable objects is one in the nature only of an imperfect or moral obligation resting in his conscience and regulated only by the force of public opinion and he is in no way, whether, as a trustee or otherwise, accountable for it in law.' It was said that these matadhipathis are in a sense absolute owners of these properties and have absolute power of disposition of the income from these properties. With all respect to them, I should point out that there have been several abuses. Reference had been made to these abuses in a critical manner by the then Chief Minister, Sri O. P. Ramaswami Reddiyar, when introducing this Bill then. He was very vehement and he gave a catalogue of the abuses committed by these matadhipathis in respect of the math properties. He said that after seeing all these abuses one could not sit quiet with folded hands. I do not wish to re-catalogue those abuses here. Even in the judgment quoted by Sri Viswanatham reference has been made to the moral obligation resting on their conscience. I ask in all seriousness whether my Friends who have introduced these amendments for the deletion of the term 'math' can sincerely say that there have not been several cases where this high standard that has been prescribed by the ancient customs and usage and ancient texts has not been maintained by these matadhipathis. I think it has been prescribed that these people should be ascetics and celibates. Celibacy has been prescribed in most cases. Can we say seriously that there has not been any dereliction from that high standard prescribed? I am of opinion that there has been considerable deviation from the high standard prescribed. Times are changing and reforms also should change. Already there is some control over these institutions. Under the legislative powers, we are seeking to have some more powers to control these institutions in an effective manner. That is all what is contemplated in this Bill. With the little acquaintance that I have about the law relating to the maintenance of these temple properties, I have reasons to say that the Act II of 1927 does not confer sufficient powers to exercise control over the maths. I find in the present Bill the Board is replaced by the Commissioner. I only want to say that we are deliberately taking powers for the better governance of the affairs of these maths. In this connexion I also want to say that the framers of this Bill have been somewhat hesitant over this question. Even under this Bill certain special privileges have been accorded to the maths. In Chapter V, certain special privileges have been given in respect of *padha kanika*. The matadhipathis are given absolute rights of disposal of these *padha kanikas* which are considered as personal gifts. They are only to maintain an account of how much has been received and how much has been spent. Nobody can question a matadhipathi about his utilizing these *padha kanikas* in any manner that he may choose. It has also

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been provided that for the administration of the secular affairs of a math the trustee of the math shall, when so required by the Commissioner, appoint a competent person as manager. It is but right and proper that every spiritual head should have a secular manager. The spiritual head is an ascetic and he must have nothing to do with the secular administration. In the case of temples, the Commissioner can appoint the executive officers or managers. But with regard to maths, it has been provided that the matadhipathis shall appoint the managers, of course with the previous sanction of the Commissioner.

3-45 p.m. "I do not think we are interfering unduly with the religious or spiritual activities of the matadhipathis. I am yet to see a case being made out why we should not interfere. If the concepts have to be changed we shall take the responsibility of changing them by enacting the necessary laws. With due respect to the Judges who presided over cases 27 and 38-Madras, I may say that it is wrong to interpret them as having said that the law must be constant and should progress no more. It is always open to the law-makers to change the concept in the light of the changing conditions in our society. As I have said, it will be our duty then to give the Government powers, to invest the Commissioners or other authorities who exercise superintendence over the maths with necessary authority to prevent abuse of the math properties and endowments connected therewith."

* Sri V. I. MUNISWAMI PILLAY :—" Mr. Speaker, Sir, if I rise to-day to support the amendment moved by my hon. Friend, Sri Gopalaswami, it is because I am quite conversant with the duties and functions of Matadhipathis. In the Hindu religion, there are two sections: the philosophical section is one and the other is the ceremonial side. I would have no objection whatever if temples and endowments connected with a math are sought to be controlled. But when we touch the maths, we will be touching the very live wire of the Hindu religion. Most of the hon. Members who preceded me have given in clear and plain language the history of the maths and how true Hindus were taken to the philosophical side of life by the preachings of the great Gurus, the Matadhipathis. Many people fail to think how the true head of a math lives. They imagine that such men are ordinary men. Those of us who have sat at the feet of a Guru and studied the great vedic teachings and the philosophy which Hinduism teaches know with what respect and veneration such men are treated. We know the sanctity attaching to such maths. The heads of such maths by their divine knowledge and wisdom come into possession of certain properties mostly endowed to them for the propagation of the Hindu religion. The Bill seeks to exercise control over these properties. It does not stop even there. It affects the very fountain from which knowledge flows: Sir, this piece of legislation has been resented greatly by the heads of maths. That being so, I feel that the inclusion of 'math' in this definition is not fair. The Government are definitely treading on a dangerous path. These maths have risen out of the voluntary efforts of great men who have not thought of properties

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either for themselves or for others. They went to forests; they went to the cities and towns, put up small huts and explained the greatness of the religion. Such endowments came into being out of the efforts of such great men. A true and real matadhipathi does not feel the pinch for money. Money is given to him by people because of the great reverence in which they hold in order to enable him to continue his religious work. An hon. Member said that the late Rajah of Panagal did a bold thing in having brought about this reform. Yes. We accept it is a bold piece of work that he did. But even that great man did not touch the maths, but . . . (The Hon. Sri K. Madhava Menon : 'No, no The existing Act covers maths also.') He left the case of maths nebulous. I strongly feel, Sir, that if maths are included in the definition, the Hindu religion will disappear from our State. Those people who are earnest about learning the Hindu philosophy will not have any chance of acquiring such knowledge at the feet of the Guru. As a matter of fact, I find that some maths have been excluded from the scope of the Bill. For example, the Ramakrishna Math has been excluded. So also, the Ramana Ashram has been omitted. Why? Because the framers of the Bill felt they should not be touched. Similarly, as one who has been connected with maths for a long time, I feel it would be a wise thing if other maths are also excluded from the scope of the Bill. I would request the Hon. the Minister in charge of the Bill to think over the matter very seriously. If he wants really to preserve the greatness of the Hindu religion he must do something to see that maths at least are exempted from the operation of this Bill. With these words, Sir, I support the amendment before the House."

SRI A. KALESWARA RAO :—" Mr. Speaker, Sir, it is true that the Hindu Religious Endowments Board, as it has worked these twenty and odd years, has not administered the endowments and trusts properly. It has not become famous for impartiality, purity and good administration. People have no high opinion of the Board. But the great Rajah of Panagal—he was a great man—conceived of the idea boldly and acted boldly in setting up a Board in spite of the cry raised by a large section of the Hindu community then that religion was in danger, that a secular Government should not touch any of the religious institutions, and that they should not try to control them. He took courage in both his hands and got this famous Act passed. I call it a famous Act because it marked a great change in the management of the affairs of religious institutions. The whole question now is whether the Government should or should not interfere with the management of such institutions. If we concede the principle that the Government can interfere, then there will be no distinction made between temples and maths. If we consider that the principle is wrong, then the whole Bill is wrong and I could then understand the opposition to the whole Bill. I know, Sir, that there used to be a great deal of opposition to the Government entering into this field. But gradually, however, the

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opposition died down and the very Congress party which raised this opposition in the years 1926 and 1927 and made it an election issue, accepted the principle as good. The party also worked it during the regime of Sri C. Rajagopalachari in 1937-39. Therefore, it is only following in the footsteps of the previous Congress Governments that the present Government want to recast the whole measure in order to make certain things clearer and improve upon them. Excepting this, there is no difference between the existing Act and the proposed Bill. It is true, however, that there is a lot of difference between a temple and a math. The distinction is real. Temples are places for congregational worship. People go there and worship God, i.e., the idol there whatever its denomination be, whether Siva, Vishnu or Sakthi. And now, thanks to the great work done by Mahatma Gandhi, Harijans are also admitted to the temples and they are also worshipping God along with other Hindus. Even non-Hindus also can go into the temples just as Hindus can go into churches and mosques. Christians, Muslims and all others are welcome and there is no such thing as untouchability now. The temples have been made cosmopolitan and universal. But the maths are no doubt different. Certain holy men, certain philosophers and founders of particular religious schools of thought have come and stayed in certain places which are now called maths. According to the degree of respect and veneration in which such holy men are kept, properties are endowed to them, though sometimes they are endowed more profusely than necessary. For example, the Chettians and others who obtain large sums of money by bad means want to wash off their sins by giving lots of jewels to the temples in Tirupati and Kalahasti for adorning the deities. Of course, these temples do not become more holy by the jewels or other properties given to them. Some people even build big towers at the entrance of the temples and some others resort to more extravagant things. These things happen only in the South. In Northern India, we see only small temples. When I went to Rishikesh I saw a small Rama's temple. It is a famous one and it is said that Sri Rama himself had visited that temple. It is considered the holiest of temples in the whole of India. So also the Shiva temple in Benares—Kasi Viswanatha. They are all simple. Here, in the South, people respecting Swamis have given them lands and villages as charity in order to wash off their sins. What happens in course of time is, in the case of certain Swamis, luxury sets in. They begin to enjoy material life so that to day if one Swami is good, ten Swamis are bad.

4 p.m. "There are the temptations. Nobody can say that the maths are kept holy, the Swamis are holy, that they are doing their duties well, that they are serving the community and spreading the doctrines of the Hindu philosophy and religion among the great Hindu community. Nobody can say that. So Government comes in to manage the endowments. There are restrictions with regard to Governmental interference. They will be there only to prepare the estimates and budgets and to see that the moneys are spent for the very object for which these institutions were founded. Therefore I do not see anything wrong in including the maths under this Bill."

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SRI M. A. EASWARAN :— Sir, I oppose the amendment moved by my hon. Friend Sri Gopalaswami. Speaking on this amendment, my hon. Friend Sri Bhashyam referred to the speech of the President of the Saivite Conference held at Coimbatore. The President is a person to whom various endowments have been entrusted. He is using the properties of those endowments as his own personal properties. There are very many complaints against him in that district. Naturally the opinion of such a person who is entrusted with endowments and who is misusing it would be that they should be treated as private property.

"These maths are religious institutions and are intended for the spread of the religion among the people by doing propaganda. Now, for the last fifty years, these matadhipathis have not done any religious propaganda. They have never gone to the villages or towns for this purpose. I have seen once Sankaracharya coming to Erode. He did no religious propaganda. But he feasted people and went about the villages in a golden palanquin, with golden rings in all his ten fingers and jewels all round him. He never did any propaganda for the Hindu religion when he was there."

SRI M. S. PATTABHIRAMIAH :— Which Sankaracharya is that . . .

SRI M. A. EASWARAN :— It was some Sankaracharya, a matadhipathi . . .

SRI T. VISWANATHAM :— On a point of order, Sir, I request the protection of the Chair. Whenever hon. Members make references and statements, this is not the way of talking—'If it is not Sankaracharya—it is somebody else'. Whenever they refer to Sankaracharya or some other acharyas they must take more care and show greater sense of respect."

SRI M. A. EASWARAN :— That Swami gave feast only to the Brahmins and to none else. He did no religious propaganda. Another Matadhipathi came to Erode, a Thambiran. He remained there for two or three days and gave some lectures and he was also carried in a bedecked palanquin. To carry him in the palanquin ten fat people, fully drunk, were engaged. Without this drink how can they carry this Swami, this matadhipathi. Even when Sankaracharya came he was carried in the palanquin by people who were fully drunk. The people who carried them were generally weak and probably to get enough strength they might have drunk. These matadhipathis have done nothing for religious propaganda. Only Gandhi enlightened the people and made them understand what Hindu religion meant. But these matadhipathis have only been mismanaging the endowments. My hon. Friend Sri Pattabhiramiah tried to define these matadhipathis and read extracts from books. But the funds entrusted to these matadhipathis were not utilised on proper lines. The Government have come forward now just to help them and relieve them of the difficulty in the management of these endowments, and do religious propaganda on the right lines.

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"I can say, Sir, these matadhipathis have not done their duty properly and utilised the money for the purpose for which they were entrusted to them. They were given all powers. Of course some have acted well, but most of them have not acted well. I, therefore, oppose the amendment, of my hon. Friend Sri Gopalaswami."

* SRI K. VARADACHARI :—"The discussion on this amendment has gone on lines in which one Member does not appreciate what exactly another Member is speaking about and there has been a lot of confusion imported regarding both with the concept of the math as well as the measures adopted by the Courts and the Legislature to deal with these institutions. It is true there have been decisions of the High Court defining exactly the constitution and the organization of the maths as well as the status of matadhipathis. The law that has been quoted from the decisions of Justice Subramania Ayyar, Bhashyam Ayyangar and Sankaran Nair, 27 Madras and 38 Madras, are still good law and this Bill does not seek to change any of those conceptions adumbrated in those decisions. These decisions themselves contain the limits within which the matadhipathis can deal with these properties. Within the narrow limits, the matadhipathis are responsible for the properties in their hands either movable or immovable. The matadhipathi though not a trustee, he is not as we ordinarily understand the term 'private ownership', fully private owners so that they can dispose of properties or abuse the power by wasting away the property belonging to the math. This is a sort of a quasi-trustee, not a full trustee as the Dharmathikari of a temple, or a person who can dispose off or squander it away. We have had instances, large number of instances coming before the Courts and those that have not gone before the Courts for want of financial help, and thus we have got them reformed and have got the property safe for the institution. The result has been, there was felt some necessity to control the institutions. This Bill cannot go against the public opinion in the matter of interference with these maths. If public opinion is not at all cared for, the enactment will die a natural death. One day the Legislature will come forward and delete these provisions."

"So far as the maths are concerned we have accepted the principle of the Bill. We included the maths also within the purview of this Bill and it is too late to say that these maths should be taken out of the purview of the Bill. Though I would ask for some time to be given, say a quarter of a century or more to these maths to see how they fare, it is another matter to say that we should not get through this Bill. The mover of the amendment as well as the supporters are *bona fide* in their contention as to why they say that the provision ought to be deleted from the Bill. It is not that no control should be exercised over these maths and their properties or the conduct of the matadhipathis but that the forum that is sought to be created for the purpose of correcting the abuses is not the court but it is the administrative machinery that is sought to be used for this purpose. There is certainly a grave fear in the minds of the people in regard to this. People who have had experience

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of the working of the Religious Endowment Boards so long, as well as the administrative machinery that we have had under that board with powers given to them, fear that the powers would be abused by the executive authority. That was so. But with regard to all legislation that we frame we have to guard against administrative abuses. That the provisions of the bill would be misused by the executive authority cannot be a ground for saying that the legislation itself is bad. However we should take care to see that these maths are not interfered with in the manner threatened either by the provisions of the Bill or in the way in which people are afraid that the provisions of the Bill would be abused."

"We have been unable to convince the Government of the necessity of leaving matters of this kind to courts for adjudication just as in England the Charity Commissioners, even in ecclesiastical matters where he has jurisdiction, he simply refers the matter to the courts. Here we have followed another method. All the legislation we pass in this House not only with regard to endowments, but on every other matter, we have been trying to oust the jurisdiction of the courts in all manners and ways possible. It has become a tradition with us in this House to see that the courts are placed at a discount and this is nothing new. Therefore, when the provision relating to section 92 of the Civil Procedure Code, is being excluded hereafter from any operation in the matter of the control and administration of religious endowments or charitable trusts, the chance was lost to convince the Government to delete the clause 3. We are now trying by other methods to see that the maths are excluded from the operation of the Bill. This is a case where the court's jurisdiction has been ousted, and there is the fear that the executive authority will abuse the power vested in their hands and the maths would be victimised. That is the fear. (Hon. Members: 'No, No'.) I submit there are some people who have this fear, but as our administration improves we should give a good account of ourselves and see that the administration is properly conducted. Therefore I say that this need not be a matter for heated discussion."

MR. SPEAKER :—"Many more hon. Members still want to speak on the amendment. I therefore fix five minutes for each Member."

* SRI K. BHASHYAM :—"On a point of personal explanation, Sir. I fear the amendment has altogether been misunderstood. I want to clear the misunderstanding. It is not that I want the maths to be entirely excluded from the operation of the Bill. I say that these maths should be treated differently from the ordinary trustees of temples. It is not also that I want that no control should be exercised over these maths. I have reconciled myself to the position that some control is inevitable. True these maths are dealt with in a separate chapter, Chapter 5. I have also given amendments for this chapter. But all I say is that it is unnecessary to have these maths included here in this clause as they have already been defined in an earlier place and that only specific provisions need be made and that is done in Chapter 5."

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4-15 P.M. *SRIMATHI V. LAKSHMI AMMAL :—“ அக்கிரமனாதிபதி அவர்கள் ! கனம் சபாநாயகர் அவர்கள் சொன்னவற்றைக் கிடைத்துத் திருத்தப் பிரேரணையை நான் முழுமனதோடு ஆதரித்து இரண்டொரு வார்த்தைகள் பேச விரும்புகிறேன்.

“ இந்த திருத்தப் பிரேரணைக்கு சாதகமாகவும், பாதாயமாகவும் அநேகம் மெம்பர்கள் இன்று பேசினார்கள். கனம் கந்தசாமி பிள்ளை அவர்கள் வெகு தெளிவாக அதை எதிர்த்துப் பேசினார்கள். கனம் M. A. சஸ்வரன் அவர்களும் கவர்ன்மெண்டார் என் இதில் தலையிடவேண்டும் என்ற விஷயங்களைப்பற்றியும் பேசினார்கள். மடங்களில் நடக்கின்ற ஊழல்களை கண்டிக்கவேண்டுமென்பது எல்லோருக்கும் பொதுவான, சமத்துவமான அபிப்பிராயம். ஆனால், சில சில மத சம்பந்தமான விஷயங்கள் இதனால் அடியோடு போய்விடுமோ என்ற ஓர் உணர்ச்சியினாலேதான் சில மெம்பர்கள் அதில் சர்க்கார் தலையிடுவது நியாயமல்ல, அவர்களுடைய சக்திக்கு மீறி அவைகளை விஸ்தரிக்கக்கூடாது என்று குறிப்பிட்டார்கள். ஸ்ரீமான் கந்தசாமி பிள்ளை அவர்களும் இருபது வருஷத்துக்கு முன்னாலும், ஐம்மது, நூறு வருஷங்களுக்கு முன்னால் நடந்த பல தீர்ப்புகளையெல்லாம் ஸ்ரீமான் விஸ்வநாதம் அவர்கள் எடுத்துக் கூறிதைக் கண்டித்துப் பேசினார். அவர்கள் பேசும்பொழுது பழங்காலத்து தீர்ப்புகள் இப்போது அவசியமில்லை. அப்போது இருந்த காலம் வேறு இப்போது இருக்கக்கூடிய காலம் வேறு, சாலத்திற்குத் தகுந்தாற்போல் நாம் நடவடிக்கைகளை மாற்றிக்கொள்ள வேண்டுமென்று சொன்னார்கள். உண்மை. இது வாஸ்தவம்தான். ஆனால், காலத்திற்குத் தகுந்தாற்போல் நம்முடைய நடவடிக்கையையும் மனதையும் மாற்றிக்கொண்டுவிடவேண்டுமே தவிர அந்தத் காலத்திற்குத் தகுந்தாற்போல மத சம்பந்தமான ஸ்தாபனங்களை மாற்றுவது சரியல்ல. குறித்திலும் எண்ணத்திலும் பல மாற்றங்கள் ஏற்படவேண்டும். நம்முடைய குராம் மாறவில்லை. நம்முடைய மனப்பான்மையும் இப்போது இருக்கின்ற நூம் நிலையும் சரியான முறையில் இல்லை. இப்படிப்பட்ட மனப்பான்மை நீடிக்கும்போது சர்க்கார் மத ஸ்தாபனங்களில் பூரண அதிகாரத்துடன் இறங்கினால் அது மக்களுக்கு பிடிக்காததாகிவிடும். இப்போதும் மதப்பற்றுடன் உள்ளவர்கள் ஆங்காங்கே மத ஸ்தாபனங்களை நிர்வகித்துத்தான் வருகிறார்கள். தீமரென எந்த பழைய மதக்கங்கனையும் மாற்றிவிட முயற்சிப்பது சரியல்ல. இந்த சமயத்தில் எனக்கொரு சம்பவம் ஞாபகம் வருகிறது. ஒரு சமயம் நானும் கனம் சபாநாயகர் அவர்களும் சம்பந்தம் ஒரு இடத்திற்குப் போக வேண்டி இருந்தது. அப்போது அவர்கள் ஒரு விஷயத்தைச் சொன்னார்கள். அதாவது இப்போதும் லண்டன் சட்டசபை கூடுவதற்கு முன்னால் டெமுகு வர்த்தி விளக்குடன் ஒருவன் எல்லா மெம்பர்களின் இடத்தையும் சம்பிரதாயமாக பரிசோதிப்பானாம். பின்னர்தான் அவ்விடத்தில் மெம்பர்கள் உட்கார் வேண்டுமாம். எனக்குப் பிடிக்காத இடத்தில் காலத்தில் இல்லையா? டார்ச் லேண்ட் எடுத்துக்கொண்டு கூட பார்க்கலாமே! இருந்தாலும் பழைய சம்பிரதாயத்தை விடக்கூடாது என்பதற்காக இன்னமும் டெமுகு வர்த்தி விளக்கை வைத்துக்கொண்டுதான் பார்க்கிறார்கள் என்று கனம் சபாநாயகர் அவர்கள் சொன்னார்கள். இதை எதற்காக அவர்கள் சொன்னார்கள் என்றால் நாம் பழைய சம்பிரதாயங்களை எளிதில் கைவிட்டுவிடக்கூடாது என்பதற்காகத்தான். மத விஷயங்களில் பூரண அதிகாரத்துடன் அரசாங்கத்தார் தலையிடுவதானது மக்களுக்கு தெய்வபக்தியே இல்லாதபோய்விடும் என்று சொல்ல விரும்புகிறேன். தெய்வபக்தி இல்லாவிடின் எந்த சமூகமும் உருவாகும். பாரதத்தில் ஒரு விஷயம், எனக்கு இப்போது ஞாபகம் வருகிறது. தர்மபுத்திரர் வீற்றிருக்கும் காலையில் பீமசேனன், ‘அண்ணா, அண்ணா!! அரோக்லி பருஷன் போகிறான் பார்; தன் தீளம் மனைவியை தோளிலே தூக்கி வைத்துக்கொண்டு தன் வயது மூத்திரந்த் கூயை கரகர வென்று பிடித்து இழுத்துக்கொண்டு போகிறான்’ என்றான். அப்போது தர்மபுத்திரர் ‘பீமா கலியை உன்விடத்திலேயே பார்த்துவிட்டுப் போ. கலி புருஷன் போய் பார்க்கவேண்டாம்’ என்று மரியாதைக் குறைவாக வந்ததைக் குறிப்பிடுகிறார். இந்த நான் பாரதத்தில் படித்திருக்கின்றேன். இப்போது இந்த சோவிகளின், மடங்களின் நிர்வாகப்

17th November 1950] [Srimathi V. Lakshmi Ammal]

பொறுப்பையெல்லாம் சர்க்கார் ஏற்று நடத்த வந்தால் புதுப்புது உத்தியோகஸ்தர்களும் கமிஷனர்களும் நியமிக்கப்படுவார்களே யன்றி சோவிக் நிர்வாக விஷயத்தில் எந்தவிதமான சித்திரத்தமும் இருக்காது என்று குறிப்பிட விரும்புகிறேன். மேலும், இப்போது நம்முடைய கவர்ன்மெண்ட் டிபார்ட்மெண்டுகள் எவ்வளவு மோசமாகிய சுகிறிதோ அவ்விதம் தான் மத ஸ்தாபன நிர்வாகமும் இக்கும். இது நாம் அறிந்த விஷயம். இப்போது மடங்கள் சரியாக நடைபெறவில்லை என்று கூறுகிறோம். நான் சொல்வது என்னவென்றால் இந்த மடங்களின் நிர்வாகத்தை ஏற்றுக் கொள்ளப்போகின்ற சர்க்காரும் நானே, ஒழுங்காக ஒரு விஷயங்களி்கூட நடந்துகொள்ளாது என்றுதான். ஏனென்றால் இன்று சர்க்கார் இலாகாக்களில் எவ்வளவு ஊழல்கள் இருக்கிறது என்பது நமக்குத் தெரியும். ஆகையால் சில அதிகாரங்களை எடுத்துக்கொண்டு இந்த மடங்கள் நல்ல முறையிலே நடப்பதற்கு சர்க்கார் வழிகாட்டியாய் இருக்கவேண்டியதே தவிர இம்மாதிரி பூரண அதிகாரங்களை எடுத்து அந்த மதஸ்தாபனங்களை கைப்பற்றுவது சரியல்ல.

“ ஸ்ரீமான் சஸ்வரன் அவர்கள் பேசுகிறகாலத்தில் மடாதிபதினைப்பற்றி மிக இழிவாக எடுத்துச் சொன்னார்கள். இம்மாதிரி அவர்கள் சொல்வது சரியல்ல. தெளிந்த அறிவுள்ள மனிதர்கள் பேசும் வார்த்தைகளும் அல்ல அவை. இதற்காக என்னை மன்னிக்கவேண்டும். காந்தியை நாம் எவ்வாறு போற்றுகிறோமோ, எவ்வாறு அவரிடம் நம் மதிப்பு செலுத்துகிறோமோ அதேமாதிரி ஒவ்வொருவரும் மத குருமார்களை கௌரவிக்க கடமைப்பட்டிருக்கிறோம். ஒரிரண்டு மடாதிபதிகள் தவறுதலாக நடக்கலாம் ஆனால் மடாதிபதிகள் பதவி சாஸ்வதமல்ல. அவர்கள் பரம்பரை வாரஸாக இருப்பதில்லை. ஒருவரை நியமிப்பதும் அவருக்குப்பின் அந்த ஸ்தானத்திற்கு வேறு ஒருவரை தேர்ந்தெடுப்பதும் அவர்களுடைய சிஷ்யக் கூட்டத்தாரின் வேலையாகும். அப்படியிருக்கையில் பொதுப்படையாக இம்மாதிரி சட்டம் செய்வதும், மடாதிபதிகள் அவ்வளவு பேரையும் இம்மாதிரி குறைகூறுவதும் தப்பு என்பதையும் தெரிவித்துக்கொண்டு கனம் கோபால் சாமி அவர்களின் திருத்தத்தை சர்க்கார் ஏற்றுக்கொள்ளவேண்டுமென்று கேட்டுக்கொள்கிறேன்.

* SRI S. CHIDAMBARA AYYAR :—“ Mr. Speaker, Sir. In the first instance, I strongly protest against the insinuations and the damaging language used by my hon. Friend Sri M. A. Easwaran about matadhipathis. As regards the amendment moved by my hon. Friend Sri L. N. Gopalaswami, his point is that the word ‘math’ should be excluded from the definition of ‘religious institution’ and nothing more. My hon. Friend Sri K. Bhashyam has explained about control over maths and their properties and there is no quarrel about it. We can discuss it in detail as and when the concerned chapter comes up for discussion. The question is whether in the present definition it should be excluded.

“ Hon. Sri T. Viswanatham has read some judgments delivered by the High Court of Madras with regard to the definitions of ‘temples’, ‘maths’ and ‘matadhipathis’. The position of both ‘maths’ and ‘matadhipathis’ is vitally different and this House has to carefully see it—and I wish the Hon. Ministers also should read the judgments. My hon. Friend Sri Kandaswami Pillai said that the judgments were delivered long before and were hence useless. But, the validity of their conclusions is still there so far as the rights and duties of ‘maths’ and ‘matadhipathis’ are concerned. The grounds on which they came to the conclusions are most important.

[Sri S. Chidambara Ayyar] [17th November 1950]

"In fact, Sir, maths have been formed by highly spiritual and learned men with a number of followers called 'Shishyas' to propagate the tenets and doctrines in respect of a philosophy they thought good. They formed an institution by themselves and there is nothing wrong. I therefore plead that it should be omitted from the definition.

"As a matter of fact, Sir, as mentioned in some of the judgments, so far as matadhipathis are concerned the income is for the math and the matadhipathis are the beneficiaries of the income and in case of temples the public are the beneficiaries. So, math is distinct from temple. I therefore submit, Sir, that the Government may well omit the word 'math' from the definition.

"Also the course of management is different. Sir, the matadhipathis may spend the moneys for instituting Veda Patasalas and Thevaram Patasalas and also for other purposes which the trustees of temples cannot do. Therefore, the matadhipathis have got greater powers over the property as mentioned in the judgments. The temples have not got as much power as the maths. Under these circumstances, Sir, I support the amendment moved by my hon. Friend Sri L. N. Gopalaswami."

Sri K. T. KOSALRAM :—"Mr. Speaker, Sir, நண்பர் கனம் கோபால் சுவாமி அவர்கள் கொண்டுவந்துள்ள நிருத்தத்தை நான் எதிர்க்கிறேன். அவரும் பேசினார். பல அங்கத்தினர்களும் பேசினார்கள். இந்த மடங்களை இந்த சட்டத்தை விட்டு நீக்கினால் தான் ஹிந்து மதம் இந்த நாட்டில் இருக்க முடியும். இல்லாவிட்டால் அரசாங்கம் இந்த ஹிந்து மதத்தையே அழித்து விடும் என்ற தோரணியில்தான் அவர்கள் பேசினார்கள். உண்மையில் நான் என்ன சொல்லுகிறேன் என்றால் இந்த அரசாங்கம் இந்த சட்டத்தினால்தான் இந்த ஹிந்து மதத்தை தழைக்கமுடியும். இன்றிருக்கும் முறையில் மடங்க ளிருக்குமானால் ஹிந்து மதமே அழிந்துவிடும் என்பதை நான் நண்பர் கோபால்சாமி அவர்களுக்குச் சொல்லுகிறேன். மடாதிபதிகள் டிரஸ்டிக ளாக இருக்கவேண்டுமென்று காந்திஜி சொல்லியிருக்கிறார். காந்திஜி அவர்களுடைய பொன்மொழிகள் என்னவென்று எதப்பற்றியொல்லாம் பேசப் பட்டது. இன்னும் அஹ்மத்காட்டு தீர்ப்புணைப்பற்றியும் பேசப்பட்டது. இன்னும் முன் காலத்திலிருந்து தழைக்கத்தை இன்று மாற்றுகிறார்கள். அப்படி மாற்றுவது தவறு, அவ்விதம் மாற்றினால் ஹிந்து மதமே போய்விடும் என்றும் சொல்லுகிறார்கள். நான் ஒன்று சொல்லுகிறேன், அன்று மனிதன் மிகுமாக இருந்தான். காடுகளில் சுற்றிக்கொண்டிருந்தான். மனிதன் துக்ரீமணிகள்கூட இல்லாமலிருந்தான். அவ்விதமே இப்பொழுதும் நாம் இருந்தால் அரசாங்கம் எந்த நிலையிலிருக்கும் என்றை யோசித்துப் பார்க்க வேண்டும். நாம் இப்பொழுது காலசுடை அணிந்துகொண்டும், ஜப்பா டோட்டுக்கொண்டிருக்கிறோம். அன்று மாதிரியே இன்றுமிருக்கவேண்டு மென்றால் அவ்விதமிருக்கமுடியுமா என்று கேட்கிறேன். ஹிந்து மதம் தழைக்கவேண்டுமென்பதற்காக முன்காலத்திலிருந்ததைப் போலவே இப்பொழுது மிருக்கவேண்டுமென்றால் முடியுமாவென்று கேட்கிறேன். ஆகவே நாம் காத்ததற்கு ஏற்ப நம்முடைய கொள்கையையும் நடவடிக்கையையும் மாற்றிக்கொள்ளவேண்டும்."

MR. SPEAKER :—"இந்த மசோதாவிலுள்ள இந்த உப்பிரிவு சம் பந்தமாகத்தான் நீங்கள் கேட்கவேண்டுமே தவிர வேறு விஷயத்தைப்பற்றி பேசக்கூடாது."

SRI K. T. KOSALRAM :—"ஆனால் பின்னால் இருந்ததைப்பற்றி பல நண்பர்கள் பேசியதால் அதற்கு பதில் சொல்லும் தோரணியில் நான்

[17th November 1950] [Sri K. T. Kosalam]

சொல்லுகிறேன். இன்றையதினம் மடத்தின் சொத்துக்களையெல்லாம் மடாதிபதிகள் தங்களுடைய சொந்த பெயருக்கு வைத்துக்கொண்டிருக்கிறார்கள். தங்களுடைய சொந்த சொத்துக்களையும் வீரதாடிக்கொண்டிருக்கின்றார்கள். என்னுடைய சொந்த ஊரிலுள்ள அனுபவத்தை நான் சொல்லுகிறேன். என்னுடைய பாட்டனாகளும், மூதாதையர்களும் பல ஸ்டீசு ரூபாய்கள் பொறுமானமுள்ள சொத்துக்களை மடத்தின் பெயரால் எழுதிவைத்து மடத்தை பரிபாலனம் செய்யவேண்டுமென்றும், ஹிந்து மதம் தழைக்கவேண்டுமென்பதற்காகவும் எழுதிவைத்தார்கள். இன்னும் அநேகம் நஞ்சை, புஞ்சை நிலங்களையும், மார்க்கெட்களையும் தர்ம காரியங்கள் செய்யவேண்டுமென்பதற்காகவும், ஹிந்து மதம் தழைக்கவேண்டு மென்பதற்காகவும், இன்னும் மதசம்பந்தமான பல காரியங்களையும் செய் வேண்டுமென்பதற்காகவும் எழுதிவைத்தார்கள். இந்த மடாதிபதிகளு டைய பெயருக்கு எழுதிவைக்கவே இல்லை. ஆனால் இன்று என்ன நடக் கின்றனவென்றால் எந்தக் காரியங்களைச் செய்யவேண்டுமென்று எழுதி வைக்கப்பட்டனவோ அவைகளெல்லாம் செய்யப்படாமல் மடாதிபதிகள் தங்களுடைய சொந்தக்காரியங்களுக்காக உபயோகப்படுத்திக்கொண்டு வரு கின்றார்கள். மடாதிபதிகள் என்பது பெயருக்குமட்டுமல்ல. மடாதிபதிகள் என்பவர் மதத்தின் குரு. அந்த முறையில் அவர்கள் நாம் எழுதிவைத்த சொத்துக்களை ஹிந்து மதம் வாழவேண்டுமென்பதற்கான காரியங்களைச் செய்து மடங்களையும் கோவில்களையும் பரிபாலிக்கவேண்டுமே யொழிய வேறு விதமான காரியங்களுக்கு சிவ்விடவேகூடாது. இவ்விதம் எவ்வளவோ பொதுமக்கள் தங்களுடைய சொத்துக்களை எழுதிவைத்திருக்கிறார்கள். அந்தமாதிரியான சொத்துக்களை இப்பொழுது மடாதிபதிகள் சரியான முறையில் சிவ்விடாமல் தூர்விதியோகம் செய்து வருகிறார்கள் என்பதை யாரும் மறுக்கமுடியாது. ஒழுங்கான முறையில் சிருங்கேரி சங்கரர் மடம், முதலிய இதர மடங்களும் நடத்தப்படலாம். அதைப்போலவே எல்லா மடங்களும் சரியான முறையில் நடக்கின்றனவென்று சொல்லமுடியாது.

"இன்னும் பல விதமாகப் பேசப்பட்டது. பிராமணர்களும் மடாதிபதி களாக இருக்கிறார்கள். பிராமணரல்லாதார்களும் மடாதிபதிகளாக இருக்கி றார்கள். ஹரிஜன மதகுருவும் இருக்கிறார். இவ்விதமிருக்கும்போதும் மத குருவைப்பற்றி பேசும்போது ஜாதி வித்தியாசம் வரவேண்டியதவசிய மில்லை. மடத்தின் தலைவராக பிராமணர்களும் இருக்கிறார்கள் பிராமண ரல்லாதார்களும் இருக்கிறார்கள். யார் மடத்தின் தலைவராக இருந்தாலும் சைவமதமாக இருந்தாலும் சரி, வைஷ்ணவ மதமாக இருந்தாலும் சரி அவர்கள் தங்கள் செய்யும் வேலைகளை சரிவர மதத்தின் தலைவராக இருந்தாலும் சரி வேண்டுமே தவிர, ஜாதி வித்தியாசத்தைப் புகுத்த வேண்டிய தவசியமே இல்லை. பொதுவாக மதம் வாழ்வதன் பொருட்டு தான் வேலைகளைச் செய்யவேண்டுமே தவிர ஜாதி பிரிவினையை புகுத்தப்படவேகூடாது. மடம் என்பது எல்லோருக்கும் தான் ஏற்பட்டது. ஆனால் இன்று உண்மையில் பார்த்தால் அங்கே ஜாதி வெறிதான் தாண்டவமாடுகிறது. இவ்விதம் ஜாதி வெறி தாண்டவமாடுவதனால் அதில் மடாதிபதிகள் புகுந்துகொண்டிருக்கி றார்கள். அதனால்தான் இந்த சட்டத்தில் மடங்களையும் சேர்க்கப்பட்டிருக்கிறதே. அவ்விதம் மடாதிபதிகள் ஜாதி வெறியில் புகுந்துகொண்டிருப்பத னால் அதில் அரசாங்கம் தலையிட்டு சட்டம் செய்யாமல் இன்மேல் இருக்க முடியாது. அவ்விதம் அரசாங்கம் தலையிட்டு ஜாதி வெறியை அறவே ஒழித்து அதை களைவதற்காகவேதான் இந்த 'பில்' கொண்டுவரப்பட்டிருக்கிறதே. இந்த சட்டமானது அமுலுக்கு வந்தபிற்பாடு மடங்கள் பிராமணர் களுக்கென்றே அல்லது பிராமணரல்லாதாருக்கென்றே இல்லாமல் ஹிந்து மதத்திற்கு என்றே ஏற்பட்டது என்று வரும். ஹிந்து மதத்திற்காகவே தான் மடங்கள் ஏற்பட்டது என்றும் மடத்தின் தலைவர் யாராக இருந்தாலும் அவர் தான் மதத்தை வாழச்செய்யவேண்டுமென்பதற்காகவும் தான் இந்த மடங்களை இந்த clause-ல் சேர்க்கப்பட்டிருக்கின்றன.

"ஆனால் கனம் பாஷ்யம் அவர்கள் பத்தாவது clause-ல் தான் இந்த மடத்தை சேர்த்திருக்கிறோமே என்று சொன்னார். 15-ஆவது clause-ல் சேர்க்காவிட்டால் என்ன முழுக்கிப்போய்விடும் என்றும் சொன்னார். நான்

[Sri K. T. Kosalam] [17th November 1950]

சொல்லுகிறேன். நாம் எதற்காக ஒரு நான் பூமலிலும் அந்த ஒரு clause-ஐ வைத்துக் கொண்டு போகிறோம். அதற்காகவே ஒரு நான் பூமலும் உட்கார்த்து ஒரு பாலைத்து சமார் ரூ. 1,500-வை, அதைப்பற்றி செவ்வதற்காக சொல்லித்திருக்கிறோம். அதன் பிறகு நாம் பொது மக்களின் பணத்தை அக்கிரமமாக செலவிடத்திருக்கிறோம்.

MR. SPEAKER :—“தலைவர் அவைப்பற்றி பேசும் முழு அக்கிரமமாக செலவிடத்தொடங்க என்று சொல்லுகிறீர்கள்.”

SRI K. T. KOSALAM :—“இந்த இரண்டு, மூன்று clause-களும் அனுகூலமாக இரண்டு மூன்று நாள்கள் விவாதித்துக்கொண்டு பிறகு அதைக் கமிட்டிக்கொண்டிருக்கிறோம் என்பதற்காக சொல்லுகிறேன். இவ்வாறும் அனுகூலமாகப் பேசி நெரத்தை கமிட்டி பொதுமக்களின் பணத்தை செலவிடும் வகையிலும் அதற்கு தம் அங்கீகாரத்தைப் பெற்றிருக்கிறோமா? அது ஒன்றுமில்லை. இந்த நிலைமையில் மடாதிபதிகளையும் மடத்தையும் இந்த clause-ல் சேர்த்தால்தான் ஒரே மதத்தை வாழவைக்க முடியும் என்பதாக சொல்லிக்கொண்டு இந்த திருத்த மிரோபணையை முழு மனதுடன் எதிர்க்கிறேன்.”

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SRI M. KANNIAPPAN :—“கனம் தலைவர் அவர்களே, இன்றைய தினம் அரசாங்கத்தார் கொண்டுவந்திருக்கின்ற பில்லை ஆராய்ந்து நம்முடைய நண்பர் ஸ்ரீ கோபால்சாமி கொண்டுவந்திருக்கும் திருத்தத்தை நான் எதிர்க்கிறேன்.

“இந்த விஷயத்தில் மடத்தை நீக்கவேண்டுமென்று சொல்லுவது மிகவும் தவறுதலான காரியம். மதத்தின் பெயரால் எவ்வளவு இலாபங்களை மடத்தின் சந்நிதானங்கள் செய்துவருகிறார்கள் என்பதைப் பொது நான் அறிந்ததுதான். யாரும் அதை இல்லையென்று சொல்லாவிட்டாலும் அந்த மடத்தின்கீழ் சந்நிதானங்கள் இன்றைய தினம் இந்த நாட்டிலுள்ள ஹிந்து மதத்திற்கு புகழை தருகின்றிருக்கிறார்கள் என்று பார்க்கும் போது அவர்க் புகழை கேட்கக்கூடக்கூடாது. ஹிந்து மதத்திற்கு அழிவடைந்தால் தீர்த்துக்கொண்டிருக்கிறார்கள். என் இலாபம் பெரிதிக் கிறேன் என்று மடாதிபதிகள் நம்முடைய பெரிய பார்வை மதத்திற்கும்கூட, தம் கைங்கர்யத்திற்காகவும், தம் காரியங்களைச் செய்வதற்காக பங்கோடி லக்ஷக்கணக்கான ரூபாய்களை நாம் முன்னேர்கள் மடத்தின் பெயரால் எழுதி வைத்திருக்கிறார்கள். அந்த விதமான சொத்துக்கள் அனைத்தும் இன்றைய தினம் எந்தெந்த கைங்கர்யத்தைச் செய்யவேண்டுமென்று நமது முன்னோர் களால் கொடுக்கப்பட்டிருக்கின்ற கைங்கர்யங்கள் நடைபெறுகிறதா என்று கேட்டால் நடைபெறுவதாக நாம் சொல்வதற்கே இல்லை. ஏதோ சில மடங் கள் வேண்டுமாதல் ஒழுங்காக நடப்பதாகக் கூறுகிறார்கள். ஆனால், ஒரு சில மடங்கள் ஒழுங்காக நடக்கின்றன என்பதற்காக ஒழுங்கானதாக ஊழல் நிறைந்ததாக நடக்கும் மடங்களை திருத்த சட்டம் வேண்டாமென்று சொல்ல கூடாது. சட்டம் மிக அனுகூலமானது. அந்த மூலையில் நம்முடைய அரசாங்கத்தார் நன்றாக ஆலோசனை செய்து இந்த மடங்களுடைய நிர்வாகத்தின் பொறுப்பையெல்லாம் ஆலோசித்து பார்த்து இந்த சட்டத்தை கொண்டுவந்த போது கனம் ஒமந்தூர் சாமசாமி ரெட்டியார் அவர்கள் பணித்தான மடங் களில் நடக்கும் ஊழல்களைப்பற்றி பேசியபோது பலவாறுமையான மனமும் உருகாமலில்லை. அவ்வளவு பெரிய தப்புக்களையா இந்த மடாதிபதிகள் செய்திருக்கிறார்களென்றும் நினைக்கத் தோன்றுகிறது. உதாரணமாக திருவாழேறை மடத்தைப்பற்றி சொல்லுகிறேன். அவர் இன்றைய தினம் சுற்றுப் பிரயாணம் செய்கிறார்கள். அந்த மடங்களில் இன்று நடக்கக்கூடிய அக்கிரமங்களைப் பார்க்கும்போது

SRI K. BHASHYAM :—“கனம் மெம்பர் என்னவது ஒரு முறையாவது மடத்திற்குள் குழைந்திருக்கிறாள் என்று கேட்கிறேன்.”

SRI M. KANNIAPPAN :—“மடத்திற்குள்ளேய் இருக்கிறேன். பல சந்நிதானங்களையும் பார்த்து இருக்கிறேன். ஆனால், பார்த்ததும் அவர்

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கள் செய்கின்ற தப்புகளை நான் சொல்லாமல் இருப்பேனையானால் தவறு செய்தவன் ஆவேன். மதத்தின் பெயரால் இன்று அவர்கள் செய்து வருகின்ற அக்கிரமங்களைப்பற்றி நான் மாத்திரம் சொல்லவில்லை. பொது மக்களே பகிரங்கமாக அச்சிட்டுப் பங்களுடன்கூட பலருக்கும் அனுப்பியிருக்கிறார்கள். எனக்கும் அம்மாதிரி ஒரு செய்தித் துண்டு வந்திருக்கிறது. கனம் மந்திரி அவர்களும் அதைப் பார்த்திருப்பார்கள் என்று நினைக்கிறேன். ஆகவே, இப்பேர்ப்பட்ட பெரிய தவறை செய்யக்கூடிய மடங்கள் இருக்கும் போது அதை திருத்தவேண்டியது அரசாங்கத்தாரின் கடமை அல்லவா? இப்போது அந்தக் கடமையைச் செய்வதற்காக ஒரு சட்டத்தைக் கொண்டு வந்தால் அதற்கு திருத்தம் தேவையா? இப்படி திருத்தங்களை கொண்டு வந்து வாதாடும் காலத்தில்தான் என்னிப்போல் உள்ளவர்கள் பலர் சந்தேகிக்க நேரிடுகிறது. இப்போதுள்ள மடங்களின் நிலைமையை நன்றாக உணர்ந்து அதைத் திருத்தவேண்டிய நாம் ஒரு சட்டத்தைக் கொண்டுவந்து அதை ஏகமனதாக நிறைவேற்றவேண்டுமே தவிர அதற்கு இம்மாதிரி பல தடங்கல்களை எழுப்புவது நியாயமும் அல்ல. ஆகவே, பொதுவாக நாம் எல்லோரும் அரசாங்கத்தாரின் இந்த சட்டத்தை முழு மனதுடன் ஆதரிக்க வேண்டும் என்றும் நண்பர் ஸ்ரீ கோபால்சாமி அவர்கள் கொண்டுவந்திருக்கின்ற திருத்தத்தை நாம் அத்தனை பேரும் தோற்கடிக்கவேண்டிய முயற்சியை எடுத்துக்கொள்ளவேண்டுமென்றும் கேட்டுக்கொள்ளுகிறேன்.”

* THE HON. SRI K. MADHAVA MENON :—“Mr. Speaker, Sir, we have been listening to very enlightening speeches about the origin of maths. Hon. Mr. Pattabhiramiah was very kind to take us to the very origin of certain words. His purpose was to remind us of the origin of the maths and to tell us exactly what they are and to what extent, as a Legislature, we should have administrative control over them. In spite of it all, and in spite of the personal explanation which hon. Mr. Bhashyam gave, I have not been able to get over my one difficulty in this matter. I do not see how, by omitting the word ‘math’ from this sub-clause (15), hon. Mr. Bhashyam could attain his object of excluding the maths from the scope of this Bill. All the speakers except hon. Sri K. Varadachari want that maths should be excluded from this Bill altogether. (A voice: ‘If possible’.) Yes, ‘if possible’. But, hon. Mr. Bhashyam, knowing perhaps the awkwardness resulting from not having the word, has added it. I find that all the arguments advanced are to the effect that ‘math’ should not be included in this Bill. I want to know how the omission of the word ‘math’ from this sub-clause (15) can achieve that object, so long as Chapter V is there in the Bill. Sir, as I submitted even yesterday, the object of providing a definition of ‘religious institution’ is simply this: In a number of places in this Bill we have to use the words ‘maths, temple or specific endowment’. To avoid their repetition in a hundred places in the Bill, we are providing this definition of ‘religious institution’. I do not know how, as I said, by removing the word ‘math’ from this definition, the maths could be taken out of the scope of this Bill. This attempt seems to me like securing the cage after the bird has flown away. We have passed sub-clause (10) which defines what a ‘math’ means. ‘Math’ has therefore been included in the Bill. We have laid down further, in sub-clause (11), that a ‘person having interest’ means in the case of a math,

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a disciple of the math or a person of the religious persuasion to which the math belongs. What is a math and who is a person having interest, we have already defined. Now, I cannot understand how the object of removing the maths altogether from the scope of this Bill can be achieved by omitting from the definition of 'religious institution' the word 'math' and retaining it in every other part of the Bill. Perhaps it is the idea of some hon. Members to omit 'maths' from all the clauses of the Bill. If that is so, they could have adopted a different course and not, every time when the word 'math' comes, raise a full-dress debate. This would save time. (An hon. Member: 'Waste time?') I never used the word 'waste'. I said for saving time they could have adopted a different course. I never even felt that we were wasting time. I did not use the word 'waste'. I was only trying to understand why there was so much of discussion to exclude 'maths' from this Bill, if that was the object of hon. Members. If there is not so much discussion about this matter at every stage there will be a saving of time and energy. That is my submission in regard to this discussion.

"I do not feel called upon to answer seriously why the 'maths' should be included in this definition. The object of this Bill is to include maths in its scope and, as hon. Mr. K. Varadachari pointed out, it is too late in the day to say that a math should not be included in this definition, seeing that, whatever be the origin of these maths they should be included in this Bill and we have already so included them to the extent necessary. Of course this is subject to any change which the House may choose to make hereafter in the course of the discussion of the further clauses.

"I want at this stage to make one or two points clear. I do not quarrel with the decisions of the High Court. 27, Madras, which hon. Sri T. Viswanatham quoted, was about the head of a math who became a lunatic. He is supposed to have nominated his successor before he became a lunatic. That person died before somebody else was nominated and somebody personated the head of the math and claimed that he had been rightly nominated. The question for decision before the Court was whether this claim was correct and whether even when a matadhipathi becomes a lunatic he still has the right to nominate his successor. The High Court held that even when a matadhipathi became a lunatic, he does not, *ipso facto* cease to be a matadhipathi. There was no provision of law to enable one to authoritatively declare that the position would be such and such when a matadhipathi becomes a lunatic. The matter had therefore to go before a number of courts and finally to the High Court. There was also this question to decide as to what happened in between the time when the matadhipathi became a lunatic and the courts gave a decision. A lot of time, money and energy was spent over this matter by the disputants. One of the provisions in this Bill is that in case

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there is a vacancy somebody must step in to see that the matadhipathi or the institution does not suffer. What I say is this: as Mr. Ramaswami Mudaliyar pointed out, Justice Bhashyam Ayyangar's judgment says—

'The two classes of institutions, viz., temples and mutts, are thus supplementary in the Hindu Ecclesiastical system, both conducing to spiritual welfare, the one by affording opportunities for prayer and worship, the other by facilitating spiritual instruction and the acquisition of religious knowledge—the presiding element being the deity or idol in the one, the learned and pious ascetic in the other.'

So these temples and maths are both supplementary to each other in the Hindu Ecclesiastical system. It will be really a far-fetched statement for anybody to say 'I have the authority of the High Court decision that math does not form part of the Hindu religion at all, it is a different thing altogether.' Their Lordships also went into the question whether when a matadhipathi is a lunatic, he loses control over the math or not. The hon. Mr. Muniswami Pillay was saying 'Don't touch the math, do as the late lamented Raja of Panagal did, do not touch them at all'. Sir, the Hindu Religious Endowments Bill of 1922 which subsequently became law, was referred to a Select Committee consisting of the following 27 members—

- (1) The Hon. Raja of Panagal (*Chairman*),
- (2) Sri N. Gopalaswami Ayyangar,
- (3) Sir C. P. Ramaswami Ayyar,
- (4) Sir T. Desikachariar,
- (5) Diwan Bahadur M. Ramachandra Rao,
- (6) Rao Bahadur C. Natesa Mudaliyar,
- (7) Sri T. A. Ramalingam Chettiar,
- (8) Sri B. Muniswami Nayudu,
- (9) Sri T. Somasundaram Mudaliyar,
- (10) Sir M. C. T. Muthiah Chettiar,
- (11) Sir A. Ramaswami Mudaliyar,
- (12) Mr. E. Periyannayakam,
- (13) Rao Bahadur P. C. Ethirajulu Nayudu,
- (14) Diwan Bahadur M. Krishnan Nayar,
- (15) The Raja of Ramnad,
- (16) Sri O. Thanikachalam Chettiar,
- (17) The Raja of Chellapalli,
- (18) Rao Bahadur C. V. S. Narasimha Raju,
- (19) Sri C. Ponnuswami Nayudu,
- (20) Sri S. Muthumanickachariar,
- (21) Rao Sahib M. C. Madurai Pillai,
- (22) Diwan Bahadur T. N. Sivagnanam Pillai,
- (23) Rao Bahadur T. Namburumal Chettiar,
- (24) Diwan Bahadur L. A. Govindaraghava Ayyar,
- (25) Diwan Bahadur C. Arunachala Mudaliyar,
- (26) Rao Bahadur K. Gopalakrishnayya, and
- (27) Sri C. Ramalinga Reddi.

I think the hon. Mr. Muniswami Pillay also was a Member of the Council in those days. At least in the year 1926 when the Bill became an Act, I think he must have been a Member. The

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Select Committee in one of the places relating to their unanimous recommendations stated as follows. I want to refer to it because hon. Mr. Muniswami Pillay was saying that the provisions included in this Bill regarding maths are perhaps more stringent than the provisions made in the original Bill. It is just the other way and those provisions were really stricter—

‘It is admitted that in respect of temples and other religious charities handed over to matadhipathis in specific trust they should be held strictly accountable as trustees and that there is no objection to their administration of such trusts being brought under control. With regard to properties belonging to the math proper, it is claimed that its head is not in the position of a trustee and that interference with his management of such property would be as little justified as interference with private property. The latter, we think, is an untenable position. It is admitted that the head of a math is not at liberty to alienate the corpus of the math property except in circumstances which would almost justify alienation of ordinary trust property. As regards the income from such corpus and what the head of a math may himself earn by way of offerings and gifts, he is, according to the evidence that has been given before us, expected to use it only for purposes connected with the math and with himself as head thereof. Any other appropriation of such funds would be deemed to be improper. We cannot therefore subscribe to the somewhat extreme view that a math and its endowments and income constitute the absolute personal property of the matadhipathi for the time being and it is significant that exponents even of this extreme view have conceded before us that, where the circumstances require such a step, it would be desirable to associate the disciples in the administration of an ill-managed institution. The math as an institution exists for the spiritual welfare of its disciples. The matadhipathi is an ascetic and could, *ex hypothesi*, have no interests other than those which are proper and which subserve the interests of his disciples. Large properties are in the hands of many of them and there is evidence that several of them have mismanaged and misused the properties in their charge. These facts and considerations are ample justification for our declining to drop maths out of the Bill altogether.’

So, Sir, the facts and considerations which I have read out just now which led the Legislative Council Members in those days to decline to drop maths out of that Bill altogether, is my argument now for declining to accept the amendment to drop maths altogether out of this Bill. The question whether the provisions are adequate or not and the question, to what extent there is interference, etc., are quite different altogether from the question whether maths should be included or not. I definitely say, Sir, that maths cannot be excluded from the scope of this Bill. If that is the idea of the mover of the amendment or if that is the effect of this amendment, certainly, I must oppose it with all the vehemence that I can command.”

SRI T. VISWANATHAM :—“ Sir, the Hon. Minister has read out the opinion of the Select Committee, and we know there were some clauses there dealing with maths; but is it not a fact that that Act gave power to the Government, and is it not a fact that almost all the maths were exempted? ”

THE HON. SRI K. MADHAVA MENON :—“ I cannot off-hand say, Sir, whether all the maths were exempted or not. The provisions were there regarding the maths . . . ”

SRI K. BHASHYAM :—“ But there were some provisions exempting these maths . . . ”

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* THE HON. SRI K. MADHAVA MENON :—“ I am not yielding, Sir. Let me continue my argument. The question now is whether the provisions of that Act were acted upon and whether matadhipathis were brought within the scope of that Act. No doubt power was given by the Legislature under that Act; but I am told that not all the maths were exempted although some maths were exempted. For the matter of that, even under the present Bill, in the case of a math which is properly managed, the administrative control or supervision is practically nil. It is *namka vastu* even now. I am glad to note that to this extent at least my friend is prepared to trust the Government to give the necessary exemption in certain cases, I am glad for this small mercy. It is true that in Chapter VI there is a section which says that—

‘The trustee of every math shall in each year submit to the Board before such date and in such form as the Board may require, a budget showing the probable receipts and disbursements of the following year and a statement of the actual receipts and disbursements of the previous year.’

Again, in case of mismanagement by a trustee, power is given to the Commissioner to file a suit, and in the case of removing a matadhipathi the Commissioner has only to go to the Court concerned or the High Court. In respect of other matters, I agree with the opinion expressed in Justice Bhashyam Ayyangar’s decision, viz. :—

‘I am however of opinion that the head of a mutt as such, is not a trustee in the sense in which that term is generally understood in the Law of Trusts, and the decision of the question under consideration cannot therefore properly be governed by the principles regulating the appointment of new trustees or by analogies derived therefrom.’

I agree with it perfectly, because the trustee of a math is not in the same position as the dharmakartha of a temple, and the provisions regarding them are different.

“ Sir, I do not want to speak more about the many other points that have been raised. Whatever may be said about the institution of maths, that they are good institutions, about their historicity, their antiquity, etc., as mentioned in the judgment, the matadhipathi is a sanyasi or an ascetic who has renounced everything in the world. And so, as we know a sanyasi, he is not interested in the worldly affairs and naturally we must give him sufficient leisure for the purpose of propagating good in this country. Therefore, the management of vast properties belonging to the math should be in the hands of some other person, irrespective of whether the head of the math is a good or a bad person, whether he is a clever man or an ordinary man—and in fact sometimes things miscarry when they are done too cleverly, as hon. Mr. Bhashyam said yesterday—and it must be so even if it be for the purpose of seeing that a good matadhipathi who is an ascetic is not duped by persons who may have purposes of their own to carry out. I am not making any complaint against the matadhipathi. In fact I will be the last person to say that any matadhipathi is bad at all but, as I said, they may not know in many cases where and in what respect mismanagement is going on and

[Sri K. Madhava Menon] [17th November 1950]

how it must be prevented in the interest of the math, the society and the Hindu religion itself. So, Sir, the idea of removing maths altogether from the Bill is not, according to me, quite a correct idea, however much some people may feel that the sacredness of the math may go if we do so. It was also stated by my hon. Friend that this question should not be decided by the counting of heads, that the Ministers here, 12 of them, may be of one opinion, but that it is the disciples that must decide. I answered that point yesterday. As a matter of fact, in the course of the long sittings we had in the Select Committee, evidence was taken, the matadhipathis' agents also came; the one question that was put to every witness by the Members was whether the disciples believed in the infallibility of the matadhipathi, and the answer invariably was 'yes'. So, Sir, it is not a question for consideration by the disciples alone in cases like this. It is the House that has to decide the question and it is not the twelve Ministers alone that decide—hon. Mr. Viswanatham was mistaken in saying that the Ministers were 13 in number. We in this House have sufficient power to see that mismanagement is prevented, and that is the question to be decided by us now. (Interruption by Sri T. Viswanatham.) As I said, hon. Mr. Muniswami Pillay must have been labouring under a misapprehension when he said that the old Bill did not contain all the provisions we find in this Bill. It is not so; all these provisions were also in the old Bill.

"Hon. Mr. Bhashyam says that he has been convinced of my arguments. I can only say he is only speaking evidently not with the idea of convincing me or this House but to satisfy someone else. If the hon. Mr. Bhashyam has made the remark sarcastically that he has been convinced of my arguments, I say he is clever. But, if it is otherwise, I withdraw my argument. If it is his idea that my argument is not convincing and if he had been under the belief that we were under the impression that he was talking to convince us, I say he is mistaken.

"Then, Sir, hon. Mrs. Lakshmi Ammal said that by passing Bills like this, we are only encouraging an agitation by certain sections and when hon. Mr. Kanniappan referred to a picture of the tours of certain matadhipathis some friend remarked that it is produced by black-shirts. I must strongly repudiate it. It is the mentality that is shown here that one should never go into the question of mismanagement of public funds that encourages agitation by certain sections and black-shirts. I say still properties of maths are all public funds to some extent because it is once given by some ancestors, as Hon. Mr. Kosalkam said, for the purpose of propagating religion. It is all the mentality of certain sections that we should not interfere with the mismanagements of such funds that creates the sections referred to by Mrs. Lakshmi Ammal and not a Bill like this."

The House then adjourned to meet again at 11 a.m. on Saturday, the 18th November 1950.

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APPENDIX I.

[Vide answer to starred question No. 430 asked by Sri B. S. Murthi at the meeting of the Legislative Assembly held on 17th November 1950, page 287 supra.]

Statement showing the capacity of each stockyard of iron and steel in the districts.

	Capacity of the stockyard. TONS.
<i>Visakhapatnam district.</i>	
1 B. L. Patnaick & Son, Amadalavalasa	300
2 Haji Shukoor Haji Jamal Noor Mohamed, Amadalavalasa.	300
3 Haji Abdul Rahman Haji Abdulla, Amadalavalasa.	500
4 Kolluru Seshagiri Rao, Visakhapatnam	480
5 Ali Mohammed Haji Jamal Noor Mohamed & Sons, Visakhapatnam.	240
6 Maharaja Trunk Factory, Visakhapatnam	480
7 Perata Suryanarayana, Visakhapatnam	400
<i>East Godavari district.</i>	
1 Chittoory Rangiah & Sons, Kakinada	240
2 Nalam Ramalingiah, Kakinada	240
3 Nilla Subbanna, Kakinada	260
4 Kadirisetty Narayanamurthy, Peddapuram	240
5 Nagavarapu Butchi Abbayi Sons, Rajahmundry ..	400
6 Thalluri Pullayagari Kameshwara Rao, Peddapuram.	240
<i>West Godavari district.</i>	
1 Abothula Ramanna, Palakol	250
2 Sri Veerabhadra Steel Trunk and Bucket Company, Palakol.	300
3 Nilla Subbanna, Penugonda	300
<i>Krishna district.</i>	
1 Anna Lingiah Iron Company, Vijayavada	500
2 Celli Krishnamoorthy & Brothers, Iron Company, Vijayavada.	720
3 Kanigichirla Satyanarayana & Co., Vijayavada ..	1,000
4 Sri Lakshmi Iron Stores, Gudivada	400
5 Nunna Sri Ramulu, Vijayavada	240
6 Paripalli Tukaram, Vijayavada	1,200
7 Perumalla Seshamanickam, Vijayavada	1,000
8 Sri Ramakrishna Iron Stores, Vijayavada	1,000
9 Kali Trunk Factory, Vijayavada	600
10 Ramalingeswara Iron Company, Masulipatnam ..	600

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	Capacity of the stockyard. TONS.
<i>Guntur district.</i>	
1 Chakka Gurunadhan Iron Company, Guntur ..	400
2 Sri Kali Trunk Factory, Guntur	250
3 Vanama Appanna & Sons, Guntur	300
4 Thatha Venkataswamy Shastry & Sons, Ongole ..	250
5 Thatha Chinna Venkataswamy, Ongole	2,000
6 Thatha Veeraraghavelu & Sons, Ongole	600
7 Kanamurlapudi Venkata Subbiah, Ponnur ..	300
8 Sri Radhakrishna Iron Company, Repalle ..	250
9 Sri Ramakrishna Iron Company, Tenali	480
10 Chudalla Veeriah, Tenali	400

Controlled Scrap Stockists.

	Capacity of the Stockyard.
1 Andhra Polytechnic, Kakinada ..	Capacity unlimited being a Government Institution. However 800 tons are allotted every year.
2 Tata Iron and Steel Company, Limited, Vizianagaram.	No information is available. However 800 tons are allotted every year.

APPENDIX II.

[Vide answer to starred question No. 433 asked by Janab N. Jaffar Mohideen at the meeting of the Legislative Assembly held on 17th November 1950, page 288 supra.]

Statement showing the number of candidates that appeared this year for each Diploma examination conducted by the Government Technological Diploma Examination Board from the several polytechnics and the number that has been declared successful with percentage in each.

Serial number and name of the polytechnic.	Name of the diploma examination.	Number appeared.	Number passed.	Percentage of pass in each.
1 Central Madras.	(1) Civil Engineering	16	7	44
	(2) Electrical Engineering	63	20	31½
	(3) Fisheries Technology and Navigation.	15	11	73
	(4) Mechanical Engineering	46	14	30
	(5) Overseer's Course	31	6	19½
	(6) Printing Technology	16	7	43
	(7) Sanitary Engineering	13	4	30
	(8) Cinematography and Sound Engineering.	13	11	84
2 Tamilnad Mathurai.	(1) Automobile Engineering	18	4	22
	(2) Civil Engineering	19	7	37
	(3) Electrical Engineering	17	4	23
	(4) Mechanical Engineering	17	6	35
	(5) Overseer's Course	33	10	30

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Serial number and name of the polytechnic.	Name of the diploma examination.	Number appeared.	Number passed.	Percentages of pass in each.
3 Kerala Polytechnic, Kozhikode.	(1) Chemical Engineering	6	1	16
	(2) Electrical Engineering	10	6	60
	(3) Food Technology	6	6	100
	(4) Mechanical Engineering	11	4	36
	(5) Overseer's Course	30	14	47
4 Andhra Polytechnic, Kakinada.	(1) Civil Engineering	27	10	37
	(2) Electrical Engineering	11	3	27
	(3) Fish Technology and Navigation.	15	6	40
	(4) Mechanical Engineering	16	9	56
	(5) Overseer's Course	32	9	28
5 Karnataka Polytechnic, Mangalore.	(1) Automobile Engineering	15	6	40
	(2) Civil Engineering	8	2	25
	(3) Mechanical Engineering	13	1	8
	(4) Overseer's Course	22	5	23
6 Vuyyuru Polytechnic, Vuyyuru.	(1) Civil Engineering	25	7	28
	(2) Mechanical Engineering	16	2	12½
	(3) Overseer's Course	39	8	20
7 Rayalaseema Polytechnic, Bellary.	(1) Overseer's Course	44	3	7

APPENDIX III.

[Vide answer to starred question No. 435 asked by Sri K. T. Rosalram at the meeting of the Legislative Assembly held on 17th November 1950, page 290 supra.]

A.—Minor Irrigation works.

I Tirunelveli taluk—	
1 Kannimarkulam tank	} Completed.
2 Vachakulam	
3 Vellugandan tank	

II Tenkasi taluk—	
1 Kadambankulam	} In progress.
2 Thothankulam	
3 Shembagadevikulam	
4 Maraneri tank	
5 Sengulam tank	

III Nanguneri taluk—	
1 Ramaneri tank	} In progress.
2 Noohikulam	
3 Vinayagathan kulam	
4 Taabankulam tank	
5 Kadambankulam	
6 Thiruvarangnerikal	

IV Sankarankoil taluk—	
1 Palneri tank	} In progress.
2 Kallathikulam tank	
3 Pudurkulam tank	
4 Periyakulam tank	

A.—Minor Irrigation works—cont.

V Koilpatti taluk—	
1 Periyakulam tank	} In progress.
2 Suriaminikan tank	
3 Melakulam tank	
4 Karisalkulam tank	
5 Panikarkulam tank	} Completed.
6 Palankulam	
7 Palankulam	

B.—Major Irrigation works, Public Works Department.

I Nanguneri taluk—	
1 Vijayanarayanam tank	} In progress.
2 Ponnakudi tank (channel)	
3 Thottakudi tank	
4 Vadukachimadikulam	
5 Sengalukuruchikulam	
6 Mundradaippu tank	

II Ambasamudram taluk—	
1 Thuppakadu Periyakulam tank	} In progress.
2 Pappankulam tank	
3 Rengasamudram Periyakulam	

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C.—Irrigation works under Food Production Scheme.

I Tenkasi taluk—

- | | |
|---|--------------|
| 1 Keelaveeranam tank | In progress. |
| 2 Arunthavapiratti tank | |
| 3 Kurukalkulam tank | |
| 4 Arunthavapiratti anicut | |
| 5 Supply channel to Uramaligiyan Perunkarai | |
| 6 Repairs to Periakarai | |
| 7 Anicut works across Karuppanadi | |
| 8 Rettaikulam Periaeri | |
| 9 Nagaikulam | |
| 10 Kavalakuruchi eri | |

II Tirunelveli taluk—

- | | |
|----------------|--------------|
| 1 Paruthikulam | In progress. |
| 2 Karisalkulam | |

III Sankarankoil taluk—

- | | |
|---|------------------|
| 1 Gudalore tank | In progress. |
| 2 Karukaikulam | |
| 3 Maikulam | |
| 4 Periapariakulam | |
| 5 Alaganerikulam | |
| 6 Pattaikuruchikulam | |
| 7 Soliyankulam | |
| 8 Sendamaraikulam | |
| 9 Marudankinarkulam | |
| 10 Nalanthulanai tank | |
| 11 Panayur tank | Works completed. |
| 12 Vijayarangasperi tank | |
| 13 Special repairs to Gudalore tank and supply channel | |
| 14 Raising and strengthening the bund of Solayanirkulam | |
| 15 Repairs to Periapandianar tank | |

C.—Irrigation works under Food Production Scheme—cont.

IV Koilpatti taluk—

- | | |
|--|--------------|
| 1 Breach closing work in Kunavankulam supply channel | In progress. |
| 2 Tharuvaikulam old tank | |
| 3 Therukukalnadu tank | |
| 4 Pattanamurudur tank | |
| 5 Gaunagiri tank | |
| 6 Mudiman tank | |
| 7 Vellaram tank | |
| 8 Jambulingampuram tank | |
| 9 Meenakshipuram tank | |
| 10 Pudukulam tank | |
| 11 Bommayapuram tank | Completed. |
| 12 Vannankulam tank | |
| 13 Vellamavendan tank | |
| 14 Karisalperiyakulam | |
| 15 Kalapalankulam tank | |
| 16 Sevalkulam tank | |
| 17 Karisalkulam tank | |
| 18 Shenbagaperi tank | |
| 19 Rajakulam tank | |
| 20 Therkuvandanam tank | |
| 21 Kulathoor Vadakukulam tank | Completed. |
| 22 Voppalodai tank | |
| 23 Athakarai Chinakulam | |
| 24 Pidapuram Periyakulam | |
| 25 Repairs to bund and sluice of Kulankarai-patti tank | |
| 26 Repairs to Peria Alayankulam | |
| 27 Subbanmalpuram tank | |
| 28 Vedanatham tank and supply channel | |
| 29 Marthandampatti tank | |
| 30 Repairs to Paraikulam of Athankarai | |
| 31 Repairs to Vadakkukalnadu tank | |
| 32 Repairs to Ottankulam of Ahilandapuram | |

THE MADRAS LEGISLATIVE ASSEMBLY.

Saturday, the 18th November 1950.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Government Hobart High School.

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

(a) whether any representation has been received by Government in regard to the insufficiency of accommodation in the Government Hobart High School for Muslim Girls, Madras; and

(b) the steps the Government propose to take to improve matters?

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

“(b) No particular steps are proposed to be taken at present.”

BEGUM SULTAN MIR AMIRUDDIN:—“Sir, is the Hon. Minister aware that the strength of the school now stands at 640 and that the Inspectress of Girls' Schools during her last visit to the institution on the 29th September 1950 stated in her report that it is absolutely imperative that the school should get back its old accommodation when it is released by the Ethiraj College?”

THE HON. SRI K. MADHAVA MENON:—“I have not seen the Inspectress's report and it is not also my business. It is not for the Inspectress to say which building should be given, though she may say that there is not sufficient accommodation. As I said, I am not aware of the report.”

JANAB ABDUL HAMEED KHAN:—“May I ask, Sir, when this Ethiraj College is going to be moved out of that building?”

THE HON. SRI K. MADHAVA MENON:—“When the other building is ready for the college to move there.”

BEGUM SULTAN MIR AMIRUDDIN:—“Since the Hon. Minister has not seen the report, shall I procure a copy of that report from the office for his information? Of course the remark of the Inspectress made when she visited the school was with the best of intentions to further the cause of Education.”

THE HON. SRI K. MADHAVA MENON:—“I do not require the report of the Inspectress to know about the overcrowding in this school or any other school belonging to the Government. But, I wonder how the hon. Member got a copy of the report.”

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JANAB ABDUL HAMEED KHAN:—" May I know, Sir, how when the Hon. Minister knows that there is overcrowding in the school yet he allows it? "

THE HON. SRI K. MADHAVA MENON:—" It is not only in this school, but there are also a number of other girls' schools in which there is overcrowding because of the usual rush of students during the last two or three years."

SRI V. RAGHAVAYYA:—" Judging from the unusual steam with which questions are put and answers are given over this particular question, may I know if the Government feels that there is really more reason for improving accommodation and if so, why should not they introduce the shift system and try to relieve the situation? "

THE HON. SRI K. MADHAVA MENON:—" Sir, as good and big authorities said that the system is bad."

JANAB MUHAMMAD RAZA KHAN:—" Sir, having admitted the first part of the question, that really the accommodation is not sufficient in the school and he himself knows it, may I know what is the point in the Hon. Minister saying that nothing can be done at present? "

THE HON. SRI K. MADHAVA MENON:—" Because it is not possible to create accommodation immediately."

JANAB MUHAMMAD RAZA KHAN:—" Sir, having pursued a deliberate policy of giving a part of the building intended for the Hobart High School to a private college, is it not imperative on the part of the Government to get it and give it back to the Hobart High School? "

THE HON. SRI K. MADHAVA MENON:—" The Government do not think so, Sir."

JANAB M. S. ABDUL MAJID:—" Sir, in their recent order the Government agreed to hand over the building to the Hobart High School and in a recent reply to a particular reference from my Association they said that they would hand over the building as soon as the Ethiraj College is shifted from that building. May I know when the college will be shifted from there and the present building handed back to the Hobart High School? "

THE HON. SRI K. MADHAVA MENON:—" The Association which the hon. Gentleman represents has raised the question that the Government made a breach of trust in having accommodated the Ethiraj college there. We are examining the legal position as to whether there has been any breach of trust and until that is disposed of, the Government do not propose to take any action in the matter."

JANAB ABDUL HAMEED KHAN:—" May I know, Sir, what special interest the Government has in a private institution owned by a private person to house the college in a Government institution to the detriment of the education of the High School? "

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THE HON. SRI K. MADHAVA MENON:—" I deny the suggestion of the hon. Gentleman that anything has been done to the detriment of education. In fact, it is as much the interest of the Government as anybody else to see that a college runs, whether it is run by a private individual or by the Government."

BEGUM SULTAN MIR AMIRUDDIN:—" Sir, does not the Hon. Minister recollect the promise he made to the members of the Advisory Committee of the Hobart High School when they made their representation to him that the Government would do all they could to restore to the Hobart High School its old accommodation when it was released by the Ethiraj college? "

THE HON. SRI K. MADHAVA MENON:—" The promise stands and in view of that promise orders were issued and as far as possible we will try to keep up to that order. But, as I said, a question has been raised about the right of the Government to use that building and that has to be decided."

Dravidian Federation.

* 437 Q.—JANAB MOHAMED ABDUL SALAM: Will the Hon. the Chief Minister be pleased to state—

(a) whether it is a fact that the Government have refused permission recently to the Dravidian Federation for holding public meetings in public places belonging to the Government in the City; and

(b) whether it is a fact that the Government have given certain instructions to the Corporation of Madras in the matter of granting permission to the Dravidian Federation for holding public meetings in public places that are under the control of the Corporation?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. Chief Minister):—" (a) & (b) The answers are in the negative."

JANAB MOHAMED ABDUL SALAM:—" May I know, Sir, whether the attention of the Government has been drawn to a news item in the press that the Government have recently refused permission for the Socialist Party to hold their meeting in the Rajaji Hall? "

MR. SPEAKER:—" This question is about the Dravidian Federation having been refused permission to hold meetings. But, the hon. Member wants to know about the refusal of permission to the Socialist Party."

JANAB MOHAMED ABDUL SALAM:—" My point is, Sir, whether it is the policy of the Government not to give their buildings or sites to parties other than the Congress Party to hold meetings? "

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THE HON. SRI B. GOPALA REDDI:—"The question is whether we have refused any Government building or public places belonging to them to the Dravidian Federation. I said no. I do not know what the hon. Gentleman is asking, whether he is asking about the Presidency College or the Victoria Hostel."

JANAB ABDUL HAMEED KHAN:—"Sir, the question is very simple and the hon. Gentleman realises that it is very simple. The question is whether the Government make any distinction between one political party and another, in allowing the use of the Rajaji Hall or any other place belonging to the Government?"

THE HON. SRI B. GOPALA REDDI:—"I hardly think that the question which the hon. Gentleman asks in a general manner arises out of this question."

SRI A. VEDARATNAM PILLAI:—"Sir, may I know whether it is a fact that the Dravidian Federation is creating communal hatred, class hatred and religious hatred?"

MR. SPEAKER:—"Let the hon. Member put a separate question, because it does not arise out of this question which deals with refusing permission to the Dravidian Federation to the use of certain places."

SRI A. VEDARATNAM PILLAI:—"My point is, why not the Government prevent them from holding their meetings in the said buildings?"

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

Depressed Classes Mission, Mangalore.

* 438 Q.—SRI K. ISHWARA: Will the Hon. the Minister for Rural Development be pleased to state—

(a) the boarding grant given to the Depressed Classes Mission, Mangalore, per year;

(b) how much per head per month;

(c) whether it is a fact that the Depressed Classes Mission are collecting the boarding fees every year from every boy at the rate of Rs. 3 per year;

(d) if so, the reason for collecting fees from the poor Harijans;

(e) whether the Government propose to give pay to the warden;

(f) whether it is a fact that one of the Labour teachers has been appointed warden; and

(g) whether the Collector of South Kanara has given permission to treat the warden in this Mission as a Government servant and if so, when?

THE HON. SRI B. PARAMESWARAN:—" (a) The boarding grants sanctioned to the Depressed Classes Mission vary from year to year. A sum of Rs. 12,300 has been sanctioned for the current year (1950-51).

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" (b) Rs. 15 per boarder per month.

" (c) & (d) No, Sir. A donation of Rs. 3 was taken from the parents of the boarders who were willing to pay, for which separate receipts were issued. The Director has issued instructions to discontinue the practice.

" (e) Pay of the warden is one of the items of expenditure to be met from the lump sum boarding grants. No separate pay is given to the warden by the Government.

" (f) & (g) No, Sir. One Labour teacher was, however, working as an honorary warden for a short time and under orders of the Collector, he discontinued his honorary work from March 1950."

SRI S. NAGAPPA:—"May I know, Sir, whether, in view of the cost of maintaining the hostel and the cost per boy has gone very high due to increase in the cost of foodstuffs, the Government will consider the desirability of granting a separate salary to the wardens outside the lump sum boarding grant given to the hostel?"

MR. SPEAKER:—"I think it is a general question."

THE HON. SRI B. PARAMESWARAN:—"It is not possible now owing to financial difficulties."

SRI A. VEDARATNAM PILLAI:—"May I know whether the Government have any proposal to train wardens with a view to efficient management of the hostels which were started and if so, what it is?"

THE HON. SRI B. PARAMESWARAN:—"Government have no such proposal before them for the time being."

SRI A. VEDARATNAM PILLAI:—"May I know, Sir, whether the Government will consider the desirability of starting some training camps for wardens for the efficient management of the hostels?"

THE HON. SRI B. PARAMESWARAN:—"I shall consider the suggestion."

SRI P. NATESAN:—"May I know, Sir, whether the Depressed Classes Mission includes Christian Harijans also?"

THE HON. SRI B. PARAMESWARAN:—"No, Sir."

SRI L. N. GOPALASWAMI:—"May I ask, Sir, whether there is any proposal before the Government to take over private hostels into Government management?"

THE HON. SRI B. PARAMESWARAN:—"Unless we find that a particular hostel is mismanaged and there are compelling reasons, we do not generally take over the hostels."

SRI V. RAGHAVAYYA:—"Sir, in view of the fast-growing unhealthy competition among these hostel owners, may I know if the Government has considered the desirability of giving a grant to the pupil direct, leaving it to him as to which hostel he might

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go, so that a healthy standard may be maintained among all the hostels, instead of leaving the poor pupils to the whims and fancies of individual hostel managements?"

THE HON. SRI B. PARAMESWARAN:—"Government would try to rectify such of the defects as are found in certain hostels and if it is found that it is beyond their power to rectify them, they may consider the proposal made by the hon. Member."

SRI A. KALESWARA RAO:—"May I know, Sir, whether the Government will give grants if there are Harijan Christian students who have been converted from the Harijan community and also take into account the number of such boys in these hostels?"

THE HON. SRI B. PARAMESWARAN:—"I am surprised to find that my hon. Friend, who was the ex-Chief Parliamentary Secretary, is still thinking in terms of Harijan Christians. I have already said that it is a misnomer to call any section as Harijan Christians. Even after the announcement by the President of the Republic of the Scheduled Castes List, it is really surprising that hon. Members should confuse one community with another."

11-15 a.m. JANAB MOHAMED ABDUL SALAM:—"Since the existence of Harijan hostels is adding one more sub-community to the already existing sub-communities in the Hindu Community, will the Government at least admit a few Caste Hindus into the Harijan hostels maintained by the Government?"

THE HON. SRI B. PARAMESWARAN:—"We do not propose to do so at present."

SRI A. KALESWARA RAO:—"I may tell the Hon. Minister that I am not confused at all. May I know whether in the case of Harijans who have become Christians and who have changed their religion for the mere change of religion, the Government will consider their claims for special treatment in the Harijan hostel admission?"

THE HON. SRI B. PARAMESWARAN:—"That is a separate matter to be considered separately and that does not arise out of this question."

Polytechnics in Rayalaseema.

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

(a) the number of Polytechnics that are working in Rayalaseema, districtwar;

(b) the subjects taught in these Polytechnics;

(c) the number of boys that have been admitted in each of the subjects during the current year; and

(d) what facilities the students are given?

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THE HON. SRI C. PERUMALSWAMI REDDI:—" (a) Only one at Bellary called the Rayalaseema Polytechnic.

" (b) & (c) Particulars of diploma and certificate courses taught in the polytechnic and the number of students admitted for each of the courses during the current year are given below:—

Diploma Courses.

Chemical Engineering	...	...	...	...	1
Overseers course	...	...	...	...	50
Textile Technology	...	...	...	...	3

Certificate courses.

General Mechanics	...	...	...	...	14
Cabinet-making	...	...	...	...	5
Electric wiring	...	...	...	...	11
Blacksmithy	...	...	...	...	3

" (d) The students of this polytechnic are given all the facilities that are accorded to the students of the other polytechnics. Being a backward area, scholarships of the value of Rs. 25 per mensem to five students in each year of the Diploma courses and stipends of the value Rs. 20 per mensem to eight students in each year of the Certificate courses are awarded in the Rayalaseema Polytechnic at Bellary as against two scholarships of Rs. 20 per mensem for Diploma course and four scholarships of Rs. 15 per mensem for Certificate course in the other polytechnics."

SRI S. NAGAPPA:—"Arising out of the answer of the Hon. Minister to clause (a) of the question and in view of the fact that only one institution is provided for the whole area of Rayalaseema which covers one-third of the Andhra State, will the Government consider the desirability of starting more and more polytechnics especially in other districts than Bellary in order to give more and more technical education to the students of those areas?"

THE HON. SRI C. PERUMALSWAMI REDDI:—"The Government are running eight polytechnics and Rayalaseema has got one and I think the proportion for Rayalaseema is all right."

JANAB SHAH ALAM KHAN SAVOI:—"May I know, Sir, whether the Government realises that there is need for polytechnics in such backward districts as Kurnool and Cuddapah more than in Bellary?"

THE HON. SRI C. PERUMALSWAMI REDDI:—"I do not know about that but if finances permit we will start more."

SRI K. VARADACHARI:—"May I know, Sir, if there is hostel accommodation provided in each of the polytechnics in the State?"

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THE HON. SRI C. PERUMALSWAMI REDDI:—"No, Sir."

SRI K. BRAHMANANDAM REDDI:—"In order to stimulate and encourage private philanthropy, will the Government give financial assistance to private individuals or private institutions if they are prepared to start polytechnics, and come forward and request the Government for aid?"

THE HON. SRI C. PERUMALSWAMI REDDI:—"We are already giving aid to all industrial schools started by private institutions."

SRI K. VARADACHARI:—"Will the Government call for information from the Principal of the Madras Polytechnic as regards the need for hostel accommodation for several of the students who are residing in distant parts of the City?"

MR. SPEAKER:—"That is a different matter. Therefore, I would suggest to the hon. Member to put a separate question."

SRI A. KALESWARA RAO:—"So long as the percentage of passes is scandalously low in this and other polytechnics, what is the use, may I ask, Sir, of continuing those institutions without the Government improving them considerably and bringing them up to the proper level?"

MR. SPEAKER:—"The hon. Member is proceeding on the basis of certain assumption and is putting the question."

THE HON. SRI C. PERUMALSWAMI REDDI:—"That does not arise out of this question, Sir."

SRI P. NATESAN:—"Arising out of the answer of the Hon. Minister that if finances permit, he will start more institutions of this kind, may I know, Sir, how the Government expect to get more finances and when?"

MR. SPEAKER:—"I think that ought to be addressed to the Hon. the Minister for Finance."

SRI P. NATESAN:—"But, Sir, it is for the Hon. Minister for Industries to work up and see that more and more schools are established."

SRI S. NAGAPPA:—"In view of the fact, Sir, that Rayalaseema has great potentiality for industrial development, will the Government consider the desirability of starting at least in the next year some more polytechnics in the Rayalaseema area?"

THE HON. SRI C. PERUMALSWAMI REDDI:—"I have already said Sir, that if finances permit, more will be opened."

SRI V. RAGHAVAYYA:—"What is the experience of the Government, Sir, in the matter of finding employment to the boys who pass out of these institutions; are they able to find employment for all those that are trained through these institutions or do they find that they are able to get employed at least in private bodies?"

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MR. SPEAKER:—"Let the hon. Member put a separate question, as it is a different question."

Capital Works Programme.

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

(a) whether it is a fact that he had a discussion with Sri B. Rama Rao, Governor of the Reserve Bank of India, as regards the ways and means of financing the Capital Works Programme of the Madras Government; and

(b) if so, what the actual capital works the Hon. Minister had in view?

THE HON. SRI B. GOPALA REDDI:—" (a) Yes, Sir. There was an informal discussion with the Governor of the Reserve Bank of India early in October 1950 in regard to the general financial position and ways and means arrangements of this State.

" (b) No specific capital works were in view at the time of the discussion."

SRI S. NAGAPPA:—"May I ask, Sir, whether before the discussions started with the Governor of the Reserve Bank of India, the Government had in view the capital works that are to be taken up in the State and may I know if that includes the Krishna-Pennar Project . . ."

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

SRI A. VEDARATNAM PILLAI:—"May I know, Sir, whether the Government have obtained any grants from the Government of India for capital works and if so, what they are?"

THE HON. SRI B. GOPALA REDDI:—"We do not get any grant from the Central Government for capital works; we want only loans from them."

JANAB ABDUL HAMEED KHAN:—"May I ask, Sir, whether the talk with the Governor of the Reserve Bank was only a social talk or a purposeful talk?"

THE HON. SRI B. GOPALA REDDI:—"It was full of meaning and purpose, Sir."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I know, Sir, whether as a result of the discussion with the Governor of the Reserve Bank of India, there is any hope held out of the Reserve Bank coming to the rescue of the Government for financing capital works and irrigation schemes?"

THE HON. SRI B. GOPALA REDDI:—"In a discussion like that, Sir, they explain their difficulties also and we have a mutual understanding of each other's position and besides

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that, the ways and means position has also to be helped by the Reserve Bank giving some advances and I think they will be agreeable to what we ask for in that direction."

SRI ALLURI SATYANARAYANA RAJU:—" May I know, Sir, how is it possible, without having any major capital works in view, for the Government to go in for loans from the Reserve Bank of India; how are they going to proceed without planning and without having a long range view of them? "

THE HON. SRI B. GOPALA REDDI:—" We have included all our capital works programme in the Budget itself and we have told the House also that we require Rs. 15½ crores, namely, for the payment of compensation to zamindars, electricity schemes, irrigation works, industrial development, civil works, etc., and we had the entire Budget proposals with regard to all these schemes before us when we had a discussion with the Governor of the Reserve Bank."

JANAB M. A. MUHAMMAD IBRAHIM:—" May I know, Sir, whether the Government had any discussions with the Governor of the Reserve Bank with regard to the floatation of public debts? "

THE HON. SRI B. GOPALA REDDI:—" We have already floated our public debt; it was over-subscribed and there is no need for it in the current year."

JANAB MOHAMED ABDUL SALAM:—" May I know, Sir, what was the view of the Reserve Bank regarding the general finances of the State? "

THE HON. SRI B. GOPALA REDDI:—" He complimented us on the soundness of the finances of the State."

Implementation of the Capital Works Programme.

* 441 Q.—**SRI P. VENKATASUBBIAH:** Will the Hon. the Minister for Finance be pleased to state—

(a) whether it is a fact that the Government have sought the assistance of the Reserve Bank of India for the implementation of the Capital Works Programme;

(b) if so, whether the bank has consented to give assistance; and

(c) what the capital works for which the Government have sought assistance are?

THE HON. SRI B. GOPALA REDDI:—" (a) to (c) Under the agreement between this Government and the Reserve Bank, the Government have to utilise the agency of that Bank only, for borrowing operations as well as investments of surplus funds and realisation of investments. The Bank is also authorised to grant ways and means advances to the Government from time to time up to a limit of Rs. 80 lakhs.

Accordingly, this Government have to consult the Reserve Bank in regard to their ways and means position from time

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to time. There was an informal and general discussion with the Governor of the Reserve Bank during his last visit to Madras on the 10th October 1950. The Governor was informed that this Government would be in need of temporary accommodation in excess of the limit of Rs. 80 lakhs, during the course of this year. The Governor agreed to consider the request of this Government sympathetically and to accommodate to the extent possible, subject to his other commitments. No definite promise was asked for or was given, in respect of the funds required for any particular work."

SRI V. M. RAMASWAMI MUDALIYAR:—" May I know, Sir, whether this aspect of the matter figured in the discussions that the Hon. Minister for Finance had with the Governor of the Reserve Bank, namely, why when he was satisfied with the soundness of the financial position of the State, the issue price of the last loan of the Madras Government was fixed at 99 whereas in the other States it was 99.8; may I ask, Sir, if there was any special reason why it was issued like that? "

THE HON. SRI B. GOPALA REDDI:—" The Reserve Bank has no option in the matter and has no voice in the matter at all, Sir. They call for tenders and the lowest tender is accepted."

SRI A. VEDARATNAM PILLAI:—" May I know, Sir, whether the Government have approached any other bank for assistance; if so, Sir, with what result and if not, will the Government consider the desirability of approaching them? "

THE HON. SRI B. GOPALA REDDI:—" We cannot approach any other bank, Sir, because the Reserve Bank has to do the entire financial operations of the Government; perhaps the hon. Member has the Hanuman Bank in his mind." (Laughter.)

SRI D. V. RAMASWAMI:—" May I ask, Sir, whether alongside with the capital works in the Madras State, irrigation works had also been considered by the Government? "

THE HON. SRI B. GOPALA REDDI:—" Major irrigation works, yes, Sir and Rs. 5½ crores is incorporated in the Rs. 15½ crore programme we have for this year."

JANAB M. A. MUHAMMAD IBRAHIM:—" May I know, Sir, whether the Government had any discussion with the Governor of the Reserve Bank with regard to the floatation of short-term debts, treasury bills so far as this Province is concerned? "

THE HON. SRI B. GOPALA REDDI:—" This year, so far, Sir, we did not go into the open market for short-term treasury bills and I do not think there will be any need to go for it this year. Therefore, we did not discuss that matter."

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Government aid to the growers of more vegetables.

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

(a) whether it is a fact that the Government are contemplating to give aid to growers of more vegetables; and

(b) if so, what the aid proposed to be given is and when it is likely to be given?

THE HON. SRI A. B. SHETTY:—“(a) Yes.

“(b) The Government of India in the Ministry of Agriculture have recently included vegetables as a food crop for providing financial assistance to the State Governments. According to the instructions received from them, financial assistance will be available for schemes for the increased production of vegetables carried out by educational research and co-operative institutions within a radius of ten miles around towns and cities. The scope of the assistance announced by the Government of India is very restricted. The Government of India have therefore been told that there is practically no scope for formulating schemes to be carried out only by the above institutions, that it is necessary to grant assistance to enterprising private agriculturists and that it may also be necessary to relax the rule fixing a belt of ten miles from cities and towns. Their further orders are awaited.

As regards the form of assistance, this may consist of supply of fertilizers and agricultural implements at concessional or controlled rates as for other cereal crops, supply of seeds through the Agricultural Department, grant of loans, provision of transport facilities, assisting assignment of land required for vegetable cultivation, subsidy under the wells subsidy scheme, etc. The exact nature and volume of assistance will be decided with reference to individual schemes after the Government of India communicate their orders on the points referred to above.”

11-30 a.m. SRI S. NAGAPPA:—“Arising out of the answer, Sir, may I know whether the Government will consider the desirability of helping people to grow vegetables in the towns themselves in addition to the belt of ten miles?”

THE HON. SRI A. B. SHETTY:—“Yes, Sir, in the Madras City as well as in mufassal towns there is free distribution of seeds. In the Madras City at Mount Road we have a central vegetable seed store and we are keeping a special staff since 1943 to do propaganda for bringing more area under vegetables in and around Madras City and for making them grow vegetables in their compounds.”

SRI A. VEDARATNAM PILLAI:—“May I know, Sir, in addition to the help given for growing more vegetables, will the Government come forward to remove the obstacles in the way of growing more vegetables such as cattle trespass, and if so, what they propose to do?” (Laughter.)

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

Yarn distribution work.

* 443 Q.—SRI M. KANNIYAPPAN (on behalf of Sri D. Dorairaja Pandian): Will the Hon. the Minister for Industries be pleased to state the procedure to be adopted by the wholesale yarn licensees, if a retailer fails to take delivery of quota allotted to him within the specified time?

THE HON. SRI C. PERUMALSWAMI REDDI:—“There is no wholesaler now for yarn distribution work. State nominees perform the functions previously done by wholesale yarn licensees.

If a licensee fails to take delivery of a quota allotted to him within the specified time, the State nominee is at liberty to dispose of such bales to any other licensee or consumer within the State, subject to the instructions of the Collector of the district where he is licensed as State nominee. The licensee who fails to pay the required deposit to the State nominee and take delivery of the bales within the prescribed time will not generally be given quota from the succeeding month.”

JANAB ABDUL HAMERD KHAN:—“May I ask, Sir, whether the Government is contemplating opening depots for issue of yarn?”

THE HON. SRI C. PERUMALSWAMI REDDI:—“No, Sir.”

JANAB M. S. ABDUL MAJID:—“Now that the Government have been pleased to introduce informal yarn rationing in the State, may I know, Sir, why this scheme of passing yarn bales from wholesalers and State nominees and all that now that for the purpose of yarn distribution, a yarn advisory committee has been constituted in all districts?”

THE HON. SRI C. PERUMALSWAMI REDDI:—“The yarn is now distributed with the help of licensees, who must get it from the State nominees, and who, in their turn must get it from mills.”

SRI M. S. PATTABHIRAMIAH:—“Sir, when the Government appoint State nominees, will they consider the desirability of appointing the nominees in as wide an area as possible in the mufassal instead of concentrating them in the city or town?”

THE HON. SRI C. PERUMALSWAMI REDDI:—“Yes, we will consider to distribute them over as wide an area as possible. Nominees are made on the recommendation of the Collector.”

SRI P. NATESAN:—“May I know, Sir, whether the mills are authorised to sell yarn direct to quota-holders?”

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THE HON. SRI C. PERUMALSWAMI REDDI:—"In some cases mills are permitted to sell yarn direct to quota-holders."

JANAB MOHAMED RAFAEUDIN AHMAD ANSARI:—"May I know, Sir, whether it is the same procedure as it obtains for the distribution of cloth?"

THE HON. SRI C. PERUMALSWAMI REDDI:—"A separate question may be put."

SRI V. RAGHAVAYYA:—"Sir, in view of the serious difficulties that the consumers are experiencing due to the existence of several intermediaries, whom the Government may call by whatever name, State nominees or wholesalers, may I know why the Government should not invest the distribution of yarn to co-operative bodies entirely—the whole quantity of yarn—rather than with these few intermediaries, who are making the lot of the consumers very miserable in these days?"

THE HON. SRI C. PERUMALSWAMI REDDI:—"The difficulty might have been experienced when there were wholesalers for yarn distribution. Now we have a yarn advisory committee for each district, and so no such difficulty will be felt."

JANAB M. A. ABDUL MAJID:—"Sir, my question dealt with the question of failure to take delivery of quota allotted within the specified time, and what happened to it when the yarn is being distributed through the wholesale yarn licensees?"

THE HON. SRI C. PERUMALSWAMI REDDI:—"This answer was put in long before the hon. Member's question was received by me."

JANAB H. S. HUSSAIN:—"May I know, Sir, whether this State is importing yarn from outside also, and if so, what the quantity is?"

THE HON. SRI C. PERUMALSWAMI REDDI:—"We are now in short supply of yarn of higher counts, 80s and 100s and we are importing it to the extent of twelve lakhs of rupees."

JANAB MOHAMED ABDUL SALAM:—"May I know, Sir, why the Government are showing special privileges to certain mills by allowing them to sell yarn directly to consumers, while in the case of other mills they have to sell only through agencies?"

THE HON. SRI C. PERUMALSWAMI REDDI:—"This concession is not given to all mills. Certain mills who are not able to run their business economically are given this concession."

SRI L. N. GOPALASWAMI:—"May I know, Sir, whether the Government are aware that these State Nominees and wholesalers have any means of supervising whether the yarn distributed by them is properly used or not, and if not, will Government take steps to see that those persons are persons who have an effective check over the yarn distributed by them?"

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THE HON. SRI C. PERUMALSWAMI REDDI:—"State Nominees get the yarn from the mills and they sell them to the licensees, who are appointed on the recommendation of the Collector."

SRI T. VISWANATHAM:—"Sir, the Hon. Minister said that certain mills are given the privilege of distributing yarn direct to the consumers. May I know, how many such mills have been given such privilege?"

THE HON. SRI C. PERUMALSWAMI REDDI:—"A separate question may be put."

SRI G. RAJAMANNAR CHETTI:—"Sir, assuming there will be no difficulty felt in the distribution of yarn after the formation of advisory committees, may I know, in places where due to local difficulty or lack of agreement between groups no advisory committees have been formed, how will yarn be distributed since there is no other media through which consumers can secure yarn?"

THE HON. SRI C. PERUMALSWAMI REDDI:—"The Collectors are asked to form these advisory committees. Where there are differing groups, Collectors are asked to conciliate the groups and form advisory committees."

SRI M. KANNIYAPPAN:—"தலைவர் அவர்களே, wholesaler என்றும் retailers என்றும் இருப்பதனால் அதில் கிடைக்கும் லாபத்தை யடையாமல் தொழிலாளர்கள் பாதிக்கப்படுகிறார்கள். ஆகையால் மில்லி லிருந்து நூலை தொழிலாளர்களுக்கு நேரடியாகக் கொடுக்க முடியுமா என்று கேட்கிறேன்."

THE HON. SRI C. PERUMALSWAMI REDDI:—"அப்படிக் கொடுக்க அசாத்தியமாக இருக்கும். அப்படிச் செய்ய முடியாது."

SRI A. J. ARUNACHALAM:—"Sir, in the case of bales, that are not taken delivery, allotted to state nominees from the mills may I know how they are treated. Are they treated as lapsed; may I know how these bales are allotted? Is it left to the discretion of the millowners, or is it allotted by the textile department?"

THE HON. SRI C. PERUMALSWAMI REDDI:—"Now it is being reallocated."

JANAB P. P. HASSAN KOYA:—"Sir, the Hon. Minister said that in certain cases of mills they are allowed to serve the consumers direct. Under what circumstances and for what reason is that special privilege shown to them?"

THE HON. SRI C. PERUMALSWAMI REDDI:—"Mills which are recently started and which have invested lakhs of money have been permitted so to do."

JANAB MUHAMMAD RAZA KHAN:—"Sir, is not this concession given by the Central Government and not by the State Government?"

THE HON. SRI C. PERUMALSWAMI REDDI:—"It is given by the Textile Commissioner, Bombay, on the recommendation of this Government."

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JANAB MOHAMED ABDUL SALAM:—"Sir, is the Government aware that these advisory committees for yarn distribution, just like food committees, are more hampering distribution than helping distribution?"

THE HON. SRI C. PERUMALSWAMI REDDI:—"I am not aware of it. But my information is they are doing it properly."

SRI T. VISWANATHAM:—"Sir, in the case of the privileged mills have Government taken steps to ascertain that they are selling yarn at controlled prices?"

THE HON. SRI C. PERUMALSWAMI REDDI:—"Yes, Sir."

Slater Hostel, Madras.

* 444 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Rural Development be pleased to state—

(a) whether it is a fact that only thirty are free boarders in the Slater Hostel at Madras and the rest are paying boarders; and

(b) the total strength of the hostel.

THE HON. SRI B. PARAMESWARAN:—" (a) Yes, Sir.

" (b) The total strength of the hostel including paying boarders is 62."

SRI S. NAGAPPA:—"Sir, when Government are giving an allowance about ten per cent increase in hostels run by private institutions may I ask the Government why they have not thought it fit to give a similar increase to the Slater Hostel, ever since it was started?"

THE HON. SRI B. PARAMESWARAN:—"This hostel is different from other hostels. This is an industrial hostel."

SRI B. S. MURTHI:—"Now, Sir, that we are encouraging industrial education amongst boys, why not the Government increase the number suitably so that many more boys may be given training in the different industries that are run in the City of Madras?"

THE HON. SRI B. PARAMESWARAN:—"The Government will consider the question."

SRI S. NAGAPPA:—"In view of the fact that most of the boys that are educated have to go long distances to reach their home may I know, Sir, whether the Government is giving them any train fare when they go back to their home?"

THE HON. SRI B. PARAMESWARAN:—"In certain cases it is done."

SRI B. S. MURTHI:—"Is the Hon. Minister aware that in certain vocations boys who were admitted were sent back because the fee was not paid by the department?"

THE HON. SRI B. PARAMESWARAN:—"I do not know in which case, the hon. Member means. If specific cases are

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brought to the notice of the Government they will be inquired into. As far as my knowledge goes, I do not think there is any such case like that."

SRI B. S. MURTHI:—"When boys are admitted in the Government institutions no fee is levied; but whereas if boys go for training to certain institutions like the C.N.T. institute, they levy a tuition fee, which is being paid by the hostel authorities or the boys themselves. Usually the boys or the boy is unable to pay the tuition fee; may I know, Sir, whether in such cases boys have gone home, because the department refused to pay the tuition fee?"

THE HON. SRI B. PARAMESWARAN:—"That case has been examined by the Government; we have given the necessary amount of fee and the boys have gone back to the institutions."

SRI S. NAGAPPA:—"Other than boys who are free boarders, naturally the other boys have to pay, and the Government are collecting some amount from them. May I know, Sir, how much the Government is collecting from them; for what reason is it collected and what is the amount that those unfortunate boys have to pay?"

THE HON. SRI B. PARAMESWARAN:—"The amount is collected from their wages, which they earn every day; and so, the Government see no reason why they should not collect the amount of boarding charges."

SRI S. NAGAPPA:—"May I know, Sir, what are the wages earned by them every day, and how much of the wages is collected from them?"

THE HON. SRI B. PARAMESWARAN:—"They are getting training in different institutions and different wages are paid to them; so if a separate question is put I shall be able to answer."

Lands to political sufferers in Srikakulam district.

* 445 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the number of political sufferers that applied for land in Srikakulam district; and

(b) the number among them that has been given lands?

THE HON. SRI H. SITARAMA REDDI:—" (a) Three hundred and fifty-four political sufferers have applied for land in the Srikakulam district.

" (b) Seventy-four political sufferers have been granted lands."

SRI G. KUMARASWAMI:—"May I know from the Hon. Minister for Land Revenue, Sir, the steps that the Government propose to take in cases where the genuineness of the certificates issued by the Congress Committee concerned is questioned by the members of the advisory board for assigning lands to political sufferers?"

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THE HON. SRI H. SITARAMA REDDI:—"The Collector is authorized to decide in the matter."

SRI V. C. PALANISWAMI GOUNDER:—"May I know, Sir, whether the present policy of the Government in assigning lands to political sufferers is uniform throughout the State or varies from district to district?"

THE HON. SRI H. SITARAMA REDDI:—"Uniform policy."

SRI B. S. MURTHI:—"Sir, what action are the Government taking in cases of difference of opinion between the District Congress Committee and the Andhra Provincial Congress Committee as to whether a particular person is a political sufferer or not?"

THE HON. SRI H. SITARAMA REDDI:—"Now there is no Andhra Provincial Congress Committee. Even if there is the Andhra Provincial Congress Committee we have to trust somebody to decide. I know there are instances where there has been difference of opinion. The Collector being a local officer, we have asked him to take up the responsibility of deciding the matter."

SRI V. C. PALANISWAMI GOUNDER:—"Arising out of the answer to my supplementary question, may I know, Sir, why this Government prohibit outsiders getting lands in the Nilgiris if the policy is uniform throughout the State?"

MR. SPEAKER:—"The question relates to Srikakulam district. The hon. Member may put a separate question."

SRI ALLURI SATYANARAYANA RAJU:—"Sir, I want to know whether the Government are aware that thousands of certificates were issued by the Andhra Provincial Congress Committee when it was in existence and that this has created a lot of confusion in assigning lands to real political sufferers, people who participated in the political movement of this country and suffered."

MR. SPEAKER:—"I do not understand the relevancy of this question."

THE HON. SRI H. SITARAMA REDDI:—"I take the information." (Laughter.)

JANAB MUHAMMAD RAZA KHAN:—"Sir, is it a fact that in this district lands which were in possession of people for the last decade or two and on which they have spent considerable sums of money have been taken away recently and allotted to political sufferers?"

THE HON. SRI H. SITARAMA REDDI:—"No, Sir. If the lands were in the possession of landless poor, they were not taken away. If they were in the possession of people as lessees who had got a lot of land, they were taken away. In the latter case, certain conditions are laid down in the Government Order and I invite the attention of the hon. Gentleman to that Government Order."

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MR. SPEAKER:—"A few days ago, we discussed a similar question. I pass on to the next question."

Representation to the people of Banganapalle and Sandur in district boards.

* 446 Q.—SRI P. VENKATASUBBIAH: Will the Hon. the Minister for Local Administration be pleased to state whether the Government propose to give representation to the people of Banganapalle and Sandur in the District Boards of Kurnool and Bellary, and if so, when and how?

THE HON. SRI K. CHANDRAMOULI:—"Yes. Government propose to arrange for the nomination of at least one representative each from the merged territories of Banganapalle and Sandur to the District Boards of Kurnool and Bellary respectively. As legislation is necessary for the purpose a draft Bill is being prepared."

SRI P. VENKATASUBBIAH:—"Sir, may I know the principle by which the fixation of the strength of members is decided?"

THE HON. SRI K. CHANDRAMOULI:—"On the basis of population."

SRI R. V. SWAMINATHAN:—"Sir, does this policy apply only to Banganapalle and Sandur or does it apply to other merged States also like Pudukkottai?"

THE HON. SRI K. CHANDRAMOULI:—"The question relates to Banganapalle and Sandur only."

Alleged stopping of Government advertisements to "The Madras Mail."

* 447 Q.—SRI T. VISWANATHAM: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that the Government have stopped sending their advertisements to 'The Madras Mail', and if so, what the reasons are;

(b) what the circulation of the said paper and its standing are;

(c) the principles followed by the Government in selecting papers for giving Government advertisements before the date on which their advertisements were stopped; and

(d) whether the Government will place on the table of the House the relevant orders regarding the selection of newspapers for giving Government advertisements?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) The Government have not stopped issuing advertisements to 'The Mail.'"

" (b) The hon. Member is directed to the proper quarter regarding circulation. As regards 'standing', it is always

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relative and opinions may differ as to what is 'standing' and there can be more than one answer to this part of the question.

"(c) Government advertisements are meant to get the widest publicity among those classes of people for whom the advertisements will be of interest. This is and has always been the main consideration in the choice of the media.

"(d) A copy^a of the G.O. No. 2558, P.W. (I. & P.), dated 16th July 1948 is placed on the table of the House."

SRI T. VISWANATHAM:—"May I ask, Sir, whether there has been any variation of the terms of the Government Order placed on the table and whether the Government have not said that advertisements should be given to newspapers bearing in mind their circulation and also tone?"

THE HON. SRI M. BHAKTAVATSALAM:—"I do not think there has been any variation from the instructions contained in the paper placed on the table."

SRI T. VISWANATHAM:—"May I ask, Sir, whether the Government have in the month of April said that some advertisements need not be given to 'The Madras Mail' and that they may be distributed between the 'Liberator' and the 'Indian Republic'?"

THE HON. SRI M. BHAKTAVATSALAM:—"The information which the hon. Member thinks he has is entirely wrong."

RAJA MUTHIAH CHETTIAR OF CHETTINAD:—"Sir, did the Government consider at any time during the last one year any proposal to stop giving advertisements to any newspaper to which they have been giving?"

THE HON. SRI M. BHAKTAVATSALAM:—"No, Sir."

JANAB ABDUL HAMEED KHAN:—"May I ask, Sir, whether the Government have cut down the number of advertisements so far as 'The Mail' is concerned?"

THE HON. SRI M. BHAKTAVATSALAM:—"There is no question of cutting down advertisements. If the hon. Gentleman is particularly interested in a newspaper and wants a larger share of advertisements given to it, I must say that the Government cannot help."

JANAB ABDUL HAMEED KHAN:—"Sir, the question now asked is about 'The Mail'. Has the number of advertisements given for publication in 'The Mail' been cut down?"

THE HON. SRI M. BHAKTAVATSALAM:—"Even with reference to 'The Mail', there is no question of cutting down advertisements. I have perused the monthly statements. For the information of the hon. Gentleman I may say that in October there were 24 insertions, in September about 19 and in August 18."

^a Printed as Appendix I on pages 426-427 infra.

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SRI B. S. MURTHI:—"May I know, Sir, whether the Government have any priority list of newspapers for giving advertisements?"

THE HON. SRI M. BHAKTAVATSALAM:—"In selecting newspapers and journals for advertisement, we particularly take into account the circulation."

JANAB MOHAMED ABDUL SALAM:—"Is it not a fact that 'The Mail' has taken up a hostile attitude towards the Government?"

MR. SPEAKER:—"This question does not arise."

JANAB MUHAMMAD RAZA KHAN:—"Is it not a fact that in the course of the last five or six months, as a result of the deliberate policy of the Government of Madras, the quantum of advertisement given to 'The Mail' compares unfavourably with the other newspapers?"

THE HON. SRI M. BHAKTAVATSALAM:—"If some hon. Members are particularly interested in 'The Mail' I cannot help. We can only distribute advertisements among the newspapers according to circulation. For instance, if we publish an advertisement in one newspaper only, the hon. Gentleman cannot expect the Government to select invariably 'The Madras Mail' for the purpose."

JANAB MOHAMED ABDUL SALAM:—"On a point of order, Sir. It is a clear insinuation . . ."

MR. SPEAKER:—"Simply because Members put questions about a newspaper, the Hon. Minister cannot say that they are interested in it. But the Hon. Minister only said: *If they are interested.*"

JANAB MUHAMMAD RAZA KHAN:—"I agree with hon. Mr. Salam that it is an insinuation. The Government have some motive when they select some newspaper with less circulation for giving advertisement. It is our duty to bring it to the notice of the House so that the defects may be rectified."

JANAB MOHAMED ABDUL SALAM:—"May I know whether the Government are distributing advertisements to newspapers only on the basis of their circulation and importance?"

THE HON. SRI M. BHAKTAVATSALAM:—"I have already answered the question. I need not give any assurance."

Tuberculosis Specialist.

JANAB MUHAMMAD RAZA KHAN:—"Before the answer is given, may I know what is meant by the words 'removed from the operation of tuberculosis activities' used in the question?"

MR. SPEAKER:—"The hon. Member who put the question will have to reply."

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

(a) whether it is a fact that the Tuberculosis Specialist Dr. Vasudeva Rao is removed from the operation of tuberculosis activities and posted as administrative officer;

(b) if so, for what reasons;

(c) the number of operations (major) connected with tuberculosis conducted by the present doctor since Dr. Vasudeva Rao left the Tuberculosis Hospital; and

(d) how many of them have proved successful?

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

“(b) Dr. Vasudeva Rao is next below Dr. David, the Surgeon-General. His claims for promotion to the post of Deputy Surgeon-General on merit could not obviously be ignored.

“(c) Dr. R. Mahadevan, M.S., F.R.C.S. (Eng.), F.R.C.S. (Edin.), Surgeon, Stanley Hospital, Madras, a specialist in Chest Surgery, is attending to the surgical work of the Government Tuberculosis Sanatorium, Tambaram, and the Tuberculosis Hospital in the City. He has done 33 major operations in the Sanatorium and several minor ones.

“(d) Of the major operations done, 29 cases proved successful.”

SRI S. NAGAPPA:—“As it is well-known that Dr. Vasudeva Rao is a very famous specialist in the treatment of tuberculosis, are not the Government depriving the tuberculosis patients of this State of the benefit of his expert knowledge by posting him as Deputy Surgeon-General?”

THE HON. DR. T. S. S. RAJAN:—“There are plenty of tuberculosis specialists available for the Government to choose from, in case Dr. Vasudeva Rao is not available.”

SRI B. S. MURTHI:—“What objection is there for this Government to make the expert knowledge of Dr. Vasudeva Rao available to the suffering patients in his private capacity, i.e., as a consultant?”

THE HON. DR. T. S. S. RAJAN:—“Dr. Vasudeva Rao is a servant of this Government and he has been given a position according to his rank. No question arises as to why the Government have done a particular act. What they have done is just and fair and according to the rules governing the matter.”

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Completion of Lothugedda-Madugole Road work.

* 449 Q.—SRI V. RAGHAVAYYA (on behalf of Sri K. Vee-ranna Padal): Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any amount has been spent hitherto on the work of forming the Lothugedda-Gangaraju-Madugole Road, and if so, how much; and

(b) when the Government propose to complete the work?

THE HON. SRI M. BHAKTAVATSALAM:—“(a) No.

“(b) A scheme for the development of the Agency areas is being considered by the Agency Development Board which has recently been constituted, and the road programme for the Agency is being considered by that Board.”

SRI V. RAGHAVAYYA:—“Since the proposal for forming the road was made much earlier than the Special Officer's expected report, will the Government take special steps to complete the formation of the road as early as possible?”

THE HON. SRI M. BHAKTAVATSALAM:—“The question was whether any amount had been spent on the formation of the road and I replied ‘No.’ But the question of the construction of this and other roads has already been taken up by the Government.”

Construction of a road bridge across the river ‘Krishna’.

* 450 Q.—SRI A. KALESWARA RAO: Will the Hon. the Minister for Public Works be pleased to state— 12 noon

(a) whether the plans and estimates for constructing a road bridge across the river Krishna at Vijayavada have been completed;

(b) the exact site at which it is proposed to be constructed;

(c) when the construction will be actually begun; and

(d) whether the Government intend to expedite the construction of it?

THE HON. SRI M. BHAKTAVATSALAM:—“(a) The plans and estimates for the bridge works at an estimated cost of Rs. 76 lakhs have been received from the Chief Engineer (Highways) and have been forwarded to the Government of India for their technical approval and financial sanction.

“(b) It is proposed to construct the bridge about six furlongs downstream of the existing railway bridge at Vijayavada.

“(c) & (d) The work will be commenced on receipt of the technical approval and financial sanction of the Government of India and as soon as the necessary funds are placed at the disposal of this Government and the preliminary arrangements have been made.”

SRI A. KALESWARA RAO:—“May I know, Sir, what proportion of the expenditure is expected to be met by the Government of India and what proportion by this Government?”

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THE HON. SRI M. BHAKTAVATSALAM:—"We expect that the Government of India will take up the entire burden, Sir."

SRI K. KALESWARA RAO:—"May I know, Sir, when the Government expect to start this work?"

THE HON. SRI M. BHAKTAVATSALAM:—"I have already answered, Sir, that the Central Government will have to sanction the scheme and provide the necessary funds, and that it is not in the hands of this Government to do anything before those things are done by the Central Government."

SRI B. S. MURTHI:—"May I know, Sir, whether the Government of Madras are also making every effort to persuade the Government of India to expedite the matter as quickly as possible?"

THE HON. SRI M. BHAKTAVATSALAM:—"This Government have been taking all necessary action in the matter, Sir."

Madras State Cottage Industries Board.

* 451 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Rural Development be pleased to state—

- (a) whether it is a fact that the Government have constituted a Board called the Madras State Cottage Industries Board;
- (b) if so, who the members of that Board are;
- (c) their qualifications, functions and privileges; and
- (d) their term of office?

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

" (b) to (d) A copy* of G.O. No. 171, Rural Welfare, dated 26th August 1950 in which the Board has been constituted and which contains the particulars required by the hon. Member is placed on the table of the House for information.

"No qualification has been prescribed for the members but Government selected as non-official Members of the Board only persons of mature experience whose advice is expected to be useful to Government."

SRI S. NAGAPPA:—"May I know, Sir, whether any such committees will be formed in each district?"

THE HON. SRI B. PARAMESWARAN:—"There will be District Planning Committees and these District Planning Committees will be sub-committees of the Madras State Cottage Industries Board."

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SRI R. V. SWAMINATHAN:—"May I know, Sir, what will this Board do? Will they concentrate only on the starting of new industries or will they also try to help the existing cottage industries in the State?"

THE HON. SRI B. PARAMESWARAN:—"Both, Sir."

SRI B. S. MURTHI:—"In view of the fact that cottage industries have received a fillip from the All-India Village Industries Association at Wardha, may I know, Sir, whether any of the local representatives of this Village Industries Association is put on the Board, and if not, why not?"

THE HON. SRI B. PARAMESWARAN:—"Not only the All-India Village Industries Association, but also the Governments, both the Central and the State are interested in the development of cottage industries and that is why Sri C. A. Aiyamuthu, who was connected with the All-India Spinners' Association, is appointed as one of the members of the Board, Sir."

SRI S. NAGAPPA:—"Arising out of the answer placed on the table of the House, with reference to paragraph 3 (3) wherein it is stated that the Board will look after the establishment and expansion of mechanized cottage industries based on modern techniques, may I know Sir, from the Hon. Minister, what are the mechanized cottage industries which have been established and given aid by the Board?"

THE HON. SRI B. PARAMESWARAN:—"Sir, this Board has been constituted only recently; but it is the intention of the Government to establish and expand mechanized cottage industries in the State through this Board."

JANAB M. S. ABDUL MAJID:—"May I know, Sir, whether any representation is given to the Handloom Industry which is an important cottage industry of this State, on this Board?"

THE HON. SRI B. PARAMESWARAN:—"There is a separate Board for the Handloom Industry, Sir."

SRI L. N. GOPALASWAMI:—"May I ask the Government, why they have not given any representation on this Board to the premier cottage industry, namely, hand-spinning, the accredited representative of which is the All-India Spinners' Association, and how do they justify their position, by appointing one Sri C. Aiyamuthu, who is only an Ex-Secretary of the Association, but who has nothing to do with spinning now and who is only dealing with mill yarn."

THE HON. SRI B. PARAMESWARAN:—"If the All-India Spinner's Association has had as its Secretary, Sri C. Aiyamuthu, it is not the fault of the Government, Sir."

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

II.—GOVERNMENT BILL.

THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS BILL, 1949 (L.A. BILL NO. 10 OF 1949)—*cont.*

MR. SPEAKER:—“ We shall now pass on to the next item in the Agenda, namely, the discussion of the Madras Hindu Religious and Charitable Endowments Bill, 1949. The hon. Member, Sri L. N. Gopalaswami will now reply to the debate.”

SRI L. N. GOPALASWAMI:—“ Mr. Speaker, Sir, I am in a way glad that my small amendment has provoked a number of Members of this House to take part in the debate, although, I must say, that I am in a way sorry, that some of them have dealt with things which were not quite relevant to my amendment. I should like first to confine myself to the argument of the Hon. Minister, before I proceed to reply to some of the points raised by my other friends. Sir, the Hon. Minister, as usual, said that he was not able to understand what useful purpose would be served by my amendment. If by this, Sir, he meant, that all the amendments which we have given notice of, are not going to serve any useful purpose, because the Government have already made up their minds to pass all the provisions of this Bill without the addition or alteration of a single comma or semi-colon, the Hon. Minister might as well say, ‘ Why all this discussion about this Bill, why should the House waste its time in discussing this Bill for a week, when it knows that we are not going to accept any of the amendments of hon. Members? The Bill is already there and we shall pass it in a day ’. Sir, that will be more in accordance with the wishes of some of our friends who shed tears for the cause of our religion and who want to legislate for the reform of our religious institutions in the quickest manner possible. But, Sir, they really do not understand what is meant by this amendment, let me tell them once more, what my amendment is and what is my purpose in moving this amendment. Sir, this amendment of mine is a very simply one. It only wants that the word ‘ math ’ should be deleted from the definition of the term ‘ religious institution ’ in sub-clause (15) of clause 6 of the Bill. The Hon. Minister’s argument was that we have already defined math under sub-clause (10) and we have also got a separate chapter in the Bill dealing with maths, viz., Chapter V, and so we have included maths also in this definition and that being so, why should the word ‘ math ’ in sub-clause (15) be alone deleted. It is exactly for the very same argument, Sir, that as we have defined ‘ math ’ in sub-clause (10) and are going to devote a separate chapter in the Bill for dealing with maths, that I want that maths should not be included in a ‘ religious institution ’ which is being defined in this sub-clause (15). If the intention of the Government is to bring maths

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also under their control and to deal with them separately under Chapter V of this Bill, then why should they want to classify them with ‘ religious institutions ’. They have already defined what they are for the purpose of this legislation? Does it not stand to reason, Sir, that if maths are to be dealt with separately, they should not be confused or equated with religious institutions? I want to save maths from being classified with religious institution for this simple reason, that although the Government are anxious to take up the control of maths under this Bill, the control over maths is entirely different from the control over other religious institutions, and merely equivocating them in a verbal sense, by means of this definition, cannot really make them so, because they are entirely different things. At the same time, I would ask my Hon. Friend, the Minister for Law, to remember that Chapter V is only in the Bill stage and has not yet been passed. For that also, my hon. Friend Sri K. Bhashyam has given notice of an amendment to delete the entire chapter and to substitute it by a new chapter. Even according to the intention of the Government, they are going to deal with maths separately, they have defined maths separately and they have also expressed their intention of taking up control of maths and that being so, why should they now want to bring maths within the definition of ‘ religious institutions, because if some unscrupulous officer put in charge of the administration of this Act, would treat all these maths as religious institutions and make a confusion of things, by applying to them any of the provisions of this Act, which might suit him. That, Sir, will lead to most undesirable consequences.

“ Now, Sir, a lot of confusion has been created over the provisions of this Bill that we are only thinking in terms of the persons who are occupying the posts of matathipathis. That is a matter that was being discussed very much on the floor of the House, although that was not relevant to the issue. The real point is, what is the origin of the math, and what is the difference between a math and other religious institutions, and what are the religious aspects of the maths brought within the purview of this Bill and so many other religious institutions. Those are the points that will have to be examined, in order to see whether they should be dealt with separately or not. Sir, many of the members who have spoken on this amendment, including the Hon. Minister, were simply saying that these matathipathis had misused the properties of the maths, that they had not accounted for the income from those properties, and so the State should interfere. How all these things are relevant to my amendment, I am not able to comprehend. There has been this confusion throughout the discussion of this amendment and nobody was able to understand the real purport of my amendment.

“ Sir, let me trace the history of this Bill. When it was first proposed about three years ago by the then Chief Minister, Mr Omandur Ramaswami Reddiyar, there was no distinction made between a math and a religious institution and the entire religious

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field was sought to be covered and brought within the field of this State legislation. Perhaps he did not know that in the Constitution that was in the making at that time, was going to confer certain fundamental rights to the people, in regard to certain religious matters, and that the State could not interfere with such rights. After a period of about ten months, he brought it before this Assembly and by that time the new Constitution was passed in the Constituent Assembly and the Constitution Act was actually placed on the statute book. Immediately some of the members of this House raised the objection that that Bill offended the fundamental rights given under the Constitution and that the Government had no right to interfere in such religious matters. But the Government were adamant and said that they had consulted the Advocate-General and their law officers, that everything in that Bill was quite legal, and that they would proceed with that measure. That Bill was introduced in the Assembly and referred to the Select Committee. The Select Committee have made certain changes in the Bill and made their report to the House. But even before the Select Committee had made their report, there was a change in the Minister in charge of the Bill and a new Minister has taken charge of this portfolio and he has proposed a number of changes to the Bill after it had emerged from the Select Committee. We have, therefore, in fact, a new Bill under a new set of circumstances piloted by a new Minister."

THE HON. SRI K. MADHAVA MENON:—" May I interrupt for a moment, Sir, and inform the hon. Member that it is not so. The Hon. Dr. T. S. S. Rajan has been in charge of the Bill all along and there has been no change of the Minister in charge of this portfolio. Even now it is he who is in charge of this Bill, Sir."

* SRI L. N. GOPALASWAMI:—" Sir, I can only refer to the Chapter V of maths in this Bill and ask the House to judge for itself what are the changes that have been made by the Select Committee, which are printed in clarendon type and how they alter the entire character of the original Bill as introduced by the ex-Premier. Even at this stage, the Hon. Minister in charge of the Bill has given notice of a number of amendments, after it has been reported on by the Select Committee.

" Sir, when the then Hon. Premier introduced the Bill, he repeated the same arguments that many of the hon. Members have now stated, namely, that these matathipathis had been leading a luxurious life, spending the funds of these maths as they please, that they had refused to be brought before the court, that they had been adopting all tactics in order to evade appearance in courts by putting petitions and counter-petitions, putting first appeals and second appeals at every stage, and thus wasting the finances of these religious institutions, because they were the executive heads of these maths. But now the Government have thought it better to deal with these maths separately from other religious

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endowments. If they want to separate maths from other religious institutions, and give them a different treatment, then why on earth do they want to classify them under religious institutions? My main objection to the present proposal of the Government to include maths under this Bill is that once they have decided to allow a separate treatment for these maths, they should not now bring them within the clutches of this legislation. Further, I submit that the present Indian Constitution permits, under Articles 25 and 26, interference with religious institutions only to a certain extent and the State shall not transgress any further than that limit. It is only to explain what those limits are, beyond which the State should not interfere under the Constitution, that my hon. Friend Sri T. Viswanatham has taken so much pains to explain the origin and history of these maths and how they differed from other categories of religious institutions and what the legal aspect of the matter was, and he also quoted several decisions of the High Court in support of his contention. He quoted those decisions, not because they were simply High Court decisions, but his real object was to bring to the notice of the House, how even in those olden days, there were a lot of controversies and disputes going on over the question of maths *versus* religious institutions, how the matathipathis were controlling these maths and what their position was, so far as the law of the land was concerned. Sir, I could not really understand the argument of my hon. Friends including the Law Minister, when he said that because laws had been in existence for the last 50 or 100 years, we should change the laws and should change our attitude towards religion and religious institutions, for, everything is changing in the world in these days. Of course, I agree that things are rapidly changing, but I cannot understand how even the fundamental truths and principles could change. Sir, I would respectfully submit to my hon. Friend that long long ago, when Euclid first invented his geometry, he said that right angle contain 90° and now because we have travelled such a length of time, is it right for us to alter his theory and say that a right angle should contain only 89° and not 90° ? Sir, ever since mathematics originated, we have been taught that $2 \text{ plus } 2$ is 4 . Is it now right to argue, that because we have made changes in so many other things, we should make a change in mathematics also, and say that $2 \text{ plus } 2$ should make 5 ? That was exactly the line of argument of my hon. Friends. They said that because we have changed certain old laws and introduced certain new measures of reform, we should also change our old religious foundations and our outlook on these religious institutions. Sir, I am unable to understand this kind of logic and this line of argument even with regard to these fundamental things. I would only ask my hon. Friend whether, since we have tried to make certain researches in our Food department to find out some substitutes for rice, it will be right on our part to say that we cannot give rice to the people any more and that they should hereafter eat something else, because the food situation in the State is very grave.

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"This argument cannot hold much water. Certainly there are things which can change with the change in times and there are others which can never change and will not change. I shall give an example of a thing that can change. We have changed so far as untouchability is concerned. We have now stated that untouchability should not exist. After 100 years will my friends say, simply because times have changed, that untouchability should come back. It will be as foolish as the argument of theirs. I was just now talking about the changes made in the Bill. The Bill has undergone so many changes made by the Select Committee and other amendments?"

MR. SPEAKER:—"Let the hon. Member come to the point."

SRI L. N. GOPALASWAMI:—"I am just pointing out, Sir, how the confusion has arisen, and how the amendment has been confused with other aspects. After the Select Committee stage, it has come back to the Assembly with many changes. The Government themselves now want to make so many changes after the Bill has emerged from the Select Committee, because they now at least thought that they should descend to earth and see that the fundamental rights of the Constitution should be respected. What I submit is that they have changed some clauses, but as a corollary or concomitant of the changes made, they have not altered the other relevant clauses. I am here reminded of a story. A Governor was given a party by one of the zamindars. The zamindar was asked to prepare an address to the Governor. The zamindar evidently did not know English. He asked one of his friends to prepare the address in English. He prepared it, and the address began with the words 'Ladies and Gentlemen'. At the time when the address was to be presented to the Governor, the person who prepared the address found no ladies in the audience, and therefore he whispered into the ear of the zamindar to omit the word 'Ladies'. The zamindar accordingly began by reading 'And Gentlemen'. That is what we are now doing. Certain changes have been made to remove the objectionable features, but the consequential objectionable features have not been removed. We should now take out all such portions that are in contravention of the fundamental rights which has been accepted."

SRI P. KANDASWAMI PILLAI:—"On a point of order, Sir. I wish to know whether the hon. Member is reviewing the whole Bill, or is speaking on the amendment."

SRI K. BHASHYAM:—"Is that a point of order?"

SRI L. N. GOPALASWAMI:—"As the Constitution has now come into force, I say that maths, as I shall presently show, cannot come under the definition of religious institutions."

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MR. SPEAKER:—"If there is any discrepancy between the Constitution and the Bill, let the hon. Member raise a point of order. Let him come to the point."

SRI L. N. GOPALASWAMI:—"Sir, the Government have taken away certain provisions of the Bill. They have taken away the right of appointing the executive officer, and that clause 22, which deals with the right of management, is gone. But the definitions have not been altered accordingly. I say that there is a chapter on maths, and when we come to that chapter we will discuss maths, and that until then we need not bring maths under the category of religious institutions. By including maths in religious institutions, they will suffer not only from the handicaps of maths but also from the handicaps to which religious institutions are subject."

MR. SPEAKER:—"I will allow two more minutes for the hon. Member."

SRI L. N. GOPALASWAMI:—"I want some more minutes, Sir."

MR. SPEAKER:—"The hon. Member has already taken 10 minutes for the reply. I will allow him five more minutes."

SRI L. N. GOPALASWAMI:—"Even Mr. Madhava Menon has stated . . ."

MR. SPEAKER:—"The hon. Member will say 'the Hon. the Minister'."

THE HON. SRI K. MADHAVA MENON:—"It is only familiarity, Sir."

MR. SPEAKER:—"No, we should proceed on Parliamentary lines."

SRI L. N. GOPALASWAMI:—"The Hon. Minister Mr. Madhava Menon seemed to contend that if all the Members of this House were agreeable, certainly a Bill could be brought forward to legislate on this matter. The hon. Member Mr. Bhashyam, who seconded my amendment, had also expressed such a thing by implication that if all the *sishtyas* of a math were amenable, then he had nothing to say and that he would keep 'mum' and allow the Government to go on. That is not the correct attitude, Sir, according to me. Even if all the *sishtyas* of a math, and even if all the Members of this House are agreeable, they cannot legislate on matters which are not within their domain. Law says that we can legislate only upon certain matters."

MR. SPEAKER:—"If it is the hon. Member's view that there is a discrepancy between the Constitution and this Bill, let him raise a point of order."

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SRI L. N. GOPALASWAMI:—"Sir, you have stated already 'I am not well versed with law; I have no legal assistance, etc.,'"

MR. SPEAKER:—"No; let not the hon. Member repeat it again."

* SRI L. N. GOPALASWAMI:—"I have already answered the points raised by hon. Members while advocating for the exclusion of maths from this sub-clause. Simply because one wants to kill the dog, he gives it a bad name and hangs it. Powers are not vested in the Government to bring maths under the category of religious institutions. Maths cannot be brought under the category of religious institutions simply because all the Members are agreeable to bring in such a law. Suppose, Sir, some of the hon. Members of this House do blackmarketing, by getting licences and make money, I ask, Sir, is it open to this House to say that those Members who have been blackmarketing and amassing wealth should account for all the money they have collected by way of blackmarketing?"

MR. SPEAKER:—"The example is a bad one. The hon. Member should not bring in such examples."

* SRI L. N. GOPALASWAMI:—"I only say, Sir, that it is as bad as saying that matadhipathis misappropriate the money, and, therefore, they should be asked to account for it. The Government should have first the right to ask so. Unless they have that right, they should not enter into that portal. That is my humble submission. The hon. Member Mr. Ramaswami Mudaliyar stated that the Endowments Act of 1927 is there already. Nobody said that it was not there. Maths have been defined there. But my reply to him is that most of these maths are given exemption, and no action has been taken against the maths. At the time when that Act was passed, there was no Constitution. Now the Constitution has come, and the Government are prevented from making this law. Under Article 25 of the Constitution, the Government are entitled to make laws only so far as religious practices are concerned. They could not make laws in respect of propaganda management or the other portions of it."

"The argument of the hon. Member Mr. Varadachari was that this should be left to the future people. I am unable to understand this argument. If it is wrong now, it is wrong even at a future date. In conclusion, Sir, I want to bring two points to the notice of the Government. The intention of the amendment is simple. It has nothing to do with appropriation or misappropriation by the heads of maths. The point is only to take away maths from the definition of religious institutions. I hope the Hon. the Minister understands this point. If and when we get an opportunity to move our amendments to the clauses relating to maths, it should not be said then 'we have already defined maths in sub-clauses (10) and (15) of Clause 6 and therefore no useful purpose would be served by attempting to remove maths'."

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THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir, I have understood now what the hon. Member has in his mind in moving his amendment. He said that his idea was that maths should be taken away from the definition of religious institutions. He said 'the Hon. the Minister stated that if all the Members were agreeable they could bring in a Bill', and also 'the Hon. Mr. Bhashyam expressed that if all the *sishtyas* were amenable, he would keep 'mum'. The hon. Member stated that both were wrong, and that it was not within the domain of this legislature to have anything to do with maths."

SRI L. N. GOPALASWAMI:—"I never said that, Sir."

THE HON. SRI K. MADHAVA MENON:—"We cannot legislate on a matter which is not within the domain of this legislature', these are the words he used, Sir. Even now the hon. Member says that his object is that nothing should be done in this legislature regarding maths. He says that maths should certainly be outside the jurisdiction of this Bill. It is a matter of fundamental principle. Maths should be brought under the definition of religious institution. My friend was humorously referring to Euclid's right-angle of 90 degrees, and to the fact that 2 plus 2 is always 4, without reference to change in times. There is a proverb in my language Malayalam, namely—

'Asvini Barani Krithika padam—Mesha Rasi'.

So, everything is yes, because it is yes. My hon. Friend has reconciled to changes of things which were thought to be sacred and even sanctioned by scriptures. He felt that Harijan temple entry and the Removal of Civil Disabilities Act were all good."

SRI L. N. GOPALASWAMI:—"Sir, untouchability was never sanctioned by scriptures."

THE HON. SRI K. MADHAVA MENON:—"I do not know that untouchability was never sanctioned by scriptures. I have heard from religious authorities saying that it was sanctioned by scriptures. Sankara Smriti was quoted in support of untouchability being sanctioned by scripture. Untouchability was permitted for Chandalas—whatever may be the definition of Chandalas. Untouchability was sanctioned by Manu. Even those principles laid down in ancient days by Yagnavalkya and others have changed. Because Euclid's theorem cannot change, it is no answer to say that things of a social nature cannot change. The right of matadhipathis as absolute owners of the maths is not affected. It was wrong on the part of my friends to understand that way. I have nothing against them personally. I only say that there is certainly a demand that the money which is in the hands of these matadhipathis (the matadhipathis themselves being ascetics and persons who have renounced the world) should not be misspent or misappropriated, and that the Members of the House have a right to see that those moneys are not misspent. Sir, even economic principles which were thought before as absolutely unchangeable

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have now changed. The fifth dimension and also the sixth dimension have come. (Sri K. Bhashyam: 'Einstein's theory has upset.') Absolute theories have become changed. To say that Euclid's theorem cannot change, and that 2 plus 2 would always make 4, and, that, therefore, social things cannot change for all time, is not correct. That is all I have got to say."

MR. SPEAKER:—"The question is—

'In sub-clause (15) delete the word "math".'

The amendment was lost.

Sub-clause (18).

MR. SPEAKER:—"I suppose the hon. Member Sri Viswanatham is not moving his amendment."

* SRI T. VISWANATHAM:—"I move, Sir."

SRI K. BHASHYAM:—"It is so amusing to move amendments, Sir."

* SRI T. VISWANATHAM:—"Sir, when we move an amendment, it is a matter of amusement to us. When we do not move, it is equally an amusement. The whole thing is amusing. But it cannot be helped, as Hon. Sri Madhava Menon knows. The reason why I move for the deletion of this sub-clause is very simple. There is already an existing legislation and from the Administration Reports of the Madras Hindu Religious Endowments Board I see that the Act is working satisfactorily with regard to the Tirumalai-Tirupati Devasthanams, and no case is made out why they should be included again in this legislation. There is already a separate legislation and it may be continued. The Administration Report says that the institutions are all working satisfactorily. Therefore, I would like the Hon. Minister to tell us why it is found necessary to repeal that Act and bring those institutions also within the purview of this Bill. I move, Sir—

'That sub-clause (18) be deleted.'

SRI K. BHASHYAM:—"I second the amendment, Sir."

MR. SPEAKER:—"The amendment moved—

'That sub-clause (18) be deleted.'

THE HON. SRI K. MADHAVA MENON:—"Sir, it is not because the existing Act has not been working properly that the Tirumalai-Tirupati Devasthanams have been included in this Bill. But there is no particular reason why those Devasthanams should be treated in a different way from any other Devasthanam. All Devasthanams are sacred. Conditions are the same except that the Tirumalai-Tirupati Devasthanams hold more property than others. Therefore, there is no necessity to make a distinction now."

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* SRI T. VISWANATHAM:—"Sir, I thought that I would be enlightened on the point why those Devasthanams have been included in the present Bill. But the Hon. Minister has not enlightened me. The Government have so far dealt with those Devasthanams under a separate legislation and now they are trying to change it. I press the amendment, Sir."

The amendment was put and lost.

Sub-clause (19).

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

'That the brackets and words "(including the Board of Trustees appointed under section 40)" be omitted.'

These words are redundant and, therefore, they may be omitted."

SRI K. BHASHYAM:—"May I be permitted to second the amendment?"

MR. SPEAKER:—"Government amendments need not be seconded."

SRI K. BHASHYAM:—"I support it, Sir."

MR. SPEAKER:—"The amendment is—

'That the brackets and words "(including the Board of Trustees appointed under section 40)" be omitted.'

The amendment was carried.

MR. SPEAKER:—"Hon. Sri. Viswanatham may now move his amendment."

* SRI T. VISWANATHAM:—"I am not moving the amendment, Sir. The Government do not seem to have any general ideas on the subject." (Laughter.)

THE HON. SRI K. MADHAVA MENON:—"My hon. Friend moved an amendment to clause 3. This is more or less a corollary to that."

MR. SPEAKER:—"The motion is—

'That clause 6 as amended do stand part of the Bill.'

* SRI T. VISWANATHAM:—"On a point of order, Sir. At the time of discussing Explanation (1) to sub-clause (14), I thought that sub-clause would be separately put to vote and I could raise a point of order. But you were good enough to suggest that I could do it now."

MR. SPEAKER:—"If anything is out of order, the hon. Member can raise a point of order at any time."

* SRI T. VISWANATHAM:—"My point of order is that the portion covered by Explanation (1) to sub-clause (14) of clause 6 is *ultra vires*. That is why I move that it is out of order. In doing

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so, I shall briefly state my reasons. You are aware of the provision which has now become very famous and with which everyone is very familiar, namely, clause (2) of Article 31 of the Constitution. Clause (1) of that Article says that no person shall be deprived of his property save by authority of law. Clause (2) says that no property, movable or immovable, including any interest in . . .

MR. SPEAKER:—"The hon. Member considers it is private property?"

* SRI T. VISWANATHAM:—"The point is that a property belonging to any person shall not be taken away for a public purpose unless the law provides for compensation. If you refer to the language of Explanation (1) to sub-clause (14), you will find the wording 'Any inam granted to an archaka, service-holder or other employee of a religious institution'. The provision itself says that the grant stands in the name of the service-holder. Therefore, even if the Government do not have it in their mind, the language says that the grant is in favour of the archaka, service-holder or other employee of the institution. When once they say that it is a grant in his name, they cannot at the same time say that it shall be deemed to be the property of the temple or the religious institution, without payment of compensation.

"Sir, I could have understood if it had been stated there like this 'inams which are in the enjoyment of archakas, service-holders, etc.' Here they actually say that it is granted."

MR. SPEAKER:—"Granted for a specific purpose."

SRI T. VISWANATHAM:—"Whatever the purpose may be, the grant is not to the temple but to the archaka. At the time of the grant, the temple and the archaka, both were in existence. The donor while making the grant knew the existence of the temple and yet he specifically gave it in favour of the archaka, service-holder or other employee of the religious institution. It is not as if the matter is in doubt. There have been cases where the language was not clear and the matter was looked into by Courts of Law and decisions were arrived at whether an inam belonged to the employee or to the religious institution. Here in this case the position is not so. The inam has been granted to the archaka, according to the language of the Bill. It is a positive admission of the Government and yet they say it shall be deemed to be the property of the religious institution. When once they say so, they have also to provide for compensation as required by Article 31 of the Constitution. If it is a matter of doubt, I shall take you, Sir, through one or two sentences of Justice Venkata Subba Rao who went into the question of these tenures carefully. I have already drawn attention to this aspect on another occasion. It is said—

'To determine whether the grant is resumable or not . . .'

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The language of the grant is not forthcoming. When once the language of the grant is there, there is no further question as to whom it belongs. Whether the grant is burdened with services or whether it is in lieu of wages is a different aspect altogether. The donor knew the existence of the institution. Still he wanted to make a specific grant in favour of a specified person. It may or may not be burdened with service. If it is burdened with service, it can be resumed only in some cases. The Judge says, 'To determine whether a grant is resumable or not . . .'

MR. SPEAKER:—"Is it about archakas?"

* SRI T. VISWANATHAM:—"I think I have not made myself clear. I am saying that it is out of order because the law is seeking to take away the property belonging to certain archakas or service-holders and convert it into part of the property of the religious institution. That is to say, it is taking away the property of private persons."

MR. SPEAKER:—"The contention of the hon. Member is that the archaka or the service-holder is the owner of the property?"

* SRI T. VISWANATHAM:—"Not my contention, it is in the present provision. I want to draw your attention to the language of the Bill. The Hon. Minister gives an explanation but that explanation is not borne out by the language of the Bill. According to the language of the Bill, the Government admit that the inam is granted to the archaka or service-holder. It may be burdened with service, but if it is burdened with service, as long as the grantee is willing to perform the service, it is not resumable at all. The Government cannot touch it under the existing law. If they want to touch it, they may do so paying compensation. While we were discussing Explanation (1), we were on the point that the Government could not touch these things. Now we are on a different point altogether. The House agreed to the proposition that the Government can take away that property but I submit that they can take it only on payment of compensation.

"The grant was made to the archaka or service-holder while the religious institution had been existing. It is not as if the grant was made prior to the coming into existence of this institution. The donor knew the existence of the institution and yet he made the grant in favour of the archaka or service-holder. Therefore, it is absolutely clear that the grant is in favour of a specified person. It may be burdened with service but when it is burdened with service, it cannot be resumed so long as the grantee is willing to do the service. But if the Government want to convert it by legislation to-day into a property of the religious institution, they must pay compensation. Here the difficulty has arisen for me to convince you as to how it is *ultra vires*. It is *ultra vires* because of the language used. If they did not say, 'Any inam granted to the archaka, service-holder or other employee of a religious

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institution', there would have been no difficulty. Here the Government admit that it is granted to the archaka, service-holder or other employee. At the same time they say that it is the property of the religious institution. If they want to treat it like that, they must pay compensation. Otherwise, it is *ultra vires*."

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* SRI K. BHASHYAM:—"Mr. Speaker, Sir, I beg to support the point raised by Sri Viswanatham. As you will see from the very language of the clause, we are dealing with grants made to an archaka, and we are not dealing with anything else. The grant *ex facie and ex concessio* is made to an archaka. Therefore it is the personal property of the archaka. So, the property that really belongs to the archaka, shall, by the force of this Explanation be deemed to be the property of the institution, and it shall not be any more his personal property. Therefore this is transference of ownership from one person to another, and this is not done willingly by the party concerned and it is only done by the force of law. That is, there is the compulsory acquisition of that land and also the right of the person concerned in that land. The point is whether that can be done. I will now illustrate this a little further. Generally grants are made by the Government as inams. There may be also cases where a private person also makes a grant of inam. So long as the temple exists and so long as the service is performed regularly, you cannot deprive the persons concerned of the inams. In the case of private inams, the position is clearer. But here if you seek to take away the property granted to the archaka, it amounts to compulsory or statutory acquisition by force of law. As the word 'deemed' is used here, we have to be rather careful. If it is put 'presumed' or if it is a question of evidence, it would be a different matter. The word 'deemed' means 'nothing more than what it becomes a thing which is not before'. In the Oxford Dictionary that I have with me just now, I do not find the exact meaning. But in the judicial dictionary it is stated that it meant 'something what it was not before'. That is the point which I want to make clear. Therefore under this clause, the transfer of ownership of property from one person to another is contemplated. It may be much more clear in the case of private inams. In the case of a public grant, however, there is likely to be some real difficulty, as usually the public grants are made under pattas or by some sort of grant by the Government. There may be cases where the private grant is made without any patta. I only want to submit that this is a question of taking away of property from one person to another and so it cannot be done. Even if it is said that it has to be done, I can understand if it is used for some public purpose and not for a private purpose like a temple or anything like that and some compensation paid."

SRI V. RAGHAVAYYA:—"Mr. Speaker, Sir, Article 31 of the Constitution refers to the acquisition of any interest or property of an individual. My submission is that Explanation (1) does not refer to any acquisitive rights. So long as the service-holder is

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prepared to do the service, Explanation (1) of sub-clause 14 does not want to deprive him either of the property or interest in it. Suppose a service-holder does not perform his duties, do the fundamental rights and Article 31 of the Constitution come in to help him? They do not come to help him in such a case. He can be straightaway ousted from his right if he fails to discharge his duties or the service. My submission is that Article 31 applies only to persons who have absolute rights in property. A man who has got an absolute right over a property should not be dispossessed either of the property or the interest that he has in it. Here the person's rights are conditioned. He has got a duty to discharge and he has a service to perform. So it is a conditional right, and Article 31 cannot therefore come in here. Further this Explanation affects only in a limited way. It does not take away the property. It does not disturb the position. The Legislature only seeks to prescribe the nature of their rights. They never had absolute right in the property before. All the rights that they were having were in respect of the service and it was not a personal right that they were enjoying. So long as they were performing the service, in pursuance of the original grant, they are all right. If they do not perform the service that they were called upon to perform, then the Government can certainly take the grants away. Instead of saying like that in an explicit manner, we find that the nature of the right is tacked on to the service, that they should perform. Therefore I do not think that Article 31 of the Constitution comes in here in any way."

THE HON. SRI K. MADHAVA MENON:—"Sir, hon. Member Sri Raghavayya has stated all that I wanted to say. Article 31 (2) says—

'No property, movable or immovable, including any interest in, or in any company owning, any commercial or industrial undertaking, shall be taken possession of or acquired for public purposes under any law authorizing the taking of such possession or such acquisition, unless the law provides for compensation for the property taken possession of or acquired and either fixes the amount of the compensation, or specifies the principles on which, and the manner in which, the compensation is to be determined and given.'

According to this article there must be law to take possession of the property or for acquisition of property. That is why hon. Member Sri Bhashyam was labouring to bring in the word 'acquisition'. The hon. Member realized the difficulty and so he wanted to bring in the word 'acquisition'. I want to point out that there is no provision here either to take possession of the property or for acquiring property for public purposes. What we are contemplating here is altogether a different thing. If an inam was granted to a service-holder and if he fails to perform the service for which that inam was granted, then the religious endowment concerned should be entitled to resume the inam in its favour. That is all what is provided for here and there is no provision with regard to taking possession of or for acquiring the property from the service-holder."

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MR. SPEAKER:—"Even two days ago I felt that the hon. Member Sri Viswanatham would raise this point of order. I entirely agree with the Hon. Minister that it is not the intention of the Government either to take possession of or acquire the inams. So . . ."

* SRI T. VISWANATHAM:—"May I be permitted to interrupt the Chair and say a few words?"

MR. SPEAKER:—"All right, the hon. Member may say what he wants to say. Let him not complain afterwards that I gave my ruling without hearing him."

* SRI T. VISWANATHAM:—"Sir, you began by saying that it is not the intention of the Government. We are not concerned with their intention. My point of order is that what is contained in Explanation (1) is *ultra vires* of the Constitution."

MR. SPEAKER:—"As I read the Explanation (1) I find that Government do not seek to take possession of or acquire the inams. Therefore, I rule the point of order raised by the hon. Member out of order."

Clause 6 as amended was then put and carried.

CHAPTER II.

Clauses 7 and 8.

MR. SPEAKER:—"The motion is—

'That clauses 7 and 8 of Chapter II do stand part of the Bill.'"

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

'That Chapter II and clauses 7 and 8 thereunder be omitted.'"

MR. SPEAKER:—"This is a Government amendment. If this is accepted neither hon. Member Sri Viswanatham nor hon. Member Sri Bhashyam can move their amendments. That is the procedure. Now, the amendment is—

'That Chapter II and clauses 7 and 8 thereunder be omitted.'"

SRI V. M. RAMASWAMI MUDALIYAR:—"Sir, I thought that the Hon. Minister in moving the amendment would explain the position."

MR. SPEAKER:—"The Hon. Minister may explain the amendment."

THE HON. SRI K. MADHAVA MENON:—"Sir, hon. Member Sri Varadachari wanted me to say why under clause 7 of Chapter II, the Government should seek to take wide and exceptional powers. He said that insertion of a general clause like that

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is dangerous and not necessary too. We agree that it is not necessary to have such a wide and all-embracing clause and so have brought forward the present amendment for the deletion of that clause. Regarding clause 8, though it is omitted here, it has been inserted at the end as new clause 99-A as that is a more proper place than Chapter II."

SRI V. M. RAMASWAMI MUDALIYAR:—"Sir, one of the points that I wanted the Government to explain is, 'Why they are omitting clauses 7 and 8 and as a matter of fact the entire Chapter II?' I find that clause 8 comes in at the end and that it has been recast as new clause 99-A. I do not know why they should omit clause 7. I am sure that clause 99-A by itself is not sufficient and it would be much better to retain clause 7 of the Bill as it is. However, if they want they can remove this Chapter II and add an altogether different Chapter. It does not matter very much whether it is at the end or at the beginning. I would like to have the least number of changes in the order of these clauses unless there is some logical sequence."

"I feel it is necessary to have a more detailed explanation and therefore, I am for the reproduction of clause 8 under clause 99. At the same time, I am also for the retention of clause 7."

SRI R. V. SWAMINATHAN:—"Mr. Speaker, Sir, I am very sorry that the Government have come forward to delete Chapter II altogether. I feel that this chapter is very important. All along, Sir, we have been under the impression that the Government would ask for more powers to deal with these endowments. Even now, the powers delegated to the Hindu Religious Endowments Board are not much. People are not really satisfied with the working of the Board. Of course, there are charges that the Board is exercising too much control. But these are all made by interested parties and just as there are such charges, there are also other charges levelled by other men that the Board is not given any power to have effective control over religious endowments. Sir, when this Bill was moved in this House for the first time some two years ago, we all suggested that the Government should have absolute control over the activities of maths and others. It is true, however, that certain hon. Members raised objection to the Government taking such powers. They said, 'ours is a secular State and the Government should not have anything to do with religious matters'. They pointed to the existence of several other communities in the country and said that all had freedom to do anything religious so far as each individual's religion was concerned. But let me say, Sir, that so far as our State is concerned, the majority of us are Hindus and, therefore, nobody need be frightened about this measure. Some other hon. Members said, 'When you have a Hindu Religious Endowments Bill, why not you introduce a measure to control mosques and churches'. I think this point is not at all relevant. As a Hindu, I want that the Government

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should have control over Hindu religious institutions. If the mosques and churches also need control let the Christians and Muslims ask for it. It is not our business to do so. I want Hindu religious institutions to be maintained properly and I cannot understand why the Government have come forward with a Motion which seeks to take away such powers. I do not understand either how this chapter goes against the provisions of Article 26 of the Constitution. I may say one thing here. At each and every stage, objections are raised with reference to Fundamental Rights and the passage of measures is delayed. I therefore, strongly feel that both the clauses 7 and 8 should be retained."

SRI PYDAH VENKATANARAYANA:—"Mr. Speaker, Sir, clause 7 confers unlimited, vague and sweeping powers on the Government which are quite unnecessary . . ."

MR. SPEAKER:—"The Government motion is that that clause should be deleted."

SRI PYDAH VENKATANARAYANA:—"I am only supporting the Government Motion. There are other clauses which give sufficient powers to the Government to manage and control religious institutions and other endowments."

* SRI K. BHASHYAM:—"Mr. Speaker, Sir, it is rather an intriguing position which the Government have put themselves into. While they say that clauses 7 and 8 will be withdrawn, they have reproduced clause 8 elsewhere in the Bill. When the Motion says that clauses 7 and 8 may be deleted, it is not correct. It is not absolutely accurate. Clause 8 is retained but transferred over to clause 99 and made clause 99-A. Therefore, I do not know what the idea of the Government is. When I read in the newspapers that clauses 7 and 8 were sought to be omitted. I felt that there was some sense in it. But when the Government say that clause 8 will be reproduced it makes nonsense. Clause 8 which will be reproduced as clause 99-A gives powers to the Government to revise any order passed by the authorities constituted under the Act. They can revise the Commissioner's orders or the orders of the Assistant Commissioners and Area committees. Every one of the proceedings can be revised. They have got all powers. They want to grab all powers. They want to sit tight and yet want to show to the outside world that they do not seek any powers. They want to show to the world that their 'secular' Government are not concerned with religious matters. Why all this camouflage, I ask, if I may use the term here. It is not proper, it is really wrong, it is misleading to publish in newspapers that Chapter II would be omitted when the real position is that it is not so. This is not a fair thing to do for any Government. I would call it a trick played upon the public if any ordinary person has done it. I do not know what to say when it is the Government that have done it."

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"Again, Sir, the Government want to have power but would not take up responsibility. They want to interfere with the administration of religious endowments and public charities but they would not have the responsibility of administering them. Clause 7 deals with superintendence of all religious institutions and endowments by the Government and that is taken away. But the power of revising the orders passed by the Commissioners and other authorities remains. It all means this. The Government will have no powers of initiating but will control. It is not safe to put power into the hands of the Government to control without responsibility. To use a political maxim power should not be given without placing responsibility as well. Therefore, let the Government retain both clauses 7 and 8 and take thus the responsibility for superintendence also. It is for this reason that I said, that the position was intriguing and you really laughed over it when it was said. Let the Government come out and say, "we shall be responsible for the whole management of and superintendence over these things". Let them say not merely "we shall revise, confirm or do anything we like in respect of orders passed by the Commissioners". Any ordinary man would have thought, after seeing the publication in the newspapers of this amendment, that the Government had given serious consideration to the provisions of the Constitution or that some directions from above had come at any rate from persons whose views could not be set aside—to delete this chapter in keeping with the secular character of the administration and that therefore, they have proposed an amendment to delete it. What now happens is clause 8 remains. I want the Government to make a specific declaration as to the necessity of clause 99-A. If they would not insist upon clause 99-A, I shall vote with them so far as the present amendment is concerned. If they say that they will insist, then I shall vote against the amendment. Clauses 7 and 8 must remain together or must go together. I wish they go."

SRI K. VARADACHARI:—"Mr. Speaker, Sir, I am really surprised that hon. Members on this side as well as the other side of the House objected to the deletion of clauses 7 and 8. I am still more surprised that the hon. Member, Sri Bhashyam should plead for completely omitting clauses 7 and 8 (not reproducing clause 8 as clause 99-A) or retaining both. The Government must have certainly revised their opinion about the validity of clause 7 which deals with general superintendence of all religious institutions and endowments. That is to say, the Government take upon themselves the responsibility of managing all institutions connected with the Hindu religion. This provision is certainly against the provisions of the Constitution and will certainly be held to be *ultra vires* if it remains. The Government have, therefore, done well in having taken legal opinion on this provision and seeking now to omit it."

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"So far as clause 8 is concerned, how far it will be just and proper on the part of the Government to take such powers as mentioned therein and how far such powers will be in keeping with the provisions of the Constitution are matters which can be dealt with when we take up clause 99-A which is but a reproduction of clause 8. Clauses 7 and 8 are sought to be deleted. Once they are deleted, it is open to the Government to introduce one or both of the clauses in any other later chapters. Then only it will be time for us to criticise or to amend that clause and certainly not now. I, therefore, submit that the Government motion can be accepted."

* SRI K. BRAHMANANDAM REDDI:—"Mr. Speaker, Sir, I feel that my hon. Friend Sri Bhashyam should not blow hot and cold in one breath. When the Bill was introduced he was saying that its provisions were opposed to the Constitution. And now, when the Government have come forward to delete a provision which had been introduced originally and which the Government felt impelled to withdraw since it went against the provisions of the Constitution, he opposes it. It is not open to him to say 'delete both or retain both.' It is not fair to say so. It is not even proper, in my opinion . . ."

SRI V. RAGHAVAYYA:—"What about the merits of the motion?"

SRI K. BRAHMANANDAM REDDI:—"I am coming to the merits of the motion. My hon. Friend, Sri K. Varadachari, spoke at length about clause 7. I agree with him that the Government would have been told that the provisions of that clause go against the Constitution. Even according to the hon. Member, Sri Bhashyam, it is so. I submit, therefore, that it is fair and legal that this clause is omitted."

"Secondly, I would like to tell my hon. Friend, Mr. Swaminathan, who is opposed to the deletion of both the clauses that there are sufficient powers for the Government under clause 8 which will be reproduced as clause 99-A. There is sufficient check provided for in this clause and I would request him to withdraw his opposition."

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a.m. SRI M. S. PATTABHIRAMIAH:—"I heartily support the amendment, Sir, that has been brought forward by the Government, because it was felt all along by people who have real interest in the religious institutions, who want that this Bill should be passed into law that these clauses which are so irritating should go. I consider it to be not a small mercy. It is really a big mercy and we are really grateful and thankful to the Government for bringing in this amendment. As it was pointed out by hon. Sri Bhashyam this clause 8 is being shifted and incorporated later under clause 99 (A). Instead of referring to it now, we can

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discuss it later on when we reach that clause. But as it is, if this clause 7 had been there, it would have vitiated the whole Bill and I would have been sorry, if on that account this Bill were to be returned by the President for reconsideration. The Government have therefore done a good thing in coming forward with an amendment for the deletion of these clauses and I agree with them and heartily congratulate them on bringing in this amendment."

* SRI T. VISWANATHAM:—"I would certainly, Sir, like to congratulate the Hon. Minister for at least once he has admitted that the provision, for which he fought and retained in the Bill in spite of our advice, is wide of the mark. This clause was there when the Bill was presented to us. The term 'vest' in the clause was commented upon pointedly and the Hon. Minister in charge of the Bill said that they have taken legal advice and also read the legal advice to us, and talked as though they had understood everything and that we did not, when we raised objection to this clause. But now, Sir, I am glad on further consideration the Government have decided to drop that clause 7, because it contains one particular word. One word like 'vest' generally is enough, just as I was talking about the service 'inams' one word is enough to vitiate the whole Bill. I therefore, congratulate the Hon. Minister. But however, I agree with the remarks of my hon. Friend Sri Bhashyam for entirely deleting the chapter. The reason is, the clauses have been deleted only in name, just to satisfy the legal conscience. The Government have taken the substance from here and put it under other clauses without however using the word 'vest.' It can only satisfy the persons who raised constitutional objections. But if you look at the redrafted clause 22 and then read it with clause 99-A you will find that only these two gentlemen clauses 7 and 8 have changed their dress, from the 'dhoti' and the bare body which they had then to a shirt, suit, tie, and collar. That is all the difference. That is the reason why when the hon. Member Sri Swaminathan was saying 'why do you remove this chapter', I was actually sympathizing with him. The reason is that the Government have not actually removed these clauses. They have just done this to conform to the Constitution, and in obedience to the Constitution. But I would like to point out that all the things which would vitiate the Bill if passed into law are still present in Clauses 22 and 99-A. With the same sense of broad-mindedness with which the Government have reconsidered and omitted clause 7, they will, I hope, also reconsider the other provisions in the Bill and consider the objections when we raise them in the proper place and drop these clauses also."

SRI R. V. SWAMINATHAN:—"Sir, I raise an objection. Some hon. Members have taken advantage of my objection to the deletion of these clauses and made certain references. I want to explain my position."

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MR. SPEAKER:—"The hon. Member is trying to make a second speech. Nobody has attacked him, or made any reference of a personal nature about him. There is therefore no need to make a personal explanation."

* SRI K. BHASHYAM:—"Sir, the hon. Member Sri Brahmanandam Reddi said something about me, that I was blowing hot and cold in the same breath and that I was illogical and something like that. I want to say a word about it."

MR. SPEAKER:—"Is it that the hon. Member wants to speak after the Hon. Minister's reply?"

* SRI K. BHASHYAM:—"I want to say only a few words, Sir. I should like to tell the hon. Member Sri Brahmanandam Reddi for his information and his knowledge that I opposed both the clauses, clauses 7 and 8 and I do it even now. There is nothing illogical about it. The Government only say 'Take the Kudumi and not the head.' But let them say so openly. I only want my hon. Friend to know that it is wrong to think that I am wrong while all the time he is wrong indeed."

THE HON. SRI K. MADHAVA MENON:—"Sir, I have not much to say beyond what my hon. Friend Sri K. Varadachari has said about this amendment. I have only to answer hon. Member Sri Bhashyam to whom it is all intriguing. It is certainly intriguing to him. The hon. Member would have liked the clauses to remain as they are. The hon. Members Sri Bhashyam and Sri Viswanatham and others think that if these clauses were there as they are, they would offend the Constitution and the whole Bill would become invalid. In that sense only it is intriguing. Otherwise there is nothing intriguing in this. I definitely said when I moved the amendment and it was expressed in this House that the clauses would offend the constitution. For this my hon. Friend Sri Viswanatham takes me to task. We have examined the whole thing and we find it would be better to remove the clauses and avoid the difficulty. I also said that Clause 8 is reproduced as Clause 99-A. This clause empowers the Government to call for the records and examine them and so on. The hon. Member Sri Viswanatham said we have removed the man in 'dhoti' and put him in trousers and collars and that was all the difference. Assuming for argument's sake, all that is correct, what is the harm in doing it? Apparently there was something in these clauses that we thought would offend the Constitution and worse harm would be done. In order to remove the difficulty what is wrong in dressing them up properly so that they may not offend the constitution and that is all what we have done. For the time being there is therefore no intrigue at all. Clause 7 is being omitted and Clause 8 is being reproduced later on under a different section."

The amendment was put and carried.

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Clause 9.

MR. SPEAKER:—"The motion is—

'That clause 9 do stand part of the Bill?'"

* SRI T. VISWANATHAM:—"Sir, I move the amendment standing in my name, namely:—

'For existing item (a), substitute the following:—

'The Commissioner of Public and Religious Endowments, Charities and Trusts.'"

"Sir, the purpose of my amendment is, I want to give him a better name, a big name a dignified name, a name indicative of his duties, functions and privileges. The name looks a little long but the Government are not unused to such long names in almost every statute. There are the Excise Commissioner, the Prohibition Commissioner, Police Commissioner (An hon. Member: 'Corporation Commissioner and Municipal Commissioner.') Therefore, Sir, I think the use of the expression I have suggested would be better."

* SRI K. BHASHYAM:—"I second the amendment, Sir, for this reason. Now, the Government say that the work of superintendence shall not vest in them and therefore this work should vest in somebody else. I want that the Commissioner, in whom it may be vested, shall be a person of sufficient status. I have also given an amendment. It may come a little later. I do not know whether it forms part of this clause or not."

MR. SPEAKER:—"The hon. Member has not given any amendment under this Clause."

SRI K. BHASHYAM:—"Yes, Sir, I said it may come a little later. Probably it is an amendment to Clause 11. To make my point clear I may be permitted to read my amendment, Sir."

MR. SPEAKER:—"The hon. Member may read it."

SRI K. BHASHYAM:—"My amendment, Sir, to Clause 11 is—

'After clause 11, insert the following as a new clause 11 (A):—

"11 (A) The Commissioner shall be a person who shall be a judge of the High Court, Madras, or the Advocate General, Madras, or the Government Pleader, Madras, or a legal practitioner who has been practising as such for 20 years before the Madras High Court.

The Deputy Commissioner shall be a person who is or has been holding a post not less in rank than that of a District Judge or a legal practitioner who is actually practising for 10 years in the Court in the State of Madras."

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That is why I say, Sir, the new name suggested is best suited and that it should be there. In the present case what happens is this. The Government have renounced all claims for responsibility for the superintendence over these matters. The entire thing is therefore left solely and primarily to the Commissioner. He is the highest officer who is going to be in charge of these matters subject of course to the liability of his orders being revised by the Government under clause 8 which is going to be clause 99 (a) hereafter. Therefore, I say, the new name suggested would be more appropriate than calling him a mere Commissioner."

THE HON. SRI K. MADHAVA MENON:—"I do not think it is necessary to have such a long name 'The Commissioner of Public and Religious Endowments, Charities and Trusts.' Even then it will not be exhaustive. We will have to add something more. There is absolutely no necessity for the amendment."

MR. SPEAKER:—"Is the hon. Member withdrawing his amendment?"

* SRI T. VISWANATHAM:—"It need not be withdrawn, Sir."

The amendment was put and lost.

Clause 9 was put and carried.

Clause 10.

MR. SPEAKER:—"The motion is—

'That clause 10 do stand part of the Bill'"

* SRI T. VISWANATHAM:—"Sir, I beg to move the amendment standing in my name, namely—

'Renumber the existing clause as sub-clause (a) and add the following as new sub-clause (b):—

"(b) The Commissioner, Deputy Commissioners and Assistant Commissioners shall be recruited from persons who possess a degree of law of any recognized University."

"Sir, it is a very self-explanatory amendment. These Commissioner, Deputy Commissioners and Assistant Commissioners have in fact to perform mainly judicial and quasi-judicial functions. Their administrative and executive functions are not many; particularly for Deputy Commissioners the functions are more judicial than executive. In this connexion I may draw your attention, Sir, to the English Charitable Trusts Act. In the English Charitable Trusts Act of 1853 and 1855 there is a special section that the Charity Commissioners shall be recruited from among the qualified barristers of 12 years' standing. The Hon. Minister, Sri Madhava Menon may well know it. In these it is said, the Charity Commissioners some of whom have analogous functions like those of the officers referred to under this.

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clause, that they shall be recruited from among the barristers, barristers of twelve years' standing. I submit, Sir, it is a very important thing. We have found in our experience that the element of law predominates in matters which they have to deal with under this Bill. I, therefore, urge that this amendment must be accepted. It is surprising to see that the Government have not laid down any qualifications at all for these officers. In a statute like this even for the biggest officer, the Government have not laid down any qualifications. It is not enough for the Government to tell the House, although the House is willing to accept whatever they may say, that everything will be stated in the Rules that would be subsequently framed. They must prescribe the qualification and whatever the qualifications might be, the officers shall be only from the profession of law with sufficient practice in law courts. Otherwise difficulties will arise. I know, when I say lawyers should be appointed to these posts, some Members are smiling. That is all that they can do. There is no use appointing people to these posts who are not trained in law. The Government have accepted the principle even with regard to the magisterial posts. Are they not appointing law graduates to these magistrate's posts under the new scheme? Also for these tribunals we are appointing only law graduates because they are quasi-judicial bodies."

MR. SPEAKER:—"Has the hon. Member finished his speech?"

SRI T. VISWANATHAM:—"I would like to continue, Sir."

MR. SPEAKER:—"The hon. Member can continue after lunch. The House will rise and meet again at 2-30 p.m."

The House then adjourned.

(After lunch—2-30 p.m.)

MR. SPEAKER:—"The progress in regard to the Bill is very slow. I think, if we progress at this rate, we will not be able to finish it. We may have to sit for longer hours and may have even night sessions. Or I will have to adopt Kangaroo closure."

THE HON. DR. T. S. S. RAJAN:—"I have no objection. I only want this Bill to go through."

MR. SPEAKER:—"We will sit till 8 in the night."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir. I do not want to be generally very long in the stage of discussion on the clauses. I am not at all long, Sir. Because the clauses are many, the intricacies are many and there are pitfalls, we are obliged to take much time. But, if the constitutional portion and the 'definition' portion of the Bill is over, the remaining discussion will be very easy. I am now moving a small amendment and some hon. Members may have something to say about it. After

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all it may not take half-a-minute. We need not think about the time factor. I can only say that those who agree with the wording of the Bill need not speak but leave it to the Hon. Minister."

MR. SPEAKER:—"But the point is that it will appear in the press afterwards or in the proceedings that all the Members opposed and that the Government have never allowed them."

SRI K. BHASHYAM:—"Everybody knows it."

* SRI T. VISWANATHAM:—"The people know that the Government Bill is there and the Government have got the majority. Where the wording is agreed to, hon. Members should have no objection to cut short their speeches. I do not suggest—I have no objection to sit here even till mid-night and finish the Bill. . . . Anyway I shall not be very long."

"Sir, judging from the latest Administration Reports, the number of institutions that come under the powers of these officers will be as follows:—

Number of major institutions (of which			
198 are Mantapams)	...	...	about 12,213
Number of temples	...	...	about 12,347
Number of specific endowments	...	...	about 668
Number of minor institutions	...	...	about 15,378

The annual value of their properties will be between 2½ to 3 crores of rupees. Apart from the value, there are buildings, mandirs, institutions, etc., attached thereto. So, these officers are expected to deal with problems arising from as many as 30,000 institutions and properties worth 5 or 6 crores of rupees. I submit, therefore, Sir, that these persons shall be persons who know something of Law. And if we look into the various provisions provided in the Bill, we find that they are to exercise quasi-judicial functions in one or two cases and that the Government are now trying to divest themselves of their general superintendence and putting them in the hands of Commissioners. It is clear from that that the Commissioners will have even greater judicial powers to exercise than Commissioners in other departments. I therefore submit, Sir, that these officers should have legal training.

"There is an amendment by my hon. Friend Sri K. Bhashyam which discusses more specifically about this matter. But, with regard to their basic qualifications, I submit that the Government should be pleased to accept this amendment."

"In the English Act, Sir, these Charity Commissioners are also to serve during good behaviour and not during the pleasure of the Government only. I therefore submit, Sir, that their basic qualification should be a Degree in Law of any recognised University and that their tenure of office also should be during good behaviour. I therefore move my amendment, Sir."

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* SRI K. BHASHYAM:—"Mr. Speaker, Sir, I want to say in advance a few words on the amendment I am going to move. My amendment prescribes the qualifications for Deputy Commissioners and Commissioners. But, the present amendment applies not only to those people, but also to Assistant Commissioners. Therefore, Sir, there should be no inherent difficulty in accepting both the amendments if the Government want to."

"So far as the question of deciding between the general people, Government, Commissioners and other officers, and persons now in charge of all these institutions, is concerned, it will be complicated not only with regard to the Act, but even in the practical working of certain sections which will involve the decision as to the interpretation of the various sections. They will have to refer to different sections for different matters. As a matter of fact, they have got to decide, when an endowment is both secular and religious, which portion is secular and which portion is religious. So, it will be very difficult to manage unless these officers are qualified in Law."

"So far as the present officers and persons being appointed now are concerned, I do not complain about them. But, if questions I have referred to above are thrown in the hands of the Commissioners not possessing the legal knowledge, the whole thing will get accumulated in the hands of the Commissioners and they will not be able to get on with the work at all."

"I, therefore, submit, Sir, that this basic qualification in Law will be a very good thing. I even suggest that every person should have some knowledge of Law that he is governed by."

MR. SPEAKER:—"It is not necessary if you want to second the amendment, to . . ."

* SRI K. BHASHYAM:—"The qualification is an important matter and is necessary to be included. Some of us go to them and say 'I have a boy who has not passed any examination. Put him somewhere—these political exigencies are there.' The point is by putting in qualifications we are helping the Hon. Ministers and members of the Government also. To say by rules there is a qualification is not enough. That qualification should be a statutory qualification. Otherwise everybody will approach the Hon. Ministers for the purpose of appointments for this man or that man either from their own relations or M.L.As. Therefore, statutory recognition of qualification should be there so that rules may be made—whether they do or not is a different question, and the Government should recognise the principle involved. I therefore second the amendment, Sir."

* SRI M. R. APPA RAO:—"Mr. Speaker, Sir, in these days of so many laws, I think that everybody should have some knowledge of Law and especially so for Members of the Legislature and for all Government Servants. If the Government deem

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it necessary, all the above persons should be Graduates in Law. I do not think that for the posts of Commissioners, Deputy Commissioners, etc., that qualification is necessary. We expect them only to know the administration and capable of understanding points of law. Even for I.C.S. Officers it is not necessary. They will have an idea of Law and they study Law afterwards. I therefore, Sir, do not support this amendment."

SRI V. RAGHAVAYYA:—"Mr. Speaker, Sir, no doubt, as things stand today, no educational qualifications are necessary even for a Minister of Government. Because, if anybody is not required for any post in this world, he may be made at least a Minister as it is the only job under the Constitution, which does not require any educational qualification. I am not passing a mere remark. The point here is whether intricate matters that are going to be dealt with in this Act require the proper handling of the Constitution. You may say 'a Medical man may become a Law Minister. But, some grounding of knowledge in Law is absolutely necessary for administration of some of the chapters in this Act. A lawyer's course is not necessary for a Minister's office. A mere passing of B.A. is enough. Why don't you say that a pass in Intermediate Examination is not enough. There are Deputy Collectors and Collectors who have passed only S.S.L.C. That is not the point. The administration should always seek to be efficient. The idea of prescribing a qualification is to make the administration most efficient. For, one officer may think that certain provisions of the Act require the decision of a Court of Law and not in certain others. So, to respect the jurisprudence and the feelings of the people, the Government should appoint for these jobs persons who have a grounding in Law. Are we not doing it even now? I think that almost all the Assistant Commissioners appointed by the Government are Lawyers. There is none who has no legal qualification. I do not know why the Government should feel shy of simply copying what they have done already. Have not the predecessor Government thought it necessary? The experience of Government makes us feel that the legal knowledge is absolutely necessary in these matters. A mere University Degree is not enough. I think we are right in asking the Government to prescribe this qualification. The other speaker was intervening in the discussion and asked why it should not be brought under this rule-making powers of the Government. There is the possibility of mischief there in the rule-making power. Taking power to prescribe qualifications under the rules is the easiest way of doing things. Why not you lay down the qualifications in the clause itself? You have prescribed qualifications and age for the trustees. This has been done with the idea of safeguarding the proper working of this piece of legislation. Why not you do the same thing for the Commissioners and Assistant Commissioners also? Let the qualification be nothing less than a degree in law."

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SRI P. KANDASWAMI PILLAI:—"I oppose this amendment. The world-famous mathematician, the late, Ramanujam was not the holder of a degree in law. As a matter of fact, poet Rabindranatha Tagore was not conferred any degree when he was a student. Sound commonsense and capacity for administration are the two things essential for the management of temple affairs. Above all else, what is required in an administrator of religious institutions is that he should be well versed in the agamas and usages of the temple concerned. He should be conversant with the customs of particular temples so that he can conduct their affairs in conformity with religious injunctions.

"Sir, if any legal dispute with regard to property or other thing arises, he can get legal advice, if necessary. Therefore I say that to assert that lawyers alone are competent for this service is to degrade common sense and is insulting the intelligence of the non-lawyer population of the country. The Government should not bind itself by legislation that lawyers alone are competent to hold any office under this Bill. I strongly oppose this amendment. Any man of commonsense and ability and character, not merely people with academic qualifications should be selected for these posts."

SRI V. M. RAMASWAMI MUDALIYAR:—"I am not moving my amendment, but wish to say a few words at this stage. Sir, we are asked in this Bill to give certain powers (Section 9) to Commissioners and Deputy Commissioners. I do not say that lawyers claim the monopoly for character or efficiency or even for competence. But under this Bill very many enquiries or investigations are entrusted to Commissioners and Deputy Commissioners. These are of a quasi-judicial nature. Therefore it is necessary that these officers must have had some training to conduct those enquiries. Even when I.C.S. Officers are recruited, even though they have legal qualifications too, before they are called upon to exercise judicial functions, they are given this training as district munsifs or sub-judges. Let us therefore have some training of some sort for these Commissioners, etc. Even if a Commissioner or Deputy Commissioner is a man without any qualifications, he should possess some judicial training—some legal background. To emphasise the need for this, I may read out to the House clause 62 which enumerate the duties cast upon the Commissioners and Assistant Commissioners—

'62. Subject to the rights of suit or appeal hereinafter provided, the Deputy Commissioner shall have power to inquire into and decide the following disputes and matters:—

- (a) whether an institution is a religious institution;
- (b) whether a trustee holds or held office as a hereditary trustee;
- (c) whether any property or money is a religious endowment;
- (d) whether any property or money is a specific endowment;

It should be noted that the question whether a trustee is a hereditary trustee or non-hereditary trustee has been a sore question. In spite of the decisions in 6 Madras, and 7 Madras and 38

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Madras of Sadasiva Ayyar, even to-day the law in this regard is in a state of flux. Even our own definition of 'hereditary trustee' is 'the trustee of a religious institution succession to whose office devolves by hereditary right . . .'. The interpretation of the term 'hereditary trustee' has been the subject-matter for decision by various Benches of the Madras High Court. And yet, even to-day the law in regard to this is in a state of flux. To strike a personal note, I may mention that I had, two days ago, to argue this very matter before the District Judge of North Arcot in connexion with an appeal from the decision of the Endowments Board. What I mean to say therefore is that, as such intricate questions of law are likely to come up before these Commissioners and Deputy Commissioners, it is not understandable how any person who does not have law qualifications can conduct these very important enquiries concerning the rights of the parties in religious institutions such as the archakas or the trustees who administer several crores worth of property. I therefore say, let some minimum qualifications be prescribed for these officers, preferably with judicial or legal training. The House is entitled to know that certain minimum qualifications are prescribed for Commissioners and Deputy Commissioners.

"Sir, even under the existing Act of 1927, qualifications have been prescribed for the President of the Endowments Board. The qualifications for Commissioners correspond to those of the President. Section 12 says—

'12 (1) The Commissioners of a Board shall be persons professing the Hindu religion.

(2) The President shall be—

(a) a barrister of England or Ireland or a member of the Faculty of Advocates in Scotland of not less than five years' standing, or

(b) a person having held judicial office not inferior to that of a Subordinate Judge or of a Judge of a Small Cause Court, or

(c) a person having been a pleader for a period of not less than ten years.'

These qualifications have been rightly prescribed. And what do we see in practice? (A Member: 'Under different circumstances.') The Commissioner has to be prescribed qualifications. Under clause 9 of the Bill, the Commissioner corresponds to the President. For Deputy Commissioners wider powers have been given now. That is why I am urging that some qualifications must be prescribed for them. I do not mind judicial officers being appointed to these offices. But the House is entitled to know that certain qualifications are prescribed for these people. I may also say in this connection that, as a matter of practice, the President and other members of the Board are judicial officers or persons recruited from the bar. I would like to know what the Government's intentions are in this matter: whether they would lay down the qualifications in the clause itself or they would prefer to do so in the rules."

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THE HON. SRI K. MADHAVA MENON:—Sir, the object of the Bill includes the idea of provincialising the post of Commissioner and other officers employed in the present Hindu Religious Endowments Board. The intention is to provincialise the whole office. But we have to frame statutory rules for each post, and rules prescribing qualifications for these posts have to be framed. Therefore at this stage I can only say that it is not likely that for the posts of Commissioners or Deputy Commissioners persons without legal knowledge will be appointed. It is, on the other hand, most likely that only persons with legal qualifications will be appointed to these posts. I may mention here that even when there is on statute fixing qualifications for Commissioners, we find that only persons possessing legal qualifications are there. Hence there is no necessity for a cast-iron rule that it must be so. The difficulty in accepting the amendment moved by the hon. Member Sri T. Viswanatham is that even if we have I.C.S. officers who have passed legal tests, they cannot be posted as Commissioners, etc., if they do not have a university degree in law. We have judicial officers who have no degree in law. If you insist on a degree in law, even officers with 20 years' service may be disqualified for these posts. We all know that there are advocates who possess no degree in law. Pleaders without such degrees can enrol as advocates and there are very good advocates among them. (A voice: 'You put it like that.') It is not so. If the amendment is accepted, there will be this difficulty. For instance, for the post of Administrator-General, the Government sometime ago wanted to appoint an I.C.S. officer, but they found that the law did not permit it as he had no degree in law. Therefore these cast-iron rule sometimes cause difficulty. With the best of intentions this thing sometimes happens. We have therefore under consideration the question of prescribing qualifications in the rules. In regard to the Port Trust Act for instance, a similar situation has arisen and a Bill has to be passed. I can in this case assure that it is very unlikely that for the posts of Commissioner and Deputy Commissioner people without legal qualifications will be appointed. Even in the case of Assistant Commissioners, hon. Member Mr. Viswanatham wants that qualifications should be laid down in the Bill itself. I may state here that for the posts of sub-magistrates under the Separation Scheme we did not get sufficient applications. And I may tell the House that for the posts of Assistant Commissioners we have not yet decided what pay we should offer. In this state of affairs all that I say is that if you have a cast-iron rule or law like this and we do not get sufficient number of men, we will be in a difficulty. For these reasons I can only assure the House that it is very unlikely that the Government will appoint men with no legal qualifications for these posts."

* SRI T. VISWANATHAM:—"I am disappointed at the reasoning given and at the conclusions arrived at by the Hon. Minister, I would not have been disappointed if he is himself not

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3 p.m. a member of the legal profession. I was not disappointed to hear what fell from my other friend who said: "Kill these lawyers. Have we no commonsense? Common sense is enough." The Friend who said it represents the majority in this country and we/I represent only a minority. I would have been totally out of court if I had attempted to answer him. But, when my Hon. Friend Mr. Madhava Menon speaks, he does so haltingly and hesitatingly he has already printed this particular provision. He does not like to alter it, although he is perfectly convinced. (Laughter.) That is why he says: 'We are already appointing only lawyers.' But I may point out that he appoints only lawyers now, because the qualifications are prescribed in the old Act. Therefore I say if as a matter of practice he is doing it, what is the statutory, constitutional, basic, legislative or legal objection to put it on a statutory basis? As the hon. Mr. Bhashyam said, in these days of group and political pressure, it is necessary that we must have certain things specifically and clearly laid down, so that afterwards neither the Ministers nor the Members might feel any embarrassment in these matters. To-day if we go a bit into the details of administration—I do not like to cast any reflection on the Ministers—but the Ministers themselves know, wherever there is the question of exercise of some patronage, to what extent they are embarrassed. After all, it is not Government property that is touched; it is not like the land Encroachment Act or the Irrigation Cess Act where the Government have a direct interest; in this case, the general revenues are not going to be touched, and therefore Government as such are not very much interested. I know they agree in principle with what I, Mr. Ramaswami Mudaliyar and Mr. Bhashyam say. It may be said, as one of my friends said, that knowledge is not always confined to lawyers. But knowledge is not also always confined to legislators, people who are sitting here. Therefore it is I said, let Mr. Madhava Menon alone talk on these clauses and none others and we would have no objection, but that was not agreed to. If all these things are reported, what happens? Sometimes we who belong to the same party have to make general reflections which are not after all very important but which when reported will result in the concerned Member being taken to task, and people will say 'Look at these Congressmen talking at cross purposes.' Now, Sir, shall I draw attention to the remarks made by the Chief Justice of India recently in connection with some applications for writs? Did he not draw the attention of the legislators of the entire country, their special attention to the fact that they must be very careful and know the implications of what they were doing? He said it when he saw that there were a number of Acts coming from every province containing certain kinds of provisions with something common between them, and he was obliged to say that legislators should understand the implications of the Constitution and know what exactly they were doing. He had to make that appeal to the legislators to note that the provisions in the Constitution were

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supreme and that therefore there was a great responsibility resting on them. It is true we depend mostly on commonsense, but at the same time why do you prescribe qualifications for so many other things? For instance, why do we say that for a legislator, he should be of a particular age? Why should he not be a man of 17 years with probably a superior wisdom? We all know that under clauses 62, 63, 64 and others, matters and issues of a momentous nature have to be decided by these persons, and there is no use saying that a man with commonsense alone will do or can do them. It may be that a man with good commonsense is superior to a bad lawyer and sometimes men with commonsense will even excel lawyers, but there may be good lawyers with good commonsense. That is why we want a basic qualification to be prescribed here. Let not Mr. Madhava Menon stand on prestige; there may be some difficulties as he said; but because there was some difficulty felt with regard to the post of Administrator-General, should it be so in other cases also? I submit, Sir, those days are over. He can change the rule now. Wherever quasi-judicial functions are imposed on an officer, I submit it must be the bounden duty of this Legislature and of this Government to provide a basic law qualification. Unless we proceed on some such principle, we cannot get on. Why do engineers say that there must be $4\frac{1}{2}$ feet of foundation if the wall is to be 17 feet high and if a double storey is to be put? Even foundations of lesser depth might be enough to take a second storey; but the fact is that in most cases the engineers have had the experience that unless there are proper foundations, the building will not stand, and that is why they insist upon particular basic foundations for a building of a particular dimension. That is why Mr. Madhava Menon also agrees with us and says he will provide for this in the rules. There is of course a clause dealing with the power to make rules, clause 100. That clause contains sub-clauses from (a) to (aa) and (bb); in all, there are 28 sub-clauses. One of these sub-clauses deals with the qualifications, method of recruitment, pay, grant of leave, leave allowance and travelling allowance, etc., of the officers and servants of the Tirumalai-Tirupathi Devasthanams but has nothing to say about the staff in general. There is no clause authorizing the Government to make rules regarding the qualifications, pay, tenure of office, etc., of the Commissioners or the Deputy Commissioners. After all, as has been said, these posts are very important posts. I submit it is only proper that there should be such a rule. The Government may consider my amendment, the amendment of my Friend Mr. Bhashyam and also that of Mr. Ramaswami Mudaliyar, they may club them all together and arrive at some wording. There can be no harm done if this particular clause is taken up to-morrow; let the Government come up with an amendment which will satisfy everybody. After all our object is the same, and we are not at cross purposes and there is nothing unreasonable that is asked for. I therefore request the Hon. Minister to accept the amendment."

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THE HON. SRI K. MADHAVA MENON:—"Sir, as I have already said, I cannot accept this amendment for the reasons mentioned. We have not even thought of fixing the pay of the posts. And if there is nobody coming up, are we not to get along with the administration? As I said, we have had enough experience of such cases in the past. I am sorry therefore I cannot accept the amendment."

MR. SPEAKER:—"The question is—

‘Renumber the existing clause as sub-clause (a) and add the following as new sub-clause (b):—

“(b) The Commissioner, Deputy Commissioners and Assistant Commissioners shall be recruited from persons who possess a degree of law of any recognized University.”

The amendment was lost.

Clause 10 was put and carried.

MR. SPEAKER:—"I think hon. Member Mr. Ramaswami Mudaliyar is not moving his amendment."

SRI V. M. RAMASWAMI MUDALIYAR:—"I want to make a short statement, Sir, I have given notice of the following amendment, viz.:—

‘Add at the end of clause 10, the following:—

“The Commissioner and Deputy Commissioner shall be persons professing the Hindu Faith and shall be recruited either from Advocates of not less than five years’ standing or from persons who have held judicial office not inferior to that of a Subordinate Judge”.

But in view of the statement of the Hon. the Minister for Law that in the rules to be framed, these qualifications are likely to be included, I will reconcile myself with that assurance, and I shall not move my amendment, Sir."

MR. SPEAKER:—"Regarding hon. Mr. Bhashyam's amendment, I think it is better he moves it even now. Let it be an amendment to clause 10 and not to clause 11."

* SRI K. BHASHYAM:—"Sir, the amendment which I move is as follows:—

‘After clause 10, insert the following:—

“10-A. The Commissioner shall be a person who shall be a Judge of the High Court, Madras, or the Advocate-General, Madras or the Government Pleader, Madras, or a legal practitioner who has been practising as such for 20 years before the Madras High Court.

The Deputy Commissioner shall be a person who is or has been holding a post not less in rank than that of a District Judge or a legal practitioner who is actually practising for 10 years in the Courts in the State of Madras”.

My amendment seeks to prescribe qualifications only for the Commissioner and the Deputy Commissioners. As for the Assistant

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Commissioners, I thought, being inferior officers, no special qualifications need be prescribed for them here. But the Commissioner and the Deputy Commissioners are important officers and they get added importance because the Government are taking away their own responsibility; the person who will, therefore be supreme in office will be the Commissioner. That person must therefore be a person of high status so that people may have confidence in him. Therefore, the suggestion I make is that the Commissioner shall be a person who is a Judge or a retired Judge or an Advocate-General or Government Pleader or a legal practitioner with a practice of 20 years in the Madras High Court. Local knowledge is necessary for discharging the duties attached to these posts, and that is why I have restricted it to Madras people and not extended to other people outside. As a matter of fact, there is a certain respect attached to these officers. In the case of the Government of India, they prefer a retired High Court Judge, however dilapidated, to anybody else nowadays for making enquiries, etc., and wherever judicial experience is required because the people will have confidence in them. They probably want to impress the people by saying ‘we have appointed a retired High Court Judge and he will do things properly.’ In the case of the Boundary Commission and the Income-tax Commission, they took only High Court Judges. There is therefore a clamour for retired High Court Judges, and in accordance with that, I am making this suggestion. Besides, if you look at the history of this Legislature the same will be clear. You know the Raja of Panagal was a very clever man; he knew what to do and when; he knew how to placate you; he will be hitting you in the front, but being a clever man, he will nicely pat on the back. What he did was, he included all the maths in the Act, but at the same time, he exempted practically all the maths, because he did not want opposition from those people. The second thing he did was, for the purpose of making the Act successful, he said ‘I will appoint Sir T. Sadavisa Ayyar, a man of integrity with advanced views in respect of religion.’ He appointed him and the opposition of the people faded out when they saw a man of integrity being appointed to the post. Even Mr. Kandaswami Pillai will agree that Sir T. Sadasiva Ayyar was a man of great standing and high character, and that is why I think he referred to him yesterday in the course of his speech. That is why, Sir, I want the Commissioner may be a person who is or has been a High Court Judge. So far as Deputy Commissioners are concerned, they are persons approximating to the status of District Judges, and therefore I suggest District Judges for appointment to these posts. I also suggest an alternative, that a legal practitioner with ten years’ standing in Madras may be appointed. The Law Minister has stated that he will do all this in the Rules; but I know he cannot do so by Rules. I do not want to raise any legal point over this because I know it will be discounted, but I have my own doubts as to whether under the section relating to the rule-making power, he can really make a rule regarding the qualifications, etc., of these officers.

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For the reasons that I have mentioned, Sir, I think that the supreme man in control must be a person who must command the confidence of the people; at any rate most of the criticism and disputation that has been raised over this Bill will receive a quietus if you appoint people of that calibre to these posts, and I want to compel the Government to do so through my amendment."

SRI T. VISWANATHAM:—"I second the amendment."

THE HON. SRI K. MADHAVA MENON:—"Sir, I cannot accept the amendment for the reasons I have already given in connection with another amendment just now. Mr. Bhashyam says, he shall be a Judge of the High Court. But High Court is in the Union list and it is beyond the jurisdiction of this Legislature. That is one difficulty—I am only telling the difficulties that will arise. Not that in the interests of proper administration, the Chief Justice will refuse to spare the services of a High Court Judge; I only say it is not in our power to get him. Similar difficulties will arise which I have already mentioned. Dr. Rajan, I am sure, will try to be as clever as the Raja of Panagal was clever, as Mr. Bhashyam said: In what ever was done by the Raja of Panagal in a clever manner, I am sure Dr. Rajan will not lag behind him and he will certainly do things cleverly. I do not know what Mr. Bhashyam meant when he said that the Government of India were taking in retired High Court Judges, however dilapidated they might be."

* SRI K. BHASHYAM:—"Certainly I should be satisfied, Sir, if the Hon. Minister accepts the principle embodied in my amendment and also the justification for it. If as he says on behalf of Dr. Rajan, that Dr. Rajan will bear all these things in mind when he makes the appointment, I think I must be content with such assurance. After all, if my motion is going to be defeated, I should certainly have it withdrawn rather than press it and have it defeated."

The amendment was, by leave, withdrawn.

MR. SPEAKER:—"I will now put clause 10 to the vote of the House. Afterwards, Mr. Viswanatham's amendment, introducing new clause 10-A, will be taken up. The question is—

'That clause 10 do stand part of the Bill.'

The motion was carried.

New clause 10-A.

* SRI T. VISWANATHAM:—"Sir, I move—

'That the following be added as new clause 10-A—

"10-A (a) *The functions of the Commissioner of Public and Religious Endowments and Charities and Trusts are—*

(1) *to maintain registers of all Public and Religious Endowments and Charities and Trusts;*

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(2) *to watch whether the working of such institutions is in accordance with the objects of the Endowment, Charity or Trust and with the general laws of the land relating to public order, morality and health;*

(3) *to apply to the Civil Court for the framing of a scheme of administration for such an institution where such one is lacking or is not sufficient or to settle any dispute as regards the succession to the office of a Trustee, or a Manager or other hereditary post in any such institution or to settle any other disputes of a civil nature; and*

(4) *to launch prosecutions in cases of misappropriation, cheating, embezzlement and similar offences.*

(b) *The Commissioner and Deputy Commissioners and Assistant Commissioners, when the Commissioner delegates any or all his functions subject to such restrictions as he may impose, shall have the power for the better exercise of their duty—*

(1) *to enter any Religious Charitable or Trust institution excepting portions which are not ordinarily open to members of the public;*

(2) *to call for and inspect records of the institution and have copies of such records; and*

(3) *to sequester such records as he may consider necessary until any proposed or pending inquiry in a Court is over.*

(c) *The Commissioner may start proceedings under this section suo motu on information received or on application by any person interested in the institution in question."*

"Sir, my idea in moving this amendment is that I want to concentrate on the scope and the functions of the machinery created by this Bill. There are Commissioners, Deputy Commissioners and Assistant Commissioners, to whom certain powers are given, in some cases final powers and in some cases reference to court also is allowed. The question has troubled us, as you are aware, in the early stages of the Bill as to what should be the domain or dominion of the officers and what should be the domain of the other judicial agencies to go through and control these institutions and their management. The Government are of one view and I am of a different view in regard to the matter. My view is slightly different from the view of the Government and it is embodied in this new clause which I am now presenting. I agree with the Government, as I have always agreed with them, that we must have control of the religious institutions, which mean temples, public charities and public trusts. We must have control of every public trust or charity or anything which has got the semblance of a public trust or charity, provided the public have

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a beneficial interest in it and unless we have got a beneficial interest, I submit, we cannot take control over them. But agreeing with the Government to the extent we must have this beneficial interest, I suggest that this power of control should be confined within certain limits. Sir, we have now and then had occasions to point out these limits, but as we go through the various provisions of the Bill, we will know exactly how far the Government would like to control and we will point out how far they have got the right to control and how far they do not possess such rights. I submit, these religious endowments and institutions being protected by the Constitution, they must be treated differently from other Government institutions. The Bill as it embodies, deals with temples and public trusts and public charities as almost Government institutions. I do not want that the Government should treat them like that, because they are particularly to be managed by the religious denomination. I submit, Sir, we have no right to legislate on properties or the management of the properties belonging to them, except where the public have an interest in them and the Government representing the public, can go only to that extent. That is to say, the Government is in the position of a beneficiary of the public trust or charity and as a beneficiary, it has got a certain right and that right is to see that the properties are not mismanaged, that those properties are put to proper use, and that the institutions are run along the intentions of the founders. These are the three objects and the Government as representing the public which has got a beneficial interest, have got the right to pass legislation to this extent. Sir, I have often heard in the early stages of the Bill that the Government do not intend doing more. Government said, 'why do you raise all constitutional questions, our view is not to take hold of the various trusts and charities, we represent five crores of people here including those worthy gentlemen who made these endowments and we cannot keep quiet when mismanagement is going on?' It is true they have got to see that there is no mismanagement. They can control only to the extent to which a beneficiary can do. If we had not brought in a Bill like this, prior to it, if we look into the original Acts, namely, the Charitable Endowments Act of 1863, the Charitable Trusts Act of 1920, Section 92 of the Civil Procedure Code and the 1907 Regulation Acts, under the provisions of which, sometimes the revenue authorities and afterwards persons having interest have been given a procedure and a machinery to enforce those rights see that all those Acts were confined only to the endowments in which public had a beneficial interest. Even this morning when the Hon. Minister moved for the deletion of clause 7 he said that was the object. The original provisions said that these things shall vest in the Government and the Government found it was wrong and when the Government found it was wrong, other provisions of the Bill also must conform to that. The mere omission of clause 7, will not help us unless the other provisions are in conformity with the deletion of the clause. Then, why did they

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delete clause 7 at all? Because it was wide of their powers. Of course, Government can by legislation enforce their powers, but beyond a certain limit they cannot go. I submit, there are quite a number of provisions which go beyond their intentions as expressed by the Hon. Minister at the time he introduced the Bill and as expressed by the Government today compelling them to delete clause 7 for which they put up a hard fight. Therefore, Sir, I submit that Government should go to the extent of creating the Commissioner who will act as the beneficiary on behalf of the public. He will be under the control of the Government and he will be the person with the help of the staff given to him and with such other statutory powers which may be given to him under this Bill, to see that the endowments are properly run, that they are not mismanaged and to take such steps as are necessary, proper and legal, to see that the intentions of the founders are properly carried out. And, Sir, what are the steps he can legally take? When a certain property is mismanaged, he should go to a court of law and tell them, 'Here is a public endowment, a public trust or a charity and there is mismanagement.' The court should frame a scheme if one was not existing, give directions and remove such and such a trustee or appoint a new trustee. Then, where a scheme is not there originally, the court should give a fresh scheme and if the trustees are not properly working, they should remove them and so on. We have all those powers under the Act of 1863 and under Section 92 of the Civil Procedure Code. Let us assume now they are consolidating all these. On the civil side that is the limit to which they can go. Again, on the criminal side the law is there and whenever a person commits any offence of cheating or embezzlement or misappropriation or breach of trust, even today we have got powers to bring him under the Criminal Code. In fact, we are seeing where some trustees have mismanaged, they have been booked and some cases have been filed against them. In fact, that is the reason why this Bill has been brought forward. It is true there is mismanagement and misappropriation in some institutions and there are also remedies provided but the remedies did not act well hitherto, because they were left to the persons having interest. That was under the foreign Government and not having represented the subject they did not assume powers of the public over themselves and they asked a person having interest to take care of the institution. For instance, if I am personally interested in a temple, they left it to me to go to a court of law. And, if it is a criminal offence, of course, the police would take cognizance of the offence, or complain. But, today the Government have changed and the Government represents the people, that is to say the Government represents all the persons having beneficial interest in the charities. That is why, this Government on behalf of the people of this State can appoint officers to act as persons having beneficial interest. We want this Government to represent me, represent yourself and represent the educated and the uneducated men who have interest in public institutions and to take action.

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What is the action that I want them to take? For instance, I can go to a court if a particular public property is not properly managed. That is on the civil side. And, if there is breach of trust, on the criminal side, I can go to a criminal court. If you want, give powers to the Commissioner straight away and imprison the person who is guilty of the offence of breach of trust. But they do not give such criminal powers and they only want to take powers on the civil side. Of course, although I cannot agree to that and even if we agree, the Constitution does not agree and we cannot take powers ourselves. We can only go to a court of law, and these denominations will enjoy the properties and enforce their rights. We cannot create ad hoc laws for taking over the management of the properties and say it is management of religious trust. That is the difference. We can create a machinery to enable the beneficiaries to enforce these rights and that machinery is the Commissioner, the Deputy Commissioner and the Assistant Commissioner. Whatever the objection may be, you are the final arbiters in the matter and people have no right of appeal. In taking over the beneficial interests on their own shoulders, Government should see that they do not exceed the powers. Government can only exercise a right which I can exercise and nothing more than that. In regard to a public trust in which the public have a beneficiary, interest, I can exercise some rights and those rights I can exercise and it is those rights alone that the Government can exercise. And by passing this Bill the Government will not have more rights than the people of the State and they cannot go further because the Constitution says, their management and their administration of religious endowments is entirely that of the denominations. The very words used in the Constitution are 'their management and their administration'. What does 'management' used in the Constitution mean? If management means anything and if it is reserved for public trusts or charities, then they cannot be taken over. Therefore, the Commissioner, the Deputy Commissioner and the Assistant Commissioner shall usually be subject to the general control of the Government. So, Sir, if I have no power, the Government cannot have power. If, as a person having interest cannot do a thing, the Government also cannot do it. That is the point at issue. The Constitution says the religious denomination alone can administer, manage and maintain an institution. Therefore, we cannot go beyond that. That is why I am submitting an alternative scheme in the amendment I have moved and I have defined the functions of the Commissioner in my amendment. His function will be—

'to watch whether the working of such institution is in accordance with the objects of the endowment, charity or trust and with the general law of the land relating to public order, morality and health : to apply to the Civil Court for the framing of a scheme of administration of such an institution where such one is lacking or is not sufficient or to settle any dispute as regards the succession to the office of a trustee or a manager or other hereditary post in any such institution or to settle any other disputes of a civil nature : and to launch prosecutions in case of misappropriation, cheating, embezzlement and similar offences.'

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" This is also parallel to what is happening in England. In England there are Charitable Trusts Acts beginning from 1812 up to 1919.

" Whenever a Charitable Trusts Act was passed in England, 3-30
two or three years later a similar act was passed in India. The P.M.
Act of 1812 was passed in England and in 1817 we had the Regulation and in 1853 they passed an Act which is still in force and we here have got the 1863 Act. They had an Act in 1919 and we passed our Endowments Act of 1925. It is not as if the old position was secured but as notions were developing, the Government being quite sensible to the interest which they have to take regarding the management of public trusts, the law has been re-imposed from time to time and there the Charity Commissioners excepting in matters whose pecuniary value is less than £ 40 have no powers such as the Deputy Commissioners are being given here. They simply move a civil court or a criminal court and they are given certain statutory powers which have been retained for the purpose of getting information and the trusts should be under an obligation to submit their annual budget so as to enable them to watch the working of those institutions but whenever they feel they must move, they move in the matter. I submit, Sir, that this amendment must be accepted; I have, however, no objection if they propose any alteration but the principles mentioned in my amendment are principles which would be acceptable when tested in a court of law and I would ask the Government representing persons who have interest to go with them up to the point to which they can go and not beyond that."

* SRI L. N. GOPALASWAMI:—" Mr. Speaker, Sir, I second the amendment. The Government have been kind enough to delete section 7 from the Bill, which defined their powers. Those sections are not there but the Commissioners will be appointed and it is natural that their duties should be fixed. I submit, Sir, that my hon. Friend's amendment is quite necessary and appropriate in view of what the Government should do. He has very lucidly painted a picture of the limits to which the Government can interfere in matters concerning religion and public charity. I want the Government to act not merely upon the mere wording of law omitting a word here and there but as I had occasion to point out earlier, when once the Government make an amendment the concomitant effect of that upon the whole Bill should also be watched and wherever they interfere with the purpose behind the amendment which has been carried out, necessary amendments should also be adopted. But I am sorry to say that this has not been done by the Government and hence the difficulty arises in interpreting these things. Mr. Viswanatham has pointed out that the Government must define the powers of the Commissioner; they should not exceed the powers that have been granted to them under the Constitution. If the Government really want to take more powers, then they ought to have defined them. The very fact that

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they have taken away section 7 means that they want to act under the powers vested in them by the Constitution Act. If that be so, I do not see any reason why these powers which are only an exemplification or clarification of what the Government can do, should not be defined instead of leaving them vague saying 'such action as he may think fit can be taken'; I feel that it is not correct but such powers, certainly which are not in contravention of the Constitution Act, should be defined and I hope the Government would accept the amendment."

* SRI K. BHASHYAM:—"Mr. Speaker, Sir, I am supporting the amendment on the ground that it is really in accordance with the law; I am speaking as a lawyer; not that I have not that the common sense of a lay man but I have the added qualification of being a lawyer and so, if I say something about what is laid down in the law, it would not be considered presumptuous. Articles 19, 25 and 26 of the Constitution says that the denominations shall have the right to manage their own affairs according to law. I want persons who are not familiar with law to understand what 'according to law' means; it means that it must be a law which will regulate the management; it must not be a law which will wholly eat up the management. The management must be in the hands of the denomination and not a third person altogether. That is the position that is likely to take place. I am saying this to explain the possible implication though some friends may be thinking that I am wasting the time of the House and Rs. 1,500 a day for nothing and I want those gentlemen to understand that it is not so. (Sri K. T. Kosalarām rose to interrupt) The hon. Member did use those words and I have a right to put it to the House that it is not anything like that; I do not think he really understood those words and what my idea in regard to the matter is this. Instead of creating litigation, paying lawyers, paying court-fees and having long delays in respect of these matters, why not I ask by adapting the Act to the Constitution Act make it constitutional. They may say that my interpretation of the Constitution is wrong and may have got their own interpretation of it. But the whole thing is that if you accept my position, no judge can interfere. I want to see that no litigation comes into the court so that it may be said that the laws passed by this Assembly in all its wisdom, knowledge and capacity should not be treated by any court as being *ultra vires*. That really pains me. I really feel proud of being a member of this Assembly and I naturally feel much hurt and pained when any law passed by it is questioned in a Court of law and is declared *ultra vires*. Therefore I want to avoid such a position and I am pleading with all members to take a little more interest in these matters; I know many of them have not even copies of the Act nor of the amendments but they are wise enough to know everything and I am glad that they understand things without any help from books or anything. When, therefore, they are so good and so wise, let them understand this as well, namely,

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that we should not unnecessarily invite litigation about constitutional points if it can be helped. I am impressing that upon hon. Members of the House though they are very few now. The amendment of my hon. Friend Mr. Viswanatham seeks to achieve this object. It says that the Commissioner can be appointed, that he should be given all the powers which the Police mag will have for purposes of investigation whenever a crime takes place but after that is concluded, let him put the case before the denomination and if the denomination complains, he ought to take action. It is just on lines similar to the provisions we have in the Indian Penal Code according to which the Police cannot take action unless the person hurt complains before a judge and I think many hon. Members know it because they are more familiar with the Penal Code than with civil matters. What I want is that the person who is a member of the community who is hurt by the mismanagement of that institution ought to come forward and make an application, at least a complaint, and then the officer who had been charged with the duty of investigating it and getting information regarding the mismanagement, will place it before the court of law. If it is done like that, the denomination has got its work, the Government on their part have got their work and also the court. If it is done, it will be quite constitutional and it will not be a thing for anybody to take offence nor pick holes in what we do. I am very anxious that this should be a pacca Bill in which there ought to be nothing wrong. The amendment is based upon this view. Just as the Government appoint the Director of Prosecutions in criminal matters, so also here they appoint the Director of Public Charities who will be entitled to get all the information from all quarters and then place the matter before the court. We have had complaints even in the Select Committee that people were not so much interested in the proper management of public charities, that they do not care what happens to public trusts and that they do not want to put themselves to the trouble and expense of going to court with the possibility of meeting the cost. They are merely satisfied with having the *dharshan* and they are not interested in the trust or endowment beyond that. For that purpose the Government must appoint a person who will do so. That, I submit, is the scheme underlying this amendment and I commend it to the House with all humility and sincerity. I may tell hon. Members that it is not as if we can pass a law and get away with it; there are persons who are awaiting for any slip on our part to take advantage of any deficiency that may be noticed and to object its validity and to challenge them in a court of law. We must be really able to meet the challenge that may be made later on that and that is why I commend the amendment to the House."

THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir, with as much sincerity and humility as my hon. Friend, I must oppose the amendment also because if we understand the explanation offered by Mr. Viswanatham, we can see that it completely

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sabotages the whole Bill. (Sri T. Viswanatham: 'I object; it is not so.) If my hon. Friend objects, I withdraw it but will say that it will completely destroy the Bill. If this is passed, Chapter IV will be absolutely unnecessary. I entirely agree with the dictum of constitutional law explained by my hon. Friends Mr. Bhashyam and Mr. Viswanatham and Mr. Gopalaswami said that we should not do anything which offends the Constitution. Hon. Mr. Viswanatham was at pains to explain why we should limit ourselves to the terms of the Constitution and I am sure nobody will take objection to it. I entirely agree that knowingly we are not going to pass a law which will go against the Constitution; even if it is done by oversight, the courts, and the people are not going to keep quiet. So, there is no question of offending the Constitution at all. Mr. Bhashyam pleaded with some Members here that they may be pleased to understand things; whether they have copies of the Act or other papers with them or not, they pretend that they know everything but let them understand them properly. But let me tell you, Sir, hon. Mr. Bhashyam may know things very well and hon. Mr. Viswanatham equally well. There are people on his side who support this amendment and there are people like that. In this connexion, I am reminded of a sloka in Bhartruhari's Neethi Sathakam '.

अज्ञः सुखमाराध्यः सुखतरमाराध्यते विशेषज्ञः ।
ज्ञानलवदुर्बिदग्धं ब्रह्मापि नरं नरञ्जयति ॥

There are people like that and they have also to understand things properly."

SRI S. NAGAPPA:—"May I know the meaning of the sloka?"

THE HON. SRI K. MADHAVA MENON:—"At any rate hon. Mr. Bhashyam understands it."

3-45 p.m. SRI K. BHASHYAM:—"Those beautiful words ought to go in vain."

THE HON. SRI K. MADHAVA MENON:—"Since I have quoted a verse in Sanskrit from Bhartruhari's Neethi Sathakam, I think I shall do well to give out also the meaning thereof. It means as follows:—

'It is easy to make a person understand who does not know anything; if it is a person who knows everything, it is easy to make him understand; but if it is a person who knows nothing but pretends to know everything, even Brahma, not to speak of man, it is impossible to make him understand'. (Loud laughter.)

In fact there are persons on the other side of the House who say everything we do is bad."

SRI K. BHASHYAM:—"That equally applies to your side."

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THE HON. SRI K. MADHAVA MENON:—"Sir, in spite of the lucidity of the arguments expounding implications of his amendment, hon. Mr. Viswanatham was pleased to say that his views in this matter slightly differ from those of Government. I do not know how to measure that 'slightly'. It fundamentally differs from Government. Because he wants to make the Commissioner or Deputy Commissioner into a first-class vakil's clerk; or I do not know whether I would be right in calling him a tout, a person who goes about, collects cases and engages vakils for them. The position of the Commissioner will be like that."

SRI K. BHASHYAM:—"And not like that of the Police Commissioner."

THE HON. SRI K. MADHAVA MENON:—"Whatever may be the position of the Police Commissioner, at any rate that is not the idea of the Government, or the idea like an agent of the Government to file suits. My friend wants to give the Commissioner the power-of-attorney, *muktearnamah* to file suits in courts. It may be a lawyer's paradise, but that is not the intention of Government. The intention of the Government is not that the Commissioner should not have sufficient powers. Now, what are the powers sought to be given to the Commissioners by the amendment of my friend? They are to maintain registers of all public and religious endowments and charities and trusts (I submit, those things a village register will show), to watch whether the working of such institutions is in accordance with the objects of the endowment, to apply to the civil court for the framing of a scheme of administration for such an institution where such one is lacking or is not sufficient. Or to put it shortly, the powers he wants to give the Commissioner are to watch, keep registers and file suits. Now, if this amendment is conceded to, then all the other chapters from Chapter IV go away. So, the amendment has far-reaching effect. The intention of the Government is that the Commissioner should have real powers of administration and should have power of superintendence that is required under normal circumstances.

"I only want to show what hon. Sri Bhashyam wants us to do. No doubt, he gave us very nice advice, that if Government accept hon. Mr. Viswanatham's amendment, it will not offend the Constitution. Therefore, he wants us to change the clause. Sir, if his advice is to be accepted, there will be no law. Then all the other clauses in the Bill will go. Surely, then, there is no danger of offending the Constitution, as there is no law at all! Sir, that is a solution which I cannot accept. Then, Sir, may I ask him what can this Legislature legislate? It will have no power other than what an ordinary man or a person in the street will have. Has this Legislature no power to invest the Commissioner with special powers other than what an ordinary person in the street has? Article 246 of the Constitution Act says that

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the Legislature of any State has power to make laws with respect to any matter enumerated in the Concurrent List in the Seventh schedule. And what does Article 28 of that list say? It refers to charities and charitable institutions, charitable and religious endowments and religious institutions. So, we can make laws regarding them. Then, let me take Article 25 of the Fundamental Rights. Sub-section (2) of that article says—

‘(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law—

(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice.’

So it is open to this Legislature to make any law for that purpose. Then, let me take Article 26 of the Constitution Act. Sir, I shall have to take a little time to reply as I have to explain this point, since it was mentioned by the hon. Member. Article 26 runs as follows:—

‘26. Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—

(a) to establish and maintain institutions for religious and charitable purposes;

(b) to manage its own affairs in matters of religion;

(c) to own and acquire movable and immovable property; and

(d) to administer such property in accordance with law.’

What is that law? It is any law which can be made by the State Legislature which is competent to pass. So, it is in accordance with law that we are now passing this Bill. So, it does not offend the Constitution Act. So, while agreeing with the general principles that we cannot go against the Constitution, if we are to agree with the amendment of Mr. Viswanatham we will have no law at all. It amounts to saying that we need not regulate the conduct and management of temples and religious institutions. Then, any person who has an interest in such institutions can only take action under Section 92 of the Code of Civil Procedure. That is the position the acceptance of hon. Mr. Viswanatham's amendment would lead us to. But that is not the idea of Government. So, I oppose his amendment.”

* SRI T. VISWANATHAM:—“ Mr. Speaker, Sir, Government have a perfect right to differ from me. But before so differing, they should try to understand what I have stated. The Hon. Minister read out only a portion of my amendment. He did not read it in full. He said in unmistakable language that I have reduced the Commissioner to the position of an ordinary man in the street. He said I had made the Commissioner as a man holding a *muktearnamah*, a power-of-attorney. And, then, he said, ‘if I accept Mr. Viswanatham's amendment, there is no law’. Sir, I am not so ignorant as to stand up here and make a suggestion which will reduce the position of the Commissioner to that of a tout. When I say that representing the people of the province, Government should have only certain powers and

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not certain other powers, I cannot understand how the Hon. Minister can say that I want the Commissioner to be reduced to the position of an ordinary man in the street. May I request him to turn to page 4 of the list of amendments; there he will see under clause (b) I have said that the Commissioner shall have the power for the better exercise of his duty—

‘(1) to enter any religious, charitable or trust institution excepting portions which are not ordinarily open to members of the public;

(2) to call for and inspect records of the institution and have copies of such records;

(3) to sequester such records as he may consider necessary until any proposed or pending inquiry in a court is over; and

(4) the Commissioner may start proceedings, etc.’

Thus it will be seen I have given the Commissioner power to enter any religious institution, right to take possession of any document and right to sequester records until all the proceedings are over, so that other people may not bolt the door after the horse is stolen. In this way I have provided powers to the Commissioner to discharge his duties. Therefore, it is not charitable for the Hon. Minister to say that I have suggested an amendment, the acceptance of which would reduce us to a position where there will be no law; or that I am reducing the Commissioner to the position of a man holding a *muktearnamah* on behalf of the Government. I have not said that all the other provisions should go. I have only said that the Commissioner should not have any power to do anything which he cannot do under the Constitution Act. Why do I say like that? The public have no power, the Government have no power, or for that matter have I got power to manage the property of Mr. Bhashyam? Can the Hon. Minister bring a law to-morrow before this House saying that Government want to manage the property of such and such a person, because he has got a report that he is not managing his property properly! If I do not manage my property well, has he a right to bring a law to take it over and manage it? What is the law relating to administration of property? What is the law relating to the acquisition of property? What is the law relating to public order and morality? These are general laws. These are laws propounded for a general purpose; these are not laws propounded for any specific purpose. The words ‘according to law’ mean according to justice, public morality and equity. Justice Patanjali Sastri in one of his judgments has said—

‘A competent legislature may change the procedure; but it must not be a change *ad hoc* for any special purpose or occasion.’

So all we can do is to have a change in the procedure; because the right to administer, the right to manage is vested by the Constitution. Why does the Constitution say it? What is the meaning

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and content of the language which is used to denote that, namely, 'management'? What does that word mean? If I have a property, what do I do with it? I lease it for rent and collect the rent. Or, if I have the necessary power and skill to plough it myself, I plough it myself and cultivate it. If there is no water-supply, I get water to the land through electric power. If somebody trespasses into my land, I go to court and oust him. If I appoint a manager to manage my land, I ask him to maintain a register of accounts and also keep the records properly. If he mismanages, I remove him. All these things are part and parcel of management. Under the proposed provision, the denomination has little to do with the management or administration of the property of the institution. The real authority in all such matters is the Assistant or Deputy Commissioner or the Commissioner. The powers entrusted to these officers amount to taking over the maintenance, administration and control of the property and the institution itself. The words 'manage the property' mean that the officers shall have the power of acquisition, enjoyment and disposition of property. This means the religious denominations will have no such right.

4 p.m. "Precisely these are the things which the Deputy Commissioner or Commissioner is asked to do. Therefore, I submit that it is not right to say that I am trying to create conditions where there is no law. There is a law already; it cannot be said that there is no law. This Bill seeks to consolidate it. By all means let us consolidate and I am co-operating in the process. But I am going further in order to ensure better exercise of functions and administration of property. On behalf of the public we are giving certain extra powers to the Commissioner and the other officers created by this Bill. To the extent to which the powers are not inconsistent with the Constitution I am willing. I might have been willing to give all the powers proposed by this Bill if the Constitution had not stood in my way. It is not as if I am opposed to what the Government do by the texture of my Constitution. We as legislators have got a certain responsibility. The Hon. Minister may say that the Government also have got a responsibility. It is true and I do not minimize the sense of responsibility which the Government are exhibiting. At the same time, I, in my own humble way, feel that the powers given to the Commissioner and Deputy Commissioner go to the extent of taking over of the property and administering it on behalf of religious institutions. It may be asked why we should not give those powers. We can give, provided the Constitution had not come into existence. If only the Government had been careful at the time of finalizing the Constitution, as they had been careful with regard to the Madras Estates Abolition Act, and extracted more powers of control over religious institutions, I would not have objected. I am not opposed to the Government taking power, but I am opposed to taking power against the Constitution to which we have sworn our loyalty."

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THE HON. SRI K. MADHAVA MENON:—"My hon. Friend only repeated his arguments in another form. He still wants that the Commissioner should exercise only such powers as any member of the public can exercise. That is a position which the Government do not accept. The Government want him to exercise such powers as are given to him by this Bill."

MR. SPEAKER:—"The question is—

Add the following as a new clause 10-A:—

10-A (a) The functions of the Commissioner of Public and Religious Endowments and Charities and Trusts are—

(1) to maintain registers of all Public and Religious Endowments and Charities and Trusts;

(2) to watch whether the working of such institutions is in accordance with the objects of the Endowment, Charity or Trust and with the general laws of the land relating to public order, morality and health;

(3) to apply to the Civil Court for the framing of a scheme of administration for such an institution where such one is lacking or is not sufficient or to settle any dispute as regards the succession to the office of a Trustee, or a Manager or other hereditary post in any such institution or to settle any other disputes of a civil nature; and

(4) to launch prosecutions in cases of misappropriation, cheating, embezzlement and similar offences.

(b) The Commissioner and Deputy Commissioners and Assistant Commissioners, when the Commissioner delegates any or all his functions subject to such restrictions as he may impose, shall have the power for the better exercise of their duty—

(1) to enter any Religious, Charitable or Trust institution excepting portions which are not ordinarily open to members of the public;

(2) to call for and inspect records of the institution and have copies of such records; and

(3) to sequester such records as he may consider necessary until any proposed or pending inquiry in a Court is over.

(c) The Commissioner may start proceedings under this section *suo motu* on information received or on application by any person interested in the institution in question."

The amendment was lost.

Clause 11.

MR. SPEAKER:—"The motion is—

That clause 11 do stand part of the Bill."

MR. SPEAKER:—"The hon. Member Sri T. Viswanatham will now move his amendment to 'delete the clause'."

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THE HON. SRI K. MADHAVA MENON:—"The hon. Member wanted to delete the word 'Hindu' and thereby make the Bill applicable to the religious and charitable institutions of not only the Hindu religion but of all religions. This follows that amendment."

SRI T. VISWANATHAM:—"I do not move the amendment."

* SRI K. BHASHYAM:—"Mr. Speaker, Sir, I move—

'After the word "professing", add the words "and practising".'

This is a very important amendment. But I do not know how the Government view it. I want persons who are connected with this department should be persons who are not merely Hindus in name. Hinduism is an elastic thing. It does not require a Hindu to subscribe to a creed or doctrine. As I said before on another occasion, it is a conformist religion. If a man says that he is a Hindu and puts on the trappings of his caste like *namam* or *viboothi* on ceremonial occasions, he becomes a Hindu. In the Hindu-Muslim trouble, it is said that Muslim distinguished Hindus from the tuft which they had to chop off their heads. Since temples cater to the needs of people who have great respect and regard for God and religion, persons in charge of the administration of the temples also should have some respect and regard for them. It is not enough if they say that they profess and believe in Hindu religion. If an Executive Officer, Commissioner or any other officer connected with the department goes into a Vaishnavite or Saivite temple in a very unorthodox style, with his hat and boot on, people will think very lightly of the department. So, the officers to be appointed should not only profess but also practise Hindu religion. Whether they actually believe in it or not is a matter of their inner minds and we cannot dive deep into their minds. An Assistant Commissioner, for example, in charge of various temples should at least look orthodox, though he may be a fraud or humbug. The Government may say we promote fraud and humbug for this purpose. What I want to impress upon the

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p.m. House is that a person who is appointed as Deputy or Assistant Commissioner to control the affairs of a temple must be an orthodox person. He must be pious and put on his caste-marks when he goes to the temple so that he might produce a good impression in minds of the people who come there for worship. That is why I am asking that it is not enough that the person who is put in charge of these temples should not merely profess to be a Hindu, but that he should also practise Hinduism in some form or other. I have seen persons who are appointed as Executive Officers in some of these temples who are very good people no doubt, but who have returned from England and who are tip-top in their dress and their fashions and come to the temple in an European style with a hat and boots on, and still they profess to be Hindus, although they do not practise Hinduism in any form and conform to the actual modes of the lives of the people who come to temples

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for worship and so, they do not favourably impress upon the worshippers of the temple. I submit, Sir, that they must have not only a religious bent of mind but have a respect and reverence for God and for godly things and traditional usages. That is the reason why, I want to add the words 'practising' in this clause. Sir, even if it is not so very expressive, that is the only word that I can think of, and if the Government want to improve upon the word, they are quite welcome to do so, and I do hope that the Hon. Minister will be good enough to accept this simple and innocuous amendment, because it is very necessary that the sacredness of these institutions should not be spoiled and a bad impression created in the minds of the worshippers on account of the wrong choice in the appointment of the Executive Officers of these temples."

* SRI T. VISWANATHAM:—"Mr. Speaker Sir, I second the amendment and in doing so, I want to make a few general remarks. After all, religion is a matter of faith proceeding from the innermost recesses of the heart and as we know, Sir, in matters of faith, it is the old traditional habits and customs and forms and ceremonies that play a very important part. Suppose, Sir, I go to a temple on a holy occasion and stand near the Garbhagruha with my cropped head, with my shirts on and with my spectacles, and possibly holding a copy of some constitutional law or a copy of the Religious Endowment Act, certainly I cannot make a favourable impression in the minds of the people who have come there for worship, with a sense of devotion expecting some divine grace from the deity. Therefore, it is not enough that I am merely a Hindu, but I must be practising the tenets of the Hindu religion in my everyday life. It may be that I do not strictly conform to the traditional orthodox standards, but still by the way in which I stand before God, by the way in which I behave towards the deity and the ceremonies performed in the temple and the manner in which I view the forms and practices in the temple, and the interest I take in matters of religion, I should be in a position to be spotted out by the people there, saying, 'Oh! Here is a person who is fit to be in charge of the temple and who is a Smartha or a Vaishnavite, par excellence!' If there is any object in putting these words 'he shall be a person professing the Hindu religion; there is a greater object in adding these words also, namely, 'and practising'. Again, I may be a Hindu, but still, I cannot be asked to administer the affairs of a temple belonging to Vaishnavites, where the worship and ceremonies are carried on according to Visishtadvytham, because I am one professing Advytham which is entirely different from the other. If I were asked to administer a Vaishnavite temple, what impression or what reaction would be produced in the minds of the Vaishnavites who come to the temple for worship from long distances or in the minds of the archakas or other people in the temple?

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“ Sir, when some of our friends from this country went to London in 1931 to take part in the deliberations of the Round Table Conference, they were not recognized or cared for by the press representatives who were waiting there at the harbour to greet them, because most of them were in Englishman's style of dress, with suits, boots and hats and hence those press reporters thought that they were not the real representative Indians. They did not even care to look at them or have a chat with them. But then when some Maharajahs got down from the steamer with their big turbans and long coats, these press reporters greeted them saying ‘ Oh! Here are the real Indian representatives ’. It is because they were waiting for the Indian representatives to the Round Table Conference, that when they saw people coming in the English style of dress, their attention was not attracted to them, whereas, when the Maharajahs came with their turbans, they were able to distinguish them as Indian representatives. Even Sir Tej Bahadur Sapru, who was the leader of the Liberal Party and who went as an Indian representative to the Round Table Conference, was not able to impress those people, because he was in English dress. But, Sir, although this has nothing to do with the present amendment, this is only an illustration to show how a particular mode of dress on a particular occasion has a peculiar attraction for the onlooker. Even so, in these religious institutions it is only the mode of dress and the behaviour of the authorities in charge of these temples that will impress the worshippers. Sir, there are many important temples and sacred shrines in our State to which many a poor people come and worship from distant places. They may not have many occasions in their lifetime to visit such temples and holy places and when they come, they come with a zeal and an ardour which cannot be described in words, and with a sense of devotion and sacredness, which has no parallel in any sense, which is a typical feature to be seen in the Indian pilgrims only. What reaction would be produced in their minds, if they see an Assistant Commissioner or an Executive Officer of the temple dressed in a tip-top English style? I therefore submit, Sir, that we must take every care to see that those officers who are to be in charge of these temples should dress themselves in such a fashion and behave in such a manner as to make a favourable impression in the minds of the devotees of the temples and so I am very glad to second this amendment.”

SRI P. KANDASWAMI PILLAI:—“ Mr. Speaker, Sir, I entirely agree with my hon. Friend Sri K. Bhashyam when he said that the person who is to be in charge of the affairs of a temple must appear in a suitable fashion. It means that we must adopt all the temple rules and the injunctions prescribed by our ancestors in regard to temple worship. There is no doubt about that at all. This is a very small matter of detail, although it is important. Our Hinduism is very wide and its tenets are very numerous.

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You cannot give any particular definition to a Hindu. There are various communities among the Hindus, such as Saivites, Vaishnavites and Madhvites and various sub-classes and sub-communities. According to the Saiva Agamas, a person going for worship in a Siva temple must go in a particular dress and in a particular form. He must wear *rudraksham* and must have *ributhi* marks on his forehead. He must go in a particular form and worship in a particular manner. And if a person belongs to the Vaishnavite community, he must go to the Vishnu temple with Dwadasi namams and if he were a Vadagalai, he must wear a different caste-mark, and worship in a particular form. If he happens to be a Tengelai, he must wear Tengelai namams and worship in a different style. If we go into all these details, there are oceans of them and it would be practically impossible to adhere to each and every rule prescribed in religious text-books and practices. Therefore if the amendment of my hon. Friend Sri K. Bhashyam is accepted, it means that the Assistant Commissioner or the Executive Officer of the temple must undergo a course of the Agama Sastras of the particular religious institution to which he is to be put in charge and practise them in his everyday life. I think, Sir, that we can conveniently leave these details to the Government because, I believe that the whole law will be in charge of a Hindu Minister and he will see to it that only the proper person is put in charge of the temples concerned. I am sure that no Christian or Muslim will be entrusted with this portfolio and therefore he will take great care to see that the temples are not desecrated by the appointment of improper and unsuitable officers. We must trust the Government to do the right thing and leave these minor details to their good sense. I therefore oppose this amendment Sir, and I request my hon. Friend Sri Bhashyam to withdraw it and not to press all these minor matters of detail.”

THE HON. SRI K. MADHAV MENON:—“ Mr. Speaker, Sir, I find it rather difficult to accept this amendment, because I think it would be impossible to put it into practice, if once it is accepted. Now the clause as it stands reads as follows:—

‘ The Commissioner, every Deputy or Assistant Commissioner and every other officer or servant appointed to carry out the purposes of this Act, by whomsoever appointed, shall be a person professing the Hindu religion, and shall cease to hold office as such when he ceases to profess that religion.’

“ My hon. Friend Sri K. Bhashyam wants to insert the words ‘ and practising ’ after the words, ‘ professing ’. It is very difficult to define what is meant by practising the Hindu religion.

“ Apart from that, Sir, the dictionary meaning of the term ‘ professing Hindu faith ’ is affirming one's belief in the Hindu religion and this is totally different from the meaning of the term ‘ practising Hindu religion ’. I really doubt, Sir, how many of us would be really practising Hindu religion according to the strict tenets prescribed in the Sastras. I really wonder, Sir, whether this would not be inconsistent with the amendment just now moved by Sri T. Viswanatham and seconded by my hon. Friend

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Sri K. Bhashyam, to clause 10 of this Bill, wherein they wanted that the Commissioner, the Deputy Commissioner and the Assistant Commissioners should be recruited from persons possessing law qualifications of a recognised University or practising lawyers, because I want to know, how many of us, practising lawyers, really practise Hindu religion according to the tenets prescribed in the Hindu Sastras and scriptures. Perhaps my hon. Friend Sri K. Bhashyam might be an exception to that."

SRI K. BHASHYAM:—"The Hon. Minister is blaspheming the lawyers of the whole Hindu community, Sir."

THE HON. SRI K. MADHAVA MENON:—"I am not in any way blaspheming anybody, Sir, but I am only asking how many lawyers of the Hindu community are practising Hindu religion in accordance with the strict injunctions of the Sastras. There are people who do not even perform their Sandhyas and I know there are people who cannot even repeat the Gayatri by heart correctly. So that, Sir, if we accept this amendment, we must have to put in a definition for the term 'religious practice' and we will have to prescribe a number of religious practices which should be observed by these officers. We must prescribe that as one of the qualifications for making appointments to these posts. It is very difficult to carry all these things into practice. It may be that my hon. Friend Sri T. Viswanatham may have a living faith in the Hindu religion, but whether he is practising that religion in his daily life is a thing which nobody can know. We know, Sir, the oft-quoted expression that, 'Even the devil itself cannot know the mind of man' and such being the case, how can man know the mind of man and say that such and such a person is practising Hindu religion. We have got no yard-stick to measure the mind of man. The very example given by my hon. Friend Sri T. Viswanatham as to how even such stalwarts like Sir Tej Bahadur Sapru were not able to impress the press reporters in England by his outward appearance, while a *chapsrasi* was able to do so simply by wearing his turban, is enough to show how very difficult it is for people to understand the real state of things, by mere outward appearances and expressions."

SRI T. VISWANATHAM:—"I said, Maharajahs, not *chapsrasis*."

THE HON. SRI K. MADHAVA MENON:—"Yes, Sir, I accept the correction. It comes to this, that the Maharajahs by themselves were not impressive, but that their turbans had made them more impressive. That is an example which shows that outward appearance creates greater impression than real truth. I do not want, Sir, that such a false impression should be created in this matter, or that people should be judged by their outward appearances. A person may be wearing a big namam on his forehead and call himself a Vaishnavite, but in practice, he may be

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doing the most outrageous things on earth. You cannot put in things in this Bill which are impracticable of performance or which cannot be measured by any yard-stick. But we can only lay down certain general practical conditions and prescribe certain general principles which we can enforce in making appointments to these posts and the qualification that we have prescribed is that he must profess the Hindu religion. I submit, Sir, that the amendment of my hon. Friend Sri K. Bhashyam is impracticable of application and therefore cannot be accepted."

* SRI K. BHASHYAM:—"Mr. Speaker, Sir, I submit that my amendment is a very reasonable one and a very necessary one, because there is a vast difference between a person professing a religion and practising a religion. As my hon. Friend the Minister for Law just now said, 'Even the devil cannot dive into the depths of man's mind' and know what he professes and whether his profession is really true or not. Therefore, Sir, much less can the devil of a Minister—without meaning any offence or disrespect to him—discern the mind of a person who says that he professes a religion and make the appointment, although he may, in fact, be a most profane Hindu. It may be that in many cases, even people belonging to the Black Shirt movement can say that they too profess the Hindu religion and get into these temples. You know, Sir, that even in Tirupati some of the students belonging to the black-shirt movement got themselves admitted into the school and disfigured the picture of Lord Sri Venkatesa, after having got into that institution. Perhaps you may not be able to get people who are so orthodox as to wear always the *dwadhasa* namams, or people who look like *sivapalanis* for being appointed as Assistant Commissioners or Executive Officers of these temples, but I do want that they should at least conform to some ordinary standards which might indicate that they are practising Hinduism in some form or other. Otherwise people would lose faith in these temples. (Interruption.) I can give the Hon. Minister the names of a number of lawyers who still wear namams and who are still very orthodox and if he really wants them, I can send them on to him for being selected to these posts. Now let me give you a practical example of what I mean. Take for instance our great revered leader Sri V. Bhashyam Ayyangar, the Retired Judge of the High Court, who has been appointed as the Director of Harijan Uplift. He is a very orthodox gentleman, and a gentleman who is well-versed in law. If you appoint such a gentleman as the Commissioner of the Hindu Religious Endowments, nobody will complain about him. But what is going to happen is that some I.C.S. or some I.A.S. officer might be put in charge of these institutions. People who come for religious worship in temples and devotees of God would not like such people being the head of the religious institutions. If my amendment is accepted, you can avoid those things. Because this is in the nature of an Ecclesiastical department, you must take

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special care to appoint people who are religiously minded, in addition to merely professing the Hindu religion. Suppose, you appoint a person to be a Bishop in a church. He must go there with his reversed collars and with a black coat and put on such dress as is prescribed for a Bishop. I am not so very impractical as to suggest that the person who is appointed as an Assistant Commissioner should be strictly orthodox. But he should have a religious bent of mind and should be a bit religious in his everyday life. At least, if the Hon. Minister can give an assurance that he will appoint a person as Executive Officer, who will put up a namam or vibuthi when he comes to the temple and who will wear a panchakacham and not suit, hat and boots, that would satisfy me. Otherwise, what will happen is, that if a person comes up for being appointed as an Executive Officer, you will ask him, 'Are you a Hindu' and he will reply, 'Yes, don't you see that I am putting up a namam?'. But who is there to see that in his every-day conduct in the temple, he behaves himself in such a manner that the ordinary person who goes to the temple may be able to reconcile with him? I ask, why not appoint a person who is really orthodox as the Commissioner and ask him to select these other officers, in which case, he would only choose the right sort of persons? What difficulty is there if you ask these officers to study the various Agamas and Sastras and prescribe that as a qualification for them in the future? The Government can frame rules prescribing the qualifications of these officers, if they want. That is why I am asking that at least this harmless amendment may be accepted by the Government. It is not a small amendment going into the details of the administration, as my hon. Friend Sri Kandaswami Pillai has pointed out. I do not quarrel with him, even if he thinks this is only a minor matter, but if he has any real faith in the temple, he must support me at least in this amendment, which is perhaps a very small one, according to him. I hope, Sir, that the Government will accept my amendment, because it is really good for the persons who are to be appointed as Deputy and Assistant Commissioners, not only to profess but also practice Hinduism in some form or other, and there should be some justification for them to be appointed to these posts."

THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir, my hon. Friend Sri Bhashyam only a little while ago supported the amendment of my hon. Friend Sri T. Viswanatham when he wanted that these Deputy and Assistant Commissioners should have a Law degree qualification, but now he says that he would be satisfied if they know the Agamas and Sastras to some extent. At least he wants an assurance from me to that effect, even though he is sure that I cannot accept his amendment. The hon. Mr. Bhashyam forgets that I come from a district where nobody can enter a Hindu temple or even within the precincts of a temple with a shirt and without a bath. Even Sri Bhashyam who had

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once visited one of the temples there had to remove his shirt and take a bath before he could enter the temple. That is the custom in Malabar. In 1937 when my Hon. Friend Dr. T. S. S. Rajan visited the Guruvayur temple, one gentleman came to him and said, 'Sir, you cannot enter the temple with your shirt on. You must take off your shirt and have a bath before you can enter it'. So that, it is not a case of anybody wanting to see that the temple is desecrated or destroyed of its sanctity that a provision like this is put in this legislation. It is not at all the intention of the legislation to affect the sanctity of the temple or to diminish, in any way, the sacredness and the religious character of temple-worship. If that is the idea, then I am sure, we will get ourselves destroyed. But we want to preserve the temples, to maintain the faith of our people in the temples and to see that religious worship is carried on as before and that the temple funds are properly utilised for the promotion of these purposes and that is the object of this Bill."

SRI A. VEDARATNAM PILLAI:—"Sir, on a point of information. கனம் மந்திரி அவர்கள் மற்ற விஷயங்களை கட்டுப்படுத்தி என்ன செய்தபோதிலும், அல்லது செய்யாதபோதிலும் ஆலயங்களில் நுழையும் பொழுது hat, boots, போட்டுக்கொண்டும், சிகரெட் பிடித்துக்கொண்டும் ஆபீசர்கள் போகாமல் பாதுகாப்பு அணிப்பார்களா? இப்பொழுது இம்மாதிரி நடந்து வருகிறது. அதற்கு பாதுகாப்பு கொடுக்க ஏதாவது வழி இருக்கிறதா என்ற விஷயத்தை எனக்கு விளக்குமாறு கேட்டுக்கொள்ளுகிறேன்."

THE HON. SRI K. MADHAVA MENON:—"இந்த amendment உத்தியோகஸ்தர்களைப்பற்றி மட்டும்தான் சொல்லப்பட்டிருக்கிறது. சாதாரண மாக யாராக இருந்தாலும், உத்தியோகஸ்தர்களாக இருந்தாலும்சரி, அல்லது சாதாரண மனிதராக இருந்தாலும்சரி ஆலயத்திற்குள் போகும் பொழுது boots, shoes, போட்டுக்கொண்டும், சிகரெட் பிடித்துக்கொண்டும் போவதை கட்டாயம் கண்டிக்கவேண்டியதுதான். அதற்கு எவ்வளவு தண்டனை கொடுக்கவேண்டுமோ அதைக்கொடுக்க வேண்டியதுதான்."

MR. SPEAKER:—"The amendment is—

'In clause 11, after the word "professing" add the words "and practising".'

The amendment was lost.

SRI V. RAGHAVAYYA:—"Mr. Speaker, Sir, I beg to move the amendment standing in my name, namely—

'After the words "Hindu Religion" in line 4, insert the words "and having a knowledge of the mode of worship and the ritual adopted therefor".'

"Sir, the idea behind this amendment is that the gentleman who is asked to administer a particular temple must have a knowledge of the mode of worship that is being carried on in that temple and if possible, a knowledge of the rituals also that is adopted in that institution. I know, it is a very difficult thing, no doubt, to expect all these officers to have a knowledge of the various Agamas and Sastras and so on. But at least, it may not be difficult for them to study these things even while they are under

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training, so that they might carry on their work with ease. My idea is that the official to be appointed need not be well-versed in Vedanta or the Agamas or the great truths of the Hindu religion. But he must have at least a true understanding of the rituals that are followed in the particular temple. I submit, Sir, that it is not difficult to get a knowledge of these things in a few months. In some temples, the rituals are more important than the general mode of worship. In some other temples people attach greater importance to the modes of worship. Therefore the official should have a knowledge of both these things. It may be argued, how is it possible for the Commissioner to be appointed by the Government to go through all these various systems of philosophy and the various practices obtaining in each temple? But I submit, Sir, that a basic idea of these philosophies is absolutely necessary for any person who claims to be the Commissioner of the Hindu Religious Endowments.

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“ If they like they may choose graduates of philosophy passing out from our colleges so that the men who go there go with a bent of mind and mood who will not scoff at everything they see foreign to their own ways of thinking. It is also necessary that in such matters people are essentially in agreement with the mode of worship. For instance, Advaitam, Dwaitam, and Visishtadvaitam, are there. There are people, whatever may be the views of outsiders, who profess and practise Advaitam, Dwaitam, and Visishtadvaitam. There is friction in maintaining the intricacies of these various modes of worship. I do not think it will be out of the way to ask that the Government should see that these officials have a grounding in the philosophy of these various modes of worship. If the official does not know these, he will certainly be misfit. Any amount of trouble may arise. Suppose the Commissioner who is going to be appointed is a Saivaite, will he not be a misfit in a Vaishnavaita temple? Are the Government going to appoint Saivaite to Saivaite temples and Vaishnavaites to Vaishnavaita temples alone? It will be far more advantageous for the officers to have a grounding in these various modes of worship. That will create in the mind of the man that much of liberality and that much of breadth of vision as not to look askance at what is being practised in the temple. Saivite mode of worship may appear repugnant to those who do not follow that type of worship. But still there are millions of people in this country who follow Saivaite mode of worship. The recent Bill passed by this House bans the killing of animals and birds. Taking out the life of animals and birds may not be quite in consonance with the views of some people. Apart from the opinions of individuals in the matter of appointing Commissioners, I say, Sir, the Commissioner has absolutely no business to import petty prejudices into the work of his office. I, therefore, think that it is necessary, in the first instance, to have a man who has good grounding in the various modes or worship followed in the country, so that he may

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behave himself in a careful and inoffensive manner. Secondly, he should have a general knowledge of the rituals practised in the various temples so that he may not step on another's toes and make himself a nuisance. It is also better that the Government insist on these officials passing a certain test in these matters. The official is to do a special job, and unless he is qualified for it, he has absolutely no business to be there. Just as we require the judicial officers and the revenue officers to pass the judicial test and the revenue test respectively, I ask that these officials do pass certain tests which may be prescribed in consultation with the various Pandits. Some syllabus may be drawn up by the Government for the easy mastering of these principles. I commend my amendment for Government's acceptance, and I hope there will not be any trouble in accepting it.”

SRI T. VISWANATHAM:—“ Sir, I second the amendment. This is a very reasonable amendment. According to the Hon. the Minister this would be a more reasonable and more practicable amendment than those that we moved already and lost. Better to move and lose rather than never move amendments at all! The hon. Member Mr. Raghavayya has given us happily on this occasion a very good amendment. When I was seconding the amendment of the hon. Member Mr. Bhashyam, I had this in my mind, but I did not get the proper language. When the hon. Member Mr. Raghavayya moved the amendment, I was delighted. I have absolutely no doubt that the reasons given are very sound. If the object of control of the various trusts is to maintain and restore the pristine purity of our religion, and re-elevate in the estimation of the world the position of our various religious institutions and temples, I submit that the officers, who are put in charge of the endowments and trusts, must certainly have a knowledge of the mode of worship and ritual adopted. It is the least we should expect of them. I submit even if they are not law graduates, and even if the Government are unwilling to have law graduates, though ultimately they may provide some appellate authority and have the mistakes of these officials set right, as these officials come into contact with the temple servants and worshippers throughout the State in about 13,000 institutions, their influence for good or for evil will be tremendous. After all, the hon. Member Mr. Raghavayya does not require any expert knowledge, and I also do not say that we require expert knowledge on these questions. But one must certainly have a knowledge of the modes of worship. If the Government appoint a Commissioner for the Tirumalai Devasthanam, that Commissioner must certainly know the practices and the ceremonial functions. He must be in a position to understand those practices. He need not be an expert. He need not recite *mantrams* off-hand. He need not have the capacity to officiate. But he must know exactly what the rituals are, what the modes of worship in Ramanuja's time were, and whether there has since been any change. He

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must know whether the *Archakas* do their duties properly and observe the necessary rituals. It is absolutely necessary that he should know all these things. Unless he knows the rituals and the mode of worship, it will be ludicrous on his part to occupy this post. Government can create some syllabus for them, as my friend Mr. Raghavayya stated. Let them pass some test in the various modes of worship and rituals practised. Let them pass a test in the philosophic doctrines underlying the various tenets. They may be posted to Udipi temple or Mathurai temple or Simlachalam temple. They have got to understand the underlying tenets of these various temples. There is no use of Hindu officers occupying these posts, unless they know all these rituals and modes of worship."

THE HON. SRI K. MADHAVA MENON:—"Sir, the same difficulty which I stated with regard to the previous amendment, in a more exaggerated form, is here. The hon. Member Mr. Raghavayya's amendment is to insert the words 'and having a knowledge of the mode of worship and the ritual adopted therefor' after the words 'Hindu Religion' in line 4 of this clause. This is a qualification for the Commissioner, Deputy Commissioner, Assistant Commissioner and every officer appointed to carry out the purposes of this Bill. I understand that the hon. Member Mr. Bhashyam himself does not know all the rituals."

SRI K. BHASHYAM:—"I am not aspiring for the post of Commissioner."

THE HON. SRI K. MADHAVA MENON:—"I do not say, Sir, that the hon. Member is aspiring for the post of Commissioner. He suggested persons with law degrees should be chosen for appointment. Even if such an expert lawyer like the hon. Member Mr. Bhashyam does not know the modes of worship, how can we expect youngsters of the department to know the modes of worship and religious practices adopted in the temples? The hon. Member Mr. Raghavayya wants that the officer should have a knowledge of the mode of worship and the ritual adopted therefor. What is the quantum of knowledge that we have to fix? That is the difficulty. For each place, we will have to prescribe the quantum of knowledge in the mode of worship. It is an impossibility for the officers to know every mode of worship. Some Hindus may even consider it an insult if asked whether they know the modes of worship. Other people may say that they know the modes of worship, but I cannot profess to know all the modes of worship. That is a difficult thing to practice."

* SRI K. BHASHYAM:—"Sir, my name has been dragged in, and I want to say a few words. I may not know all the *sastras*. But I can tell the Hon. the Minister that I know what are the various ceremonies that take place in a temple. I have grown up in a temple. My uncle was a *Stanika*. I have begged in *goshitis*

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and taken *prasadam*s. I may not be able really to perform the ceremonies in the morning, noon, and evening. But I know what these ceremonies are. I cannot really say that I can perform them. What is required is that he must have some knowledge of these ceremonies. He should not behave like the officer who said, while puja was going on, 'how long does it take God to take the food that is offered'."

SRI V. RAGHAVAYYA:—"Mr. Speaker, Sir, as one listens to the Hon. Mr. Madhava Menon's curious arguments in respect of these amendments, one gets almost frightened. I do not know if it is parliamentary to use the terms. Are the Government going to put in idiots as officials?"

MR. SPEAKER:—"I did not hear the hon. Member."

SRI V. RAGHAVAYYA:—"Mr. Speaker, Sir, when the Members of this House suggested that the officials should possess the law degree or philosophy degree, it was not accepted. We ask, Sir, whether the Government are going to put in barbers, washermen, or tailors in the shape of officers? The person posted must be fit for the job. If persons in other posts are required to fit themselves in their jobs, why should not the Government require these people also to fit themselves in their jobs? The Hon. the Minister in charge of temples has stated that it is not the object of this Government to wound the feelings of the people. The idea is to maintain the sanctity attached to these temples. If that is the professed view—though not the practised view—what prevents the Government from agreeing to some of the very reasonable suggestions made by hon. Members in respect of qualifications for the post. I only want some knowledge of the rituals and the modes of worship. It is not 90 per cent knowledge or 100 per cent knowledge. Whoever asked them to have that much of knowledge? All that I wanted to say was that the official should not mistake a dog for an ass! He must have some idea in the matter. Suppose he considers it a waste of time to have three *pradakshinams*, and says one will do, and thus makes himself an ass. I am sure many cries will rise against him. Let him be an administrator receiving garlands and not kicks."

THE HON. SRI K. MADHAVA MENON:—"Sir, they will certainly distinguish between a dog and an ass. The hon. Member Mr. Raghavayya asked 'are the Government going to appoint barbers and washermen?'. Perhaps in Tirupathi temple, we may have to appoint barbers to do *mundanam*. According to Mr. Raghavayya's amendment, he must know the rituals and modes of worship in the temple! I do not think, Sir, that the barber's work requires a knowledge of the rituals and modes of worship in the temple. Like this, there will be practical difficulties. Arguments may seem curious. But to say that because arguments are curious, the Government's idea is to have idiots who will make no distinction between a dog and an ass, is not correct."

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MR. SPEAKER:—"The question is—

'After the words "Hindu religion" in line 4, insert the words "and having a knowledge of the mode of worship and the ritual adopted therefor".'

The amendment was lost.

Clause 11 was put and carried.

Clause 12.

MR. SPEAKER:—"The motion is—

'That clause 12 do stand part of the Bill.'

Sub-clause (1).

THE HON. SRI K. MADHAVA MENON:—"Sir, I move—
'That in line 3 of sub-clause (1), for "a Deputy Commissioner" the words "each Deputy Commissioner" be substituted.'

That is only a verbal amendment."

MR. SPEAKER:—"Amendment moved—

'That in line 3 of sub-clause (1) for "a Deputy Commissioner" the words "each Deputy Commissioner" be substituted.'

SRI T. VISWANATHAM:—"Sir, what is the difference between 'a' and 'each'? I want to know what the grammatical connotation is."

THE HON. SRI K. MADHAVA MENON:—"There is no necessity for me to explain to my hon. Friend the grammatical connotation of 'a' and 'each'."

SRI T. VISWANATHAM:—"Legal implication?"

The amendment was put and carried.

Sub-clause (2).

THE HON. SRI K. MADHAVA MENON:—"Sir, I move—
'That in line 6 of sub-clause (2), for the figures "40" the figures "41" be substituted.'

This is another amendment of a verbal nature. We are going to move an amendment to omit clause 40. There is a reference in this sub-clause to clause 40. When we are omitting clause 40, there is no meaning in putting a reference to clause 40 here. Therefore, I move the amendment, Sir."

MR. SPEAKER:—"Amendment moved—

'That in line 6 of sub-clause (2), for the figures "40" the figures "41" be substituted.'

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* SRI K. BHASHYAM:—"Sir, I do not know whether they are omitting clause 40 entirely. Before an amendment that clause 40 be omitted is accepted, he cannot move the present amendment. He must postpone the amendment and if the House agrees to the deletion of clause 40, then he must re-open the matter and move his amendment."

THE HON. SRI K. MADHAVA MENON:—"Sir, we have given notice of an amendment to delete clause 40. Technically my hon. Friend Sri Bhashyam is right. I cannot anticipate whether or not the House will agree to the Government amendment to delete clause 40. Therefore, let that be passed over."

MR. SPEAKER:—"If clause 40 is deleted, then we can re-open the matter."

THE HON. SRI K. MADHAVA MENON:—"If the Government amendment to delete clause 40 is accepted, then I will have to go back and move the amendment to this sub-clause. With the confidence of the House I can move it now."

SRI T. VISWANATHAM:—"Sir, accepting or rejecting an amendment has nothing to do with the confidence of the House. I want the Hon. Minister not to entertain any such notions."

MR. SPEAKER:—"We may now itself take up the amendment."

The amendment was put and carried.

Clause 12 as amended was put and carried.

Clause 13.

MR. SPEAKER:—"The motion is—

'That clause 13 do stand part of the Bill.'

Sub-clause (1).

SRI V. RAGHAVAYYA:—"Sir, I move—

'That for the word "divisions" in line (2) of sub-clause (1), the word "zones" be substituted.'

It seems to me that the word 'zones' would be a better word than 'divisions'. Of course, legally 'divisions' may be a better term."

MR. SPEAKER:—"Then let the hon. Member formally move it."

SRI T. VISWANATHAM:—"I have already seconded it, Sir."

THE HON. SRI K. MADHAVA MENON:—"I have already opposed it, Sir."

SRI V. RAGHAVAYYA:—"I have already formally withdrawn it, Sir."

The amendment was, by leave, withdrawn.

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I want the omission of this clause. If this clause is retained as it is, then it will give room for further patronage. The Government can appoint whomsoever they like. These Area Committees have got some powers of the Trustees. In one place Trustees are appointed and in another place Area Committees are appointed. Therefore, unless it is an elected body, the House should not be willing to create so many appointed bodies."

SRI V. RAGHAVAYYA:—"I second the amendment, Sir. I think in matters of omissions at least the Hon. Minister will agree with us because he has agreed to omit several other things and without much harm he can omit this clause also. I think it is a thoroughly unnecessary clause which gives more trouble than good and more pinpricks than blessings. I expect the Government to accept the amendment."

MR. SPEAKER:—"Amendment moved—

'That clause 14 be deleted.'"

THE HON. SRI K. MADHAVA MENON:—"Sir, my hon. Friend Sri Viswanatham said that it was very vehemently demanded in this House during the first reading of the Bill that Area Committees must be there. The Select Committee considered the question whether there should be elected Committees or appointed Committees. I am sorry my hon. Friend Sri Karanth is not here. He also said that there were dangers in having elected Committees at this stage. When we were dealing with the previous clauses, everyone of us was particular that only people who had faith in temples and who professed and practised the religion should have anything to do with these institutions. Even after the closure, my hon. Friend Sri Vedaratnam Pillai said that at least people should not go in with cigarettes, hats or shoes, and that such people should not have anything to do with the temples. It is perfectly right in a democracy that we must have elected members. But in the case of a temple, if we have elected members, it is quite possible that people who have absolutely no faith in temples and who decried temples become members of the Area Committees. Then the very purpose of the Bill will be defeated. This was a forcible argument put forward in the Select Committee by a good number of Members. That is why the Select Committee said that the Government might appoint people who had faith in temples as members of these Area Committees. In days when atheism is preached as a fashion, it may be dangerous to have elected bodies. Further, there will be a difficulty in preparing the electoral rolls. We will have to decide who the people entitled to vote are and what the area commanded by the temple is. In a State-wide temple as the Tirupati temple, there will be a difficulty in deciding who the electorate shall be. Are we to have the worshippers in the whole State or only those people in the particular area? Such difficulties will arise. If it is an elected body, we will not know the nature of people who will constitute the Committee.

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Temples have got a lot of property and they should be properly administered. Therefore, I cannot accept the suggestion that it should be an elected body."

SRI K. BHASHIAM:—"The Hon. Minister has been talking 5 p.m. about my amendment which comes hereafter."

THE HON. SRI K. MADHAVA MENON:—"Hon. Member Sri Viswanatham was all along referring to that amendment. That is why I had to refer to the hon. Member's amendment."

SRI T. VISWANATHAM:—"The Hon. Minister's argument is not at all convincing. I will like to adduce some more argument in favour of my amendment. The Hon. Minister has raised a point which is productive of some misapprehension. The Hon. Minister says that if the members of the Area Committee were elected representatives, persons who hold views of destroying the temples may also come in into these Committees. I can assure him that such a case will never occur and it is impossible. (Interruption: 'Why?') Because I know the temper of the country and the temper of the people. Your 'why' is a big assumption. The vast majority of the people know how to achieve what they want. I am sure that only a negligible percentage of the population is in favour of the so-called purification of the religion and religious institutions. Just like the elections in the case of co-operative organisations, there may be scramble for getting power. But surely, the suggestion that people who have views for the destruction of these temples will get into the Committee if there was election, cannot be swallowed by anybody. We cannot accept the contention that unless the Government nominate the members to these Committees, all these public institutions and charitable institutions will be destroyed. It is too large an assumption to make. Possibly, the Hon. Minister did not have this in his mind when he said that. I submit that at least the misapprehensions created by his speech should be removed. I want to press my amendment, Sir."

MR. SPEAKER:—"The question is—

'That clause 14 be omitted.'"

The amendment was lost.

MR. SPEAKER:—"I now adjourn the House till eleven of the clock on Monday, the 20th November 1950."

The House then rose for the day.

[18th November 1950]

APPENDIX I.

[Vide answer to starred question No. 447 asked by Sri T. Viswanatham at the meeting of the Legislative Assembly held on 18th November 1950, page 354 supra.]

G.O. No. 2568, P.W. (Information and Publicity), dated 16th July 1948.

READ—the following papers:—

G.O. No. 2387, Public (General), dated 7th November 1946

Memorandum No. 3698/47-1, Public (General), dated 10th November 1947.

Memorandum No. 3698/47-2, Public (General), dated 10th November 1947.

Memorandum No. 4891/47-1, Public (General), dated 22nd December 1947.

Order—No. 2568, P.W. (Information and Publicity), dated 16th July 1948.

The Government have had occasion to examine how far the present system of releasing Government advertisements by Heads of Departments and other officers ensures efficiency and equitable distribution. The current practice is for the Government to draw up a list of newspapers and periodicals suitable for the issue of Government advertisements and to leave it to the Heads of Departments and the local authorities concerned to select the particular media which they consider suitable from their point of view, the chief criteria for such selection being wide publicity and cost. The Government have, of late, received several complaints from various newspapers that those papers are not being recognized by Heads of Departments in proportion to their circulation. The Government have, therefore decided to centralize all advertisement releases in the Public Works (Information and Publicity) Department.

2. In supersession of all previous orders on the subject, Government direct that with immediate effect, the following procedure should be adopted by Heads of Departments and other officers in releasing advertisements:—

When it is found necessary to initiate an advertisement, either casual or serial, the officer should, after securing the necessary financial sanction, send up the matter to the Public Works (Information and Publicity) Department with his advice as to the particular section of the Press in which it should appear. This will then be registered in that department and released to the Press as far as practicable, according to the advice of the officer to whom

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a copy of the order will be sent. In advertisements involving the preparation of blocks, officers will, as at present, make their own arrangements for making the blocks and sending them direct to the Press which has been selected by the Public Works (Information and Publicity) Department. The Press will be directed to collect the advertisement charges from the officer direct and it will be the responsibility of the officer to watch the advertisements and settle the bill. If an officer wishes to advertise in anticipation of financial sanction, he may send up such advertisements to the Public Works (Information and Publicity) Department in advance; but it should be on his own responsibility. The Public Works (Information and Publicity) Department will be responsible only for passing the matter on to the Press and for the extra cost, if any involved in deviating from the officer's advice.

3. His Excellency the Governor of Madras sanctions the following additional staff in the Public Works (Information and Publicity) Department, for a period of one year from the date of appointment for the working of the above scheme:—

One Superintendent;

Two lower division clerks; and

One typist.

4. The expenditure will be debitable to "25.—General Administration—Secretariat and Headquarters Establishment—Civil Secretariat—F. Public Works Department—2. Pay of Establishments and 3. Other charges—Voted".

5. The Accountant-General is requested to admit the expenditure in audit pending the provision of funds.

APPENDIX II.

[Vide answer to starred question No. 451 asked by Sri S. Nagappa at the meeting of the Legislative Assembly held on 18th November 1950, page 358 supra.]

G.O. No. 171, Rural Welfare, dated 26th August 1950.

Industries—Cottage industries—State Cottage Industries Board
—Constitution of—Orders passed.

Order—No. 171, Rural Welfare, dated 26th August 1950.

The Government direct that a Cottage Industries Board for this State be constituted with the following members:—

Chairman.

(1) The Hon'ble Minister for Rural Development.

Ex-Officio members.

(2) The Hon'ble Minister for Industries.

(3) The Hon'ble Minister for Local Administration.

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(4) The Secretary to Government in the Rural Welfare Department.

(5) The Provincial Firka Development Officer.

(6) The Director of Industries and Commerce.

(7) The Registrar of Co-operative Societies.

Non-Official members.

(8) Sri V. Ramakrishna, I.C.S. (Retd.)

(9) Sri N. M. Adyanthaya, B.Sc., (Edn.), Mangalore.

(10) Sri C. A. Aiyamuthu, Coimbatore.

(11) Sri T. C. S. Achary, Vivekananda Industries, Perambur, Madras.

(12) Sri L. Venkatakrishnan, B.E., Madras.

The Deputy Director of Industries and Commerce (Cottage Industries) will be the Secretary to the Board.

2. The members of the Board will hold office for three years from the date of this order.

3. The Board shall devise ways and means for the intensive development of cottage industries in the State having the following objectives in view:—

(1) Improvement and expansion of rural industries in a manner that will ensure the full utilization of local man-power and raw materials to meet the local demands.

(2) Balanced development of the village economy based on agriculture and cottage industries leading to the economic self-sufficiency of the villages and raising their standard of living.

(3) The establishment and expansion of mechanized cottage industries based on modern techniques so that the integration of the large-scale and small-scale industries may be secured and the country's need of utility goods fully satisfied.

(4) Development of the traditional artistic skill of the craftsmen.

(5) Emphasis should be laid on the co-operative organization of cottage industries at every stage.

4. The Board shall meet ordinarily at Fort St. George and as often as necessary.

5. The Board will be classified as a first-class committee and the members will be eligible to draw travelling allowance at the rates prescribed in G.O. No. 853, Finance, dated 13th August 1949, as subsequently amended. The Director of Industries and Commerce will countersign the travelling allowance bills of the non-official members of the Board.

6. The expenditure will be debited to the relevant sub-head under '42. Co-operation—d. Cottage Industries.'

THE MADRAS LEGISLATIVE ASSEMBLY.

Monday, the 20th November 1950.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

* 452 Q.—

MR. SPEAKER:—"The hon. Member is not in his seat. The answer will be printed in the proceedings *."

Questions 454 to 456 of Sri Nagappa along with the answers will also be printed in the proceedings.

Industrial concerns in Dowlaishwaram.

* 453 Q.—SRI D. V. RAMASWAMI (on behalf of Sri G. Latchanna): Will the Hon. the Minister for Industries be pleased to state—

(a) the number of industrial concerns in Dowlaishwaram, East Godavari district, which manufacture iron safes, balances and other iron articles and the quantity of iron that is being permitted to each of them per year;

(b) whether it is a fact that these industrial concerns are on a lock-out since last year; and

(c) whether iron quotas were supplied to them during the period of lock-out and if so, the way in which the materials thus supplied have been utilized?

THE HON. SRI C. PERUMALSWAMI REDDI:—" (a) A list ^b of the names of the industrial concerns indicating the quota fixed for each per year is placed on the table of the house.

" (b) There has been no lock-out, but there was a partial strike between 26th December 1949 and June 1950 in the following concerns:—

(1) Sri Sitarama Engineering Works,

(2) Pappu Veeranna & Bros.,

(3) Saraswathi Iron Balance Works,

(4) Sri Bhagavannarayana Iron Balance Works, and

(5) Sri Lakshmi Ganapathi Iron Balance Works.

" (c) Yes. Reports received have disclosed that the materials were properly utilized."

SRI D. V. RAMASWAMI:—" Arising out of the answer of the Hon. Minister, may I know whether representations have been received by the Government with regard to the inadequate quotas prescribed by the Government? "

* See pages 445-449 infra.

^b Printed as Appendix I on page 518 infra.

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Government consider the advisability of taking a bond from them that they will not marry for five years after getting their Degree?" (Laughter.)

THE HON. DR. T. S. S. RAJAN :—" We cannot interfere with the social conditions and privileges of ordinary individuals in the State."

SRI M. S. PATTABHIRAMIAH :—" May I know whether it is so difficult for our Government to legalise it by passing a legislation to enforce the M.B.B.S. graduates to practise in villages for three years?"

THE HON. DR. T. S. S. RAJAN :—" The Government give the qualification necessary to enable them to practise; but where they should practise is a matter of individual choice and the Government cannot interfere in that."

Polytechnics in the State.

* 460 Q.—JANAB MOHAMED ABDUL SALAM (on behalf of Sri S. Nagappa): Will the Hon. the Minister for Industries be pleased to state—

(a) the number of Polytechnics in the State;

(b) the number in Andhra area and the number in Tamilnad;

(c) the total number of students studying in Polytechnics in this State; and

(d) the number of Andhras, Tamilians, Karnatakas, Malayalees and the number of Harijans and Backward community students among them?

THE HON. SRI C. PERUMALSWAMI REDDI :—" (a) Eight

" (b) Three in Andhra area and three in Tamilnad.

" (c) 3,709.

" (d) Andhras—1,044.

Tamilians—1,788.

Karnatakas—327.

Malayalees—543.

"The above figure includes 95 Harijans and 588 Backward Communities."

Restoration of full-scale of rice ration.

* 461 Q.—JANAB ABDUL HAMEED KHAN: Will the Hon. the Minister for Food be pleased to state when the Government will be able to restore the 8 ounces supply of rice to the people out of a total ration of 12 ounces?

THE HON. SRI J. L. P. ROCHE VICTORIA :—" It is not possible to state now when the 8-oz. rice ration can be restored until the prospects of the satisfactory harvest of main paddy crop between December and February are definitely established."

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JANAB ABDUL HAMEED KHAN :—" May I ask whether the Government are not in a position even now, knowing the position in the State, to say when precisely or at least approximately, they can restore the 8-ounces ration?"

THE HON. SRI J. L. P. ROCHE VICTORIA :—" As late as the end of October when the State Food Advisory Committee met, it was estimated that with the present rate of rationing and the prospect of getting short-term crop and so on, we will still be faced with a deficit at the end of this year by nearly 54,000 tons of rice and 57,000 tons of other grains. With these figures, it is not possible at all now to decide when the increase in the ration can be effected."

SRI A. KALESWARA RAO :—" In view of the fact that the general harvest of rice of the full-term crop is going to begin from the early part of December in the deltaic area of Northern Circars, may I know what steps the Government are taking to see that proper action is taken for procuring proper quantities and not even more than necessary and at the same time to prevent the paddy and rice from going under ground before the Government is able to control?"

MR. SPEAKER :—" How does this question arise?"

SRI A. KALESWARA RAO :—" The 8-ounces ration may not be restored at all unless the Government take proper steps in proper time, particularly in the deltaic areas where alone they can procure rice from the beginning?"

MR. SPEAKER :—" Let the hon. Member put a separate question."

JANAB ABDUL HAMEED KHAN :—" Will the Government consider that it will be possible for them to restore the 8-ounces rice content in the ration if they give up rural rationing?"

THE HON. SRI J. L. P. ROCHE VICTORIA :—" That aspect has not been fully examined. It is still under consideration. It is only after ascertaining the position with regard to rural rationing, an answer can be correctly given."

BEGUM SULTAN MIR AMIRUDDIN :—" Is it not possible to restore the 8-ounces rice for the low-income groups at least by reducing the scale of rice ration for the higher-income groups?"

THE HON. SRI J. L. P. ROCHE VICTORIA :—" As it was answered sometime ago, it involves unnecessary labour and it would be very difficult to administer such a different scale of rationing to different classes of people and so, the matter has been deferred for the present as the Government consider that it would not be practicable."

JANAB M. S. ABDUL MAJID :—" From the figures submitted by the Government, I see that they can readily increase the rice ration to 8 ounces. In 1943-44 the production was 1,011,991 tons and imports were 92,772 tons. In 1948-49, the production figure

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was 4,284,463 and imports were 128,724. In 1943-44 the Government were giving one pound of rice per adult. To-day also the figures are the same. So I really do not understand why Government should refuse to increase the rice ration to 8 ounces."

THE HON. SRI J. L. P. ROCHE VICTORIA :—" The chief factor in this matter is the increase in population and also additional demands by card-holders. Probably at that time many did not care to get the rations, especially in the rural areas. But now even the rural area is demanding its full share of the rations. Naturally therefore the issue of cards has considerably increased."

11-15 a.m. JANAB MUHAMMAD RAZA KHAN :—" May I ask, Sir, whether the Hon. the Food Minister or the Hon. the Chief Minister has brought to the notice of the Government of India at the various conferences held with them, that the people in Madras State alone get six ounces of rice and if so whether the Central Government have promised to give anything more in order that the rice portion of the rations may be increased? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" The attention of the Government of India has already been drawn to this matter. It is not a fact that Madras alone gets six ounces of rice. There are other States besides Madras which also receive only six ounces and even less."

JANAB MOHAMED ABDUL SALAM :—" May I know whether statutory rationing will be introduced in the surplus districts of Northern Circars and if so when? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" The matter is under consideration."

SRI L. N. GOPALASWAMI :—" May I know, Sir, whether the Government will give an assurance to this House that before they raise the rice portion of rations in statutorily-rationed areas they will see that the same principle is applied to the rural non-statutorily-rationed areas in order that the people there may not suffer? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" If there is an increase in the rice portion of rations it will be for all—not only for the statutorily-rationed areas but for the rural parts as well."

34. BEGUM SULTAN MIR AMIRUDDIN :—" May I know, Sir, how the Hon. the Minister for Food states that it is on account of the increase in population within the last seven years, i.e., from 1943 to 1950—that the Government have been compelled to reduce the scale of rations to six ounces although the same quantity of rice that is now available was available in 1943 when the ration was sixteen ounces? Why is it that the scale of ration has now been reduced by 62 per cent when compared to 1945? May I know the rate of increase in population during the past seven years? "

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THE HON. SRI J. L. P. ROCHE VICTORIA :—" A separate question may be put. Besides increase in population, there are other causes which have been responsible for the reduction of rations."

JANAB MOHAMED ABDUL SALAM :—" May I know, Sir, whether the Hon. the Food Minister is following the debate in the Parliament where a promise was made by the Central Government to supply rice to Bihar and no mention was made about supply to Madras? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" I do not know how this arises out of the main question."

MR. SPEAKER :—" It does not arise from the main question."

Vijayavada Tobacco Marketing Society.

* 462 Q.—SRI A. KALESWARA RAO : Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the Government have nominated all the members of the Vijayavada Tobacco Marketing Society; and

(b) if so, for what reasons?

THE HON. SRI A. B. SHETTY :—" (a) The hon. Member presumably refers to the nominations to the Krishna district Tobacco and Groundnut Market Committee recently constituted under the Madras Commercial Crops Markets Act, 1933, for the entire Krishna district notified area. If so, the answer is in the affirmative.

" (b) Section 6 (4) of the Madras Commercial Crops Markets Act, 1933, requires that where a market committee is established for any notified area for the first time the State Government should appoint all the members of such committee for a period of one year in the first instance and elections to the Committee should normally be held before the expiry of the period of one year or any extended period. It is with reference to this provision that the Government nominated all the members of the newly constituted Krishna District Tobacco and Groundnut Market Committee for a period of one year."

SRI A. KALESWARA RAO :—" May I know, Sir, whether nominations are not made or are not intended to be made at all to the Tobacco Marketing Committee? "

THE HON. SRI A. B. SHETTY :—" The hon. Member presumably has not heard my answer. There is no Tobacco Market Committee as such now. There is a Tobacco and Groundnut Market Committee for the whole of the Krishna district in the place of the Vijayavada Tobacco Market Committee which formerly existed."

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Communist attack in Sattenapalle, Guntur district.

* 463 Q.—SRI G. VENKATA REDDI (on behalf of Sri V. Raghavayya): Will the Hon. the Chief Minister be pleased to state—

(a) whether a station-master's house was attacked by Communists in Sattenapalle, Guntur district, on 16th August 1950 morning;

(b) whether any police was stationed at Sattenapalle at that time and if so, what was the strength of the police force; and

(c) whether any injury was caused to and loss of money sustained by the station-master or his relatives or dependants?

THE HON. SRI K. MADHAVA MENON (on behalf of the Hon. the Chief Minister):—“(a) to (c) There was no attack by Communists on the house of the station-master, Sattenapalle, on the date referred to; but from reports received it is learnt that two persons, who are suspected to be local thieves entered the house of the station-master by using threats, inflicted a bleeding injury on the forehead of the station-master and carried away gold and silver articles worth Rs. 3,500 and Rs. 1,100 in cash.

“There is a Police station at Sattenapalle. The strength of the police force on the day of the incident was 1 Sub-Inspector, 4 head constables and 24 police constables, as against the total strength of 1 Sub-Inspector, 3 head constables and 31 police constables. No Armed Reserve was stationed at Sattenapalle at the time of the incident.”

SRI S. NAGAPPA :—“Arising out of the answer given by the Hon. the Minister for Law, if they were local thieves, may I know, Sir, why the Government did not bring them to book and why they allowed them to operate?” (Laughter.)

THE HON. SRI K. MADHAVA MENON :—“Thieves, whether they are local or otherwise, are not caught in all cases though attempts are made to catch them.” (Laughter.)

⟨ Sales Tax Advisory Committee. ⟩

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

(a) whether it is a fact that the Government have constituted a Sales Tax Advisory Committee;

(b) if so, who the members of the Committee are;

(c) their qualifications, functions and privileges;

(d) the number of times it has met;

(e) the recommendations so far made; and

(f) the number that has been carried out so far?

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

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“(b) & (c) The information is contained in G.O. Ms. No. 2215, Revenue, dated 11th August 1950, a copy * of which is placed on the table of the House.

“(d) Twice, i.e., on 11th September and 10th October 1950.

“(e) & (f) The recommendations of the Committee are purely advisory in character and they are being considered by the Government.”

SRI S. NAGAPPA :—“Arising out of the answer to clauses (e) and (f), is it open to the Government, Sir, to reject any of the recommendations of the Committee if they are not satisfied with such recommendations?”

THE HON. SRI B. GOPALA REDDI :—“Obviously, so.”

SRI V. M. RAMASWAMI MUDALIYAR :—“Is there anything, Sir, to prevent the Government from giving publicity to the recommendations or allowing at least hon. Members of this House to know what they are?”

THE HON. SRI B. GOPALA REDDI :—“I do not think that either the Members of the Advisory Committee or the Members of this House have ever made a request to that effect. Any way the matter will be looked into.”

JANAB MOHAMED ABDUL SALAM :—“Are the Government aware of an impression among the public that the advice of the Sales Tax Advisory Committee or the Transport Advisory Committee or, for the matter of that, of any other advisory committee, is not properly viewed by the Government and that many of their recommendations are not implemented?”

THE HON. SRI B. GOPALA REDDI :—“We are not responsible for such an impression of suppression. (Laughter.) As far as I remember, almost all recommendations of the Sales Tax Advisory Committee and the Transport Advisory Committee have been accepted by the Government.”

JANAB M. A. MOHAMAD IBRAHIM :—“May I enquire, Sir, whether this Committee has recommended the speedy establishment of a Sales Tax Tribunal?”

THE HON. SRI B. GOPALA REDDI :—“The Committee has recommended the establishment of a Tribunal and we are taking steps to that end. In fact, I wanted to introduce necessary legislation in this very sitting but due to lack of time it has been postponed for introduction in the January session.”

SRI S. NAGAPPA :—“In the statement placed on the table of the House, I find only one member from Rayalaseema. May I know, Sir, why only one member has been taken from Rayalaseema?”

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Procurement of grain in Kurnool district.

* 465 Q.—SRI P. VENKATASUBBIAH: Will the Hon. the Minister for Food be pleased to state—

(a) whether it is a fact that some taluks in Kurnool district are drought affected and no sowing has been done till now;

(b) whether it is a fact that procurement of millets is being carried on in these areas in spite of the protests of the people of that area and the scarcity of millets;

(c) if so, whether the Government propose to issue immediate orders to stop procurement in those areas; and

(d) whether it is a fact that large quantities of millets have already been procured in these areas beyond the target fixed by the authorities?

THE HON. SRI J. L. P. ROCHE VICTORIA :—“(a) The taluks referred to are evidently Koilkuntla and Banganapalle. The taluks are usually surplus in millets but this year they did not receive adequate rains during the South West Monsoon and consequently the sowings of *mungari* dry crops were very much restricted as shown below :—

Name of taluk.	Extent shown with Mungari crop till August.	
	Last fasli (1359). (2)	Current fasli (1360). (3)
(1)	ACRES.	ACRES.
Koilkuntla	381	Nil.
Banganapalle	5,266	2,939

“However, recently these areas have received sufficient rains. Though these rains may be too late for the *mungari* crops they are in time for the *hingari* crops.

“(b) & (c) Procurement is being carried on in these two taluks and it cannot be stopped. It is not likely to cause any hardship, as only persons who have surpluses will be asked to surrender the stocks.

“(d) The procurement in these taluks has not exceeded the target as the following figures will show :—

Taluk.	Target.	Quantity procured up to 9th September 1950.	Percentage to target.
(1)	(2)	(3)	(4)
	TONS.	TONS.	TONS.
Koilkuntla ..	4,800	3,578	74
Banganapalle ..	2,600	2,137	82

SRI P. VENKATASUBBIAH :—“May I know, Sir, whether it is a fact that this target has been increased from time to time in spite of the scarcity of millets there?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“Not at present. It is true that during the last crop, since the produce

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was surplus to local requirements, the extra quantity was moved to other needy places in consultation with the district authorities.”

SRI A. KALESWARA RAO :—“May I know, Sir, whether it is not a fact that procurement of cholam, rice, etc., in these areas is made without caring for keeping sufficient quantities for the local people to eat and then, later on, some wretched milo or some other thing from foreign countries is imported into those places?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“No, Sir. We keep sufficient quantity for local consumption and export only the surplus produce. But it sometimes happens that if a district has more than what it requires and if a neighbouring area requires foodgrains urgently, then the excess grains available from the former is taken to the latter area. Thus there may be a temporary shortage of foodgrains.”

SRI S. NAGAPPA :—“In view of the fact that procurement is generally made from the poor people, will the Government consider the desirability of exempting those owning five acres of land and less from the operation of procurement rules?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“That rule is in force.”

SRI P. VENKATASUBBIAH :—“Are the Government aware, Sir, that the authorities, without any forethought as to the needs of the people of the area, exported all the millets procured with the result that semolina which is not at all suited to their constitution has been brought and dumped upon their heads?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“Along with the other parts of the State, there was some difficulty resulting from procurement in the areas mentioned by the hon. Member. When procurement was made, it was thought that the people of the area would put up with such temporary difficulties.”

JANAB MOHAMED ABDUL SALAM :—“Without any hesitation or vacillation, will the Government decide in favour of introducing the levy system in all places as some district committees are inclined towards it and some districts have decided in favour of it already?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“Government have not given any encouragement to the proposal since they have found that it has failed in certain areas where it was introduced as an experimental measure. There is, therefore, no use of further considering the question.”

Sugarcane cultivation.

* 466 Q.—SRI A. J. ARUNACHALAM: Will the Hon. the Minister for Agriculture be pleased to state—

(a) the total area (in acres) wherein sugarcane is cultivated during the last three years 1948, 1949 and 1950;

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(b) whether there is any scheme before the Government to restrict the sugarcane production in this State; and

(c) if so, what the scheme is and if not, whether the Government propose to draw up a scheme for restricting sugarcane production?

THE HON. SRI A. B. SHETTY :—“(a) The figures of acreage under sugarcane in the Madras State are given below :—

	Fasli year.	Acreage.
1947-48		272,680.
1948-49		175,675.
1949-50		190,640 (final forecast).
1950-51	(up to 25th July 1950 only).	128,730 (first forecast).

“(b) The answer is in the negative.

“(c) As there has been no appreciable diversion of paddy lands to sugarcane cultivation and in view of the necessity to maximize sugar production, the Government do not propose at present to draw up any scheme for restricting the production of sugarcane.”

11-30 a.m. SRI V. M. RAMASWAMI MUDALIYAR :—“Is it not a fact, Sir, that even as it is, the area under sugarcane cultivation in our State is below par to meet the demand of the consumers of gur or sugar in our State?”

THE HON. SRI A. B. SHETTY :—“Yes, Sir. The sugar produced in this State is not enough to meet more than half the requirements of the people.”

SRI M. G. NATESA CHETTIYAR :—“May I know, Sir, from the Government the reason for the fall in acreage under sugarcane cultivation during the past three years?”

THE HON. SRI A. B. SHETTY :—“There has been some fall in acreage under sugarcane cultivation, Sir. It may be due to various reasons. It may be due to bad seasonal conditions. It may be due to the fact that sugarcane is only a rotation crop.”

SRI K. KOTI REDDI :—“May I know, Sir, if the Government are aware that the rise in price of jaggery is due to the fact that jaggery is required for the purposes of illicit distillation of arrack?”

THE HON. SRI A. B. SHETTY :—“The Hon. the Food Minister in the Centre said so the other day.”

JANAB M. S. ABDUL MAJID :—“Sir, one of the Hon. Ministers of the Government of India says ‘Increase production of commercial crops’. Another Hon. Minister says: ‘Increase production of food crops’. May I know, Sir, which of these two policies the Government of Madras are following?”

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

JANAB M. A. MUHAMMAD IBRAHIM :—“May I know, Sir, whether the Government have any crop control policy?”

THE HON. SRI A. B. SHETTY :—“Not at present, Sir.”

SRI M. G. NATESA CHETTIYAR :—“May I know, Sir, what is the exact deficit in the requirements of sugar in our State and what steps have the Government taken to encourage sugarcane cultivation to meet the shortage?”

THE HON. SRI A. B. SHETTY :—“Fertilizers are supplied to the cane growers and attempts are being made to evolve better varieties of sugarcane which will give increased yield per acre.”

SRI D. V. RAMASWAMI :—“Is the Hon. Minister aware, Sir, that owing to the sharp increase in the price of jaggery till recently, the acreage under sugarcane has very much increased as a matter of fact? I do not know whether it is so with regard to official figures.”

THE HON. SRI A. B. SHETTY :—“Sir, so far as the figures in my possession show, I find that the acreage under sugarcane has decreased rather than increased.”

SRI V. C. PALANISWAMI GOUNDER :—“Sir, in view of the figures furnished by the Hon. Minister for Agriculture, it is patent that the acreage under sugarcane has fallen down and it is also a known fact that we are a deficit State in respect of our sugar requirements. Such being the case, may I know, Sir, what is the policy of the Government to increase production of sugar as well as increase the area under sugarcane cultivation?”

THE HON. SRI A. B. SHETTY :—“I have already stated, Sir, that help is being given to sugarcane growers by supplying them fertilizers and that research work is being done and liaison farms have been started to find out which varieties of sugarcane are suitable for each area and encourage sugarcane growers to cultivate the best varieties of sugarcane.”

SRI L. N. GOPALASWAMI :—“May I ask the Government, Sir, whether the recent control of the price of jaggery is likely to affect adversely the acreage under sugarcane cultivation?”

THE HON. SRI A. B. SHETTY :—“It remains to be seen, Sir.”

SRI K. KOTI REDDI :—“May I know, Sir, what is the justification for the Government to interfere and control the price of jaggery when two years ago the price of jaggery fell to such a low extent that many producers of sugarcane did not even manufacture jaggery and the Government did nothing to help them?”

MR. SPEAKER :—“How does this arise out of the question?”

THE HON. SRI A. B. SHETTY :—“The rise in the price of jaggery prevents sufficient quantity of cane being sent to the

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sugarcane factories. That is why the jaggery price is being controlled and there is also the proposal to control the movement of jaggery."

(Tours of Hon. Ministers.)

* 467 Q.—SRI S. NAGAPPA: Will the Hon. the Chief Minister be pleased to state—

(a) the number of days each Hon. Minister was on tour ever since he assumed office;

(b) the number of miles toured by road and rail by each Minister including himself;

(c) the number of places visited;

(d) the number of functions attended;

(e) the amount of travelling allowance and dearness allowance drawn by each Minister from the date of his forming the Government; and

(f) the amount of travelling allowance and daily allowance drawn by the officials of the district who attended on the Ministers when they were on tour?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Chief Minister):—" (a) to (f) The Government consider that the time and labour involved in the collection of the information asked for will not be commensurate with the public interest served thereby."

SRI S. NAGAPPA:—" Is it not a fact, Sir, that the Government are shirking their responsibility to reveal to this House the amount spent by the Hon. Ministers and the local officers when they accompanied these Hon. Ministers in the districts, to attend on them? "

JANAB ABDUL MOHAMED ABDUL SALAM:—" May I know, Sir, whether it is not a fact that some of the tours of these Hon. Ministers are undertaken for election propaganda, party propaganda and group propaganda and whether in view of the postponement of the elections, we are to expect a curtailment of the tours of the Hon. Ministers in the future? "

Production and import of rice.

* 468 Q.—SRI T. VISWANATHAM: Will the Hon. the Minister for Food be pleased to lay on the table of the House a statement showing yearwar from 1943-44 to this year, the production and import of rice in this State and also the rate of ration of rice given noting the changes and dates of change in the rate of ration?

THE HON. SRI J. L. P. ROCHE VICTORIA:—" A statement^a giving the required information is placed on the table of the House."

^a Printed as Appendix III on pages 520-521 infra.

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SRI T. VISWANATHAM:—" Sir, with reference to the figures of imports given for 1948-49, may I ask whether the Hon. Minister has seen the import figures given at page 36 of the Season and Crop Report of the Madras State for the fasli 1358, where the import figure is given as 412,053 tons and not 128,724 as stated in the statement placed? "

THE HON. SRI J. L. P. ROCHE VICTORIA:—" I have not seen the figure, Sir, but I wish to know whether the hon. Member is referring to the actual import of rice and not any other commodity."

SRI T. VISWANATHAM:—" Sir, I am referring to the figures found in print in the Season and Crop Report for the fasli 1358—Appendix XIV, Comparative Statement showing the imports into and exports from the Madras State of important agricultural products and their manufactures in 1947-48 and 1948-49, item No. 2, Rice. May I ask, the Hon. Minister whether the import in 1947-48 was 291,957 tons and not 2 lakhs and 48 thousand tons? "

THE HON. SRI J. L. P. ROCHE VICTORIA:—" I wish to examine the figures, Sir. I wish that a separate question is put in respect of these points."

SRI T. VISWANATHAM:—" May I ask, Sir, whether in 1943-44 the over-all quantity of rice available was 50 lakhs and 24 thousand tons and in 1949-50 it is expected to be 40 lakhs and 34 thousand tons, the difference being only 20 per cent, whether the cut in ration should be only 20 per cent of what it was in 1943-44, that is to say, if the ration was 16 ounces then, it must be about 12 ounces this year according to the figures of the Government and not 6 ounces that is being given now? "

THE HON. SRI J. L. P. ROCHE VICTORIA:—" As I have already pointed out in answer to a previous question, in this kind of comparison with regard to total quantity of ration allowed at a particular time in previous years and the quantity now given, so many factors have to be taken into consideration, the chief among them of course being the increase in population. Another factor is at that time according to our records, the rural people took nothing more than 8 ounces for their requirements though of course the over-all ration was 12 ounces all the time. Very few took more than 8 ounces and 10 ounces was taken by some. But very rarely rural people demanded 12 ounces. It is only during the acute scarcity period, people require larger quantities for their maintenance."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" Sir, in view of the fact that there is a healthy change in the policy on the part of the Government of India that the self-sufficiency plan of 1951 was responsible for rice not being imported in large quantities as they had originally intended, will the Government of Madras now impress on the Government of India that larger quantities of rice should be imported to solve the problem to some extent? May I also ask the question, Sir, why is there a great fall in the production of rice in our State as is mentioned in the statement placed on the table of the House? "

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THE HON. SRI J. L. P. ROCHE VICTORIA :—" I have not got any particular reason to give for the fall in the production. But with regard to the first point raised by the hon. Gentleman, joint representations were made by this State along with other deficit areas to the Government of India. The Government of India have now decided to import as much as possible. We have already made representations and we will not rest content until we get our due share."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—" Sir, will the Hon. Minister refer once again to the statement placed on the table of the House? The sharp fall in the production of rice is not a negligible one, a small quantity. It is a million tons of rice. Surely may I put it to the Hon. the Minister that it is a grave situation which could not have escaped the attention not only of the Hon. Minister in charge, but of the entire Cabinet."

THE HON. SRI J. L. P. ROCHE VICTORIA :—" That will be examined, Sir. There may be several reasons for this fall in production and unless there is sufficient notice it will not be possible to give these particulars."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—" I quite agree, Sir, that notice should be given. I want to know whether the Hon. Minister has realized that the shortage of 10 lakhs of tons of rice is a matter which should have been engaging the attention day and night of the Hon. Minister and the Cabinet as a whole. May I now ask another question, Sir? Will the Hon. Minister be pleased to state now that he will be able to give us more details about the reasons for the shortage in production when the food debate takes place during the course of this week, as I hope the food debate will take place this week? "

SRI T. VISWANATHAM :—" May I ask, Sir, whether the Hon. Minister is aware that the production figures given by him are based on the assumption that the outturn of rice from paddy is about 66 per cent whereas actually it is 69 to 71 per cent and if so whether the production figures furnished by the Government would be enhanced by about 3 to 3½ per cent? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" I shall take note of the hon. Member's point, Sir."

SRI R. V. SWAMINATHAN :—" According to the information furnished by Government in the printed statement placed on the table of the House the ration from 13th August 1950 is stated to be six ounces. May I know, Sir, whether the Government are aware of the fact that in rural areas people do not get even this six ounces of ration for two days in a week? May I know, Sir, whether the Government have made any arrangements to see that the six ounces ration at least is given to them for the whole week? "

MR. SPEAKER :—" How does this arise out of the question? "

SRI R. V. SWAMINATHAN :—" The Government say they are giving six ounces. But we are not getting even that much. I wanted to know from Government whether they cannot give at least this six ounces."

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RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—" Mr. 11-45 Speaker, Sir. 'No answer' is becoming almost a chronic disease in this House. May I appeal to you, Sir, that the questions are fairly simple and they are supplementaries, which you have admitted . . ."

MR. SPEAKER :—" The hon. Member is thoroughly wrong. I want the hon. Member to go through the proceedings of the House of Commons and other Parliaments and find out the procedure."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—" We are very grateful for the information. I am submitting to you, Sir, that the Hon. Minister might tell us that he wants notice or that he wants time to consider the matter. But to give no answer, I may submit, Sir, is very strange. Some answer must be given whether he requires time or ask us at least to put a separate question. If at all this tactic is resorted to, it should be occasional and not as often as it is now being done on the floor of the House."

MR. SPEAKER :—" As far as the Chair is concerned, the Chair cannot force an Hon. Minister to give an answer."

Lady Willingdon Leprosy Sanatorium, Chingleput.

MR. SPEAKER :—" The hon. Member came and told me that due to some transport difficulty he had to come late. Now, we shall take up his questions."

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

(a) the present bed-strength of the Government Lady Willingdon Leprosy Sanatorium in Chingleput;

(b) whether there is any proposal to increase the same; and

(c) if so, by how many and when?

THE HON. DR. T. S. S. RAJAN :—" (a) The total number of inmates in the sanatorium is 838.

" (b) Yes.

" (c) Proposals to provide accommodation for additional 2,000 patients by constructing semi-pakka buildings have just now been received from the Surgeon-General and they are being examined."

Control over the movement of ghee.

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

(a) whether it is a fact that the Central Government have removed control over the movement of ghee;

(b) the quantity of ghee that has been sent out of this State after the removal of the control over the movement of ghee; and

(c) whether any quantity has been imported into this State after the removal of the control over the movement of ghee?

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THE HON. SRI J. L. P. ROCHE VICTORIA :—“(a) The hon. Member is presumably referring to the notification issued by the Government of India in September last withdrawing the powers delegated by them to State Governments for exercising control over ghee and also nullifying the effects of the orders issued by State Governments so far as they restrict or prohibit movement of ghee or regulate or control its production or distribution or prices. But so far as this State is concerned restrictions over the movement of ghee were removed as far back as January 1948 with the prior approval of the Government of India.

“(b) & (c) The information required is not readily available.”

SRI S. NAGAPPA :—“May I know, Sir, whether our State is exporting ghee or importing ghee?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“I cannot say anything now, Sir, unless a separate question is put with regard to quantity of ghee exported or imported. I think that some quantities are imported and that some are exported also.”

Provincialization of the posts of headmasters.

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

(a) whether it is a fact that there is a proposal under the consideration of the Government to provincialize the posts of headmasters and headmistresses of secondary schools under local bodies;

(b) if so, for how long the proposal is under consideration; and

(c) when it is likely to materialize?

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

“(b) & (c) The proposal was made by the Director of Public Instruction in September 1949 and has been pending the result of certain consultations. The matter is likely to be disposed of soon.”

SRI S. NAGAPPA :—“May I know, Sir, that in view of the fact that the posts of headmasters and headmistresses are going to be provincialized, the Government will provide facilities in regard to houses whenever they are transferred from place to place?”

THE HON. SRI K. MADHAVA MENON :—“I do not know, Sir, from where my hon. Friend got the information that the posts of headmasters and headmistresses of local bodies are going to be provincialized.”

Crop Insurance Scheme.

* 456 Q.—SRI S. NAGAPPA: Will the Hon. the Chief Minister be pleased to state with reference to question No. 179 answered on 31st March 1950 when the Crop Insurance Scheme is likely to be given effect to?

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THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Chief Minister) :—“The scheme has been referred to the Land Revenue Reforms Committee for consideration. Its recommendation is awaited. It is not therefore possible to state at present when it will be given effect to.”

SRI S. NAGAPPA :—“May I know, Sir, when the Government are expecting the recommendations of the Land Revenue Reforms Committee and whether the Government will consider immediately after the receipt of recommendations favourably?”

THE HON. SRI B. GOPALA REDDI :—“There is no question of favourable consideration. It has to be considered first of all before it could be favourable or unfavourable.”

SRI S. NAGAPPA :—“When?”

THE HON. SRI B. GOPALA REDDI :—“Very soon.”

JANAB MOHAMED ABDUL SALAM :—“Are the Government aware, Sir, that the Economic Adviser to the Government has strongly recommended that the scheme can be taken up very profitably?”

THE HON. SRI B. GOPALA REDDI :—“Sir, I cannot give out that information.”

SRI S. NAGAPPA :—“If the Government are not in a position to consider now, Sir, in view of the fact that they have not received the report from the Land Revenue Reforms Committee, will the Government at least consider the desirability of introducing the Crop Insurance Scheme in areas which are subject to famine very often?”

THE HON. SRI B. GOPALA REDDI :—“The entire scheme has been referred to that Committee. We are awaiting its report and as soon as we receive it, we shall see what could be done.”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“Sir, I want to find out from the Leader of the House which day will be allotted for the food debate either this week, the next week if the Assembly is sitting next week also, or before the closing of this session. I hope it would be possible to allot a day.”

MR. SPEAKER :—“If the hon. Member wants a debate, he can go and talk with the Hon. Minister.”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“Sir, if the Leader of the House wants us to discuss with him, we are at his service.”

THE HON. SRI B. GOPALA REDDI :—“Sir, I am equally at the service of the Opposition Member. Whenever the hon. Members want to meet me, they can certainly come and meet me in my room and discuss regarding date, etc.”

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RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—" Sir, the Hon. Minister asked us to come to his room and discuss with him. We are always ready to meet him and agree for any day. We are agreeable even if it is next week. Only we want to suggest that this should be before the closing of this sitting."

MR. SPEAKER :—" Let the hon. Member have a talk with the Hon. Minister. Let the Hon. Minister announce if he is going to have a debate."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—" Sir, the Government are still not decided upon their full programme and owing to the Hindu Religious Endowments Bill they have not yet made up their minds. I am asking a day to be specified just for the convenience of the members. Some members may like to go home and come back again for the food debate. I am asking the question not that I have the slightest doubt that the Hon. Leader of the House is not going to allot a day for the food debate, which he has agreed formally."

THE HON. SRI B. GOPALA REDDI :—" Sir, I do not know when I agreed to any discussion in the present sitting whether formal or informal. Whenever I have any little business, viz., taking away non-official day for official business, I make it a point to meet the Leaders of Opposition and ask them whether they agree for the official business. Likewise, I could like them to meet me because it is their asking for a day. They can always meet me and discuss the matter. Further, there is some important matter which has to be considered by us in this connexion.

Some outstanding issues are still under correspondence with the Government of India. Unless a final reply is received from the Government of India and unless we are in a position to give you some official information, we may not be able to allot a day. Therefore, the time just now is a little premature and I request the hon. Members not to press for a debate."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—" Sir, we shall await with interest the final reply from the Government of India. When this Government receive information from the Government of India, that should form part of the discussion. In this connexion, may I tell the Hon. Minister, Sir, that a telegram can be sent to the Government of India? I am asking this because, if a telegram is sent to the Government of India now, their reply can be received in two days or in time, that is before this sitting is over, and we can have a discussion on Saturday."

THE HON. SRI B. GOPALA REDDI :—" Sir, we are taking all steps to get the reply from the Government. We sent our Food Secretary to New Delhi to speak with the Food Ministry, and yet the Government of India have not yet replied to our communication. We are awaiting their reply and we shall see what could be done with regard to the debate then."

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JANAB ABDUL HAMEED KHAN :—" Mr. Speaker, Sir. Many of the members would like to know the programme of this sitting. How long are we going to sit? That information will be very useful for members who come from mufassal."

THE HON. SRI B. GOPALA REDDI :—" We will have to finish the Hindu Religious Endowments Bill and as long as it is not over, we may have to continue this sitting."

JANAB MOHAMED ABDUL SALAM :—" Sir, may I ask that half-an-hour debate on Ministers' tours . . ."

MR. SPEAKER :—" I am not going to allow a half-an-hour debate. When the Chair is on its legs, the hon. Members should resume their seats."

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

II.—GOVERNMENT BILLS.

(1) THE MADRAS PRESERVATION OF PRIVATE FORESTS (AMENDMENT) BILL, 1950.

THE HON. SRI K. MADHAVA MENON :—" Mr. Speaker, Sir. I beg to introduce the Madras Preservation of Private Forests (Amendment) Bill*, 1950, and move—

'That the Bill be taken into consideration at once.'"

SRI T. VISWANATHAM :—" Sir, can the Hon. Minister change the order of business?"

THE HON. SRI K. MADHAVA MENON :—" There is no change in the order of business. This is the first item in the agenda, Sir."

SRI T. VISWANATHAM :—" We knew it only this morning, Sir."

MR. SPEAKER :—" The agenda was circulated to hon. Members on Saturday itself."

THE HON. SRI K. MADHAVA MENON :—" The hon. Member Sri T. Viswanatham knows the major laws and rules and the rules of the Assembly are too small to him."

SRI T. VISWANATHAM :—" I understand that other Bills are introduced . . ."

MR. SPEAKER :—" The agenda was circulated to hon. Members on Saturday itself. Let the Hon. Minister continue his speech."

* THE HON. SRI K. MADHAVA MENON :—" Mr. Speaker, Sir. The Madras Preservation of Private Forests Bill was passed in 1946 and it became law on the 3rd December 1946. It was a temporary measure for the purpose of preservation of private

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forests. As originally passed, this would have been law till December 1951 but for the fact that the power to extend it by notification is taken away by the High Court decision and we were not allowed to amend the Forest Act. A great majority of the private forests which are under the zamindaris which have already been taken over by the Government. There are some zamindars who have got private forests and who have not yet been taken over by Government and there are forests in other areas also other than zamindari. So, the necessity for the preservation of private forests is there. I therefore request that this may be extended till the 3rd December 1951."

MR. SPEAKER:—"Motion moved—

'That the Madras Preservation of Private Forests (Amendment) Bill, 1950, be taken into consideration at once.'

* SRI K. R. KARANTH:—"Mr. Speaker, Sir. I want to say a few words on this matter. While I do not oppose the time asked for, there are two things which I want to bring to the notice of this House. Regarding the general amendment to the Forest Act, so far as I know, Sir, this matter was ready in the year 1946 itself. I myself went through the file at that time. A committee or a special officer had been appointed before and the matter was ready. I would like to know why nearly four years have elapsed and the matter has not been brought up. Secondly, Sir, last week when I travelled through Malabar, more than one person told me that this Act is nothing short of a farce so far as Malabar is concerned. The object of this Act was to see that there was no denudation of private forests, particularly in Malabar, where it was found that the old forests which largely belonged to private individuals were being destroyed beyond redemption. I am sorry to hear that that object has not been achieved. I trust that the Hon. Minister in charge, who comes from Malabar, will be able to tell the House whether as a matter of fact, in spite of the passing this Act, large tracts of forests have been cut down and no attempt has been made to replant them. If this is so, there is no point in having such a legislation on the Statute Book. Licences are no doubt necessary from Collectors for felling trees even from private forests. But it seems that these are granted as a matter of course and thus during the last two or three years since the passing of this Act, a great deal of denudation has taken place in Malabar. I would like to have some enlightenment from the Hon. Minister on both these points."

* SRI K. KOTI REDDI:—"Sir, I would also like to make a few observations in connexion with this measure. I know that this Act was passed to prevent the denudation of private forests that was going on on a large scale a few years ago. But if this state of affairs persists we should ascertain the reason for it. One reason for this felling of trees is the dearth of firewood. For the fuel supply in the villages the trees grown on waste lands were coming in handy hitherto. But most of these waste lands have

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now been brought under cultivation and the fuel supply from this source has therefore been almost stopped. While I agree that it is necessary to have some restrictions on the felling of trees on private and Government forests, it seems to me that some attempt ought to be made to see that more fuel is made available to the villagers. Fuel is as necessary as food. What happens now is that, as there is fuel scarcity in the villages, people go to distant forest areas to get fuel. Denudation of private forests is going on every day mainly on account of necessity for firewood, in Madras City and in the mufassal. This has been going on for some time as hon. Members know. One method of stopping this is by the supply of this article by the Government themselves. If you travel from Madras to Arkonam by rail you will find, although we have been asking for the production of more food, fertile fields abutting both sides of the line being planted with casuarina trees. As I said, almost like food, fuel is also necessary. But it is necessary to give more importance to food and therefore the Government ought to take some steps to see that cultivable lands are not planted with casuarina trees for fuel purposes. When steps are taken towards this object it should be necessary for the Government to supply fuel from their own or other forests.

"In this connexion I should state that enough firewood seems to be available in our forests but the transport difficulty is the problem. In the inland parts of the forests, fuel is available, but bringing them down to the plains for the use of the townsmen is the most difficult thing to do. What we in Cuddapah do to meet this difficulty is to engage pack bulls. Though this method of transport is very costly, we have to adopt this in places where there are no roads. In parts of Cuddapah it is by means of pack bulls that the transport of fuel is arranged. I would request Government to find ways and means to increase the supply of fuel not only to Madras but also to the mufassal. People must have firewood and, if they are not allowed to have it from private forests, and restrictions are put on the felling of forests trees, the Government would themselves have to meet the need. All the same some restrictions are necessary and forests ought not to be destroyed wholesale. Side by side with placing these restrictions, the Government should increase the areas from which firewood is now supplied and make it available in plenty. If this is not done prices will go up and control will have to be reimposed."

SRI A. VEDARATNAM PILLAI:—"கனம் சபாநாயகர் அவர்களே! இந்த மசோதாவை ஆதரித்து இந்த மசோதா சம்பந்தமாக சில விஷயங்களை கனம் மந்திரி அவர்களுடைய ஆலோசனைக்கு நான் கொண்டுவர விரும்புகிறேன். விறகு கஷ்டம் ஜாஸ்தியாக இருப்பதை உத்தேசித்து சவுக்கை போடுவதற்காக எங்கள் பிரதேசத்தில் வேதாரண்யம் காட்டில் விஸ்தாரமான இடத்திலுள்ள மரங்களை வெட்டித் துவைத்து கொளுத்தி அறிக்கப்பட்டது. அப்பால் சவுக்கை பயிர் செய்தார்கள். காட்டை அழித்ததோடல்லாமல் சவுக்கும் அந்த இடத்தில் வளரவில்லை. பிறகு அந்த ஆலோசனையை நிறுத்தி விட்டார்கள். இப்போழுது அந்த இடம் சம்மத்தானிருக்கிறது. காடும் இல்லை சவுக்கும் அந்த இடத்தில் இல்லை. காட்டில் ஏராளமான பிரதேசங்களில் இதர மரங்களில்லாமல் சவுக்குப் போடுவதற்கு இடங்களுக்கின்றன. அவ்விதமிருக்கும் பொழுது காட்டை

[Sri A. Vedaratnam Pillai] [20th November 1950]

அழித்து இந்த ஏற்பாட்டைச் செய்ய அவர்கள் முன் வந்திருக்கவேண்டிய தில்லை. முன் யோசனையில்லாமல் இதைச் செய்ததால் இந்த விளைவு ஏற்பட்டது. சும்மா தரிசாக கிடக்கும் இடங்களில் சவுக்கைப்போடுவதிலும், இதர மாங்கனைப் பயிரிடுவதிலும் முயற்சிப்பார்களேயானால் நல்ல பலன் கிடைக்கும். பலன் தரத்தக்க மாங்கனை பயிரிடுவதற்கான வசதிகள் அங்கே ஏராளமாக இருக்கின்றன. அதை கனம் மந்திரி அவர்கள் கவனத்தில் வைத்துக்கொண்டு அதில் முயற்சி எடுத்துக்கொள்ளவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

“காட்டிலாகாவில் சும்மா இருக்கிற இடங்களில் சில விவசாயிகள் அங்கே ஏதாவது மாங்கனை வைத்து பயிர் செய்தால் அதை அழித்து விட்டும், அவை களை அப்புறப்படுத்தியும் அவர்களுக்கு கஷ்டமும் கொடுக்கப்படுகிறது, இது நியாயம் இல்லை என்று நான் தெரிவித்துக்கொள்ளுகிறேன். விவசாயிகள் முன் வந்து பல இடங்களில் பலன் தரத்தக்க மாங்கனாகிய தென்னை, மா, புளி முதலிய மாங்கனை வைத்துப் பயிர் செய்தால் அவர்களுக்கு சர்க்கார் உதவி அளித்து அந்த மாங்கனை விருத்தி செய்வதற்கு சர்க்கார் ஆக்கம் அளிக்கவேண்டுமெய்யல்லாது அவர்களை அப்புறப்படுத்தி துன்புறுத்தக் கூடாது என்பதை அவர்களுக்குத் தெரிவித்துக் கொள்ளுகிறேன்.

“இன்னும் காடுகளில் அநேகம் காட்டுமிருகங்களுக்கு இன்றை. பக்கத்திலுள்ள கிராமவாசிகள் இரவில் காட்டிற்குள் திருட்டுத்தனமாகச் சென்று அங்கிருக்கும் மாங்கனை சுட்டுத் தள்ளி காலிசெய்து விட்டார்கள் என்ற விஷயத்தை இதற்கு முன்னால் பல தடவை கனம் மந்திரி அவர்களுடைய கவனத்திற்குக் கொண்டுவந்திருக்கிறேன். அதைப்பற்றி அவர்கள் இன்னும் சரியானபடி நடவடிக்கைகள் எதுவும் எடுத்துக்கொள்ளவில்லை. காட்டிற்கு அருகிலுள்ள கிராமவாசிகளுக்கு துப்பாக்கி லைசன்ஸ் கொடுப்பதை நிறுத்த வேண்டும். அவர்களுக்கு இவ்விதம் துப்பாக்கி லைசன்ஸ் கொடுப்பதால் தான் அவர்கள் அதைக் வைத்துக்கொண்டு காடுகளில் வேட்டையாடுகிறார்கள். அவர்கள் அவ்விதம் செய்யாமலிருப்பதற்காக அவர்களுக்கு லைசன்ஸ் கொடுப்பதை கட்டுப்படுத்தவேண்டுமென்பதை அரசாங்கத்தினுடைய கவனத்திற்குக் கொண்டுவருகிறேன்.

“காட்டிற்குள் ஜீப் முதலிய கார்கள் போகக்கூடாது என்றிருந்தும் கூட அவர்கள் இரவுகளில் ஜீப் முதலிய கார்களை வைத்துக்கொண்டு இரவில் வேட்டையாடி வருகிறார்கள். இதைக் கட்டுப்படுத்தவில்லை யென்றால் அது அங்கே இருக்கக்கூடிய அதிகாரிகளின் கவனக் குறைவே ஒழிய வேறு ஒன்றுமில்லை. ஆகவே இதை அரசாங்கம் கவனித்து அங்கிருக்கும் வாயில்லாப் பிராணிகளைப் பாதுகாப்பதற்கு தக்க முயற்சி எடுத்துக்கொள்ள வேண்டும்.

“அதுவுமல்லாமல் அந்தக் காடுகளில் நல்ல மிருகங்கள், அதாவது நல்ல மாடுகள் ரொம்ப சலப்பமாக அதிகச் சிலவில்லாமல் வளர்ப்பதற்கும் மாடுகள் ஏராளமாக இருக்கின்றன. அவைகளை அபிவிருத்தி செய்வதற்கு நாம் நல்ல பொலி காளைகளை அங்கே கொண்டுவர விட்டு மற்ற இதர மாடுகளோடு *castrigate* செய்தால் அங்கேயிருக்கும் மாடுகளை அபிவிருத்தி செய்வதற்கு மார்க்கம் இருக்கிறது என்பதை அவர்களுடைய கவனத்திற்குக் கொண்டுவர விரும்புகிறேன்.

“அதேமாதிரி காடுகளில் நல்ல குதிரைகளுக்கின்றன. அவைகளை அபிவிருத்தி செய்யும் விஷயமாக இதற்கு முன் நான் பஸ்முறை நம் அரசாங்கத்தின் கவனத்திற்குக் கொண்டுவந்திருக்கிறேன். அதில் அரசாங்கம் தக்க கவனம் செலுத்தி அவைகளை அபிவிருத்தி செய்வதற்கு முன்வந்தால் நல்ல குதிரைகள் இந்த நாட்டில் வளருவதற்கு வழி இருக்கிறது என்பதை அவர்களுக்கு ஞாபக முட்டி, அதற்கான வசதிகளை ஏற்படுத்தவேண்டுமென்று நான் அவர்களைக் கேட்டுக்கொண்டு இத்தடன் முடித்துக்கொள்ளுகிறேன்.”

SRI A. KALESWARA RAO :—“Sir, the Act is certainly a good one. The intention of the framers was good. They wanted to see that forests, particularly in zamin aghaharams, mokassas and

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inam villages, are preserved. But the administration of the Act has been very unsatisfactory. In my district of Krishna where these estates are numerous, the forests have been recklessly denuded by the agents of the zamindars and other landlords. They wanted to take nazarana or heavy premia for leasing out forest lands. They ante-dated the leases and gave away the lands for cultivation and therefrom promptly the ryots removed the trees. There are innumerable such cases. In one of the estates in my district, it is a notorious thing that this business went on. This fact was brought to the notice of the Collector by the hon. Member Srimathi Seetha Mahalakshmi Amma. The zamindars are interested in getting fat premia on ante-dated leases of these lands, while the villagers of the neighbourhood are interested in seeing that these forests are preserved. The villagers therefore go and complain to the authorities. But the officials are callous. I am therefore painfully obliged to tell the Government that the administration of this Act has been very bad and that sufficient care has not been taken by the Collectors and others for the preservation of these forests. This is one point about which the Government must take proper care.

“No doubt several of the zamindari and other estates have been taken over by the Government, though some of these have gone to court and are pleading that the Zamindari Abolition Act is *ultra vires* of the Legislature. I want therefore to bring to the notice of the Government the necessity for being careful in this matter of the destruction of private forests.

“A second point has been brought to the notice of the Government pointedly by the hon. Member Mr. Koti Reddi and that is with regard to the supply of fuel. The supply of fuel is very important. While we want the forests to be preserved for giving us more and more rain, at the same time we want the minor trees and the bushes to be cut for supply of fuel to the villages and the towns. Particularly those who live in towns like Vijayavada require fuel and there must be some planned action on the part of the Government to supply this, and not merely the passing of a law which is badly administered. The happiness of the people lies in proper administration more than in passing good laws. No doubt the laws are there and any Government which calls itself a democratic Government can pass a law, but if the administration of the law is bad, it brings hardship to the people and there is corruption, nepotism and all that. In order to promote the happiness and prosperity of the people, I wish to draw the attention of the Government to these points.”

[SRI V. I. MUNISWAMI PILLAY :—“Mr. Speaker, Sir, I support the Hon. Minister's motion for the consideration of the Bill to amend the Madras Preservation of Private Forests Act. I welcome the statement in the statement of objects and reasons that the Government have separately under consideration a proposal to include, *inter alia*, the essential provisions contained in this Act in the Madras Forest Act, 1882. Sir, the importance

[Sri V. I. Mudiswami Pillay] [20th November 1950]

of forests has assumed large proportions in this State. As explained by some of the previous speakers, the whole country and especially our State is faced with a deficit in fuel. When petrol was scarce, large forests had to be cut down not merely for fuel but also for purposes of getting charcoal for the gas plants of buses and lorries. This has depleted very largely the fuel available in the forests, not merely the private forests but also the Government forests. To repair this damage it is absolutely necessary that the main Act has to be amended.

"Sir, in my own district of Nilgiris, the Government are now considering the control of the sholas that are owned by private individuals so that soil conservation may proceed in a well-planned way. All these things require careful consideration. I do not think that any time lost in dealing with this matter will at all help the State either in the matter of fuel or other facilities that are required for the agriculturists. I make an earnest appeal to the Hon. Minister who was himself in charge of forests some time ago and who knows personally the defects in the existing Act to make the necessary amendments so that forests may be a source of help and encouragement to the agriculturists."

* SRI K. VARADACHARI:—"Sir, while supporting this motion for the consideration of the Bill, I have a few remarks to offer with regard to the administration of the Act during the last 3 or 4 years. It is as though only lip service is rendered to the provisions of this Act by the administrative officers, chiefly the Collectors of the districts. Only a few cases are taken notice of, while the major ones and the more important ones are not at all noticed by the district authorities. Influential zamindars in my district have gone scotfree, and the moment this Act was passed, it seems an impetus was given for the wholesale destruction of the forests in as short a time as possible. Perhaps it would have been better if no Act like this had been passed. The mere passing of this Act brought into prominence the idea that the zamindars should make money as quickly as possible before the Zamindari Abolition Act came into force. The result has been denudation on a vast scale.

"The second thing is this. Even in the few cases where the Collectors were made to take notice of the breaches of this Act what was actually done by the Collectors was this. They were unable to treat these cases as one in which they had to do justice between two parties. In the few cases that came before the Collectors it was more that factions in villages and party rivalries that were responsible for complaints before the Collectors with regard to alienation of forest land and communal land. To make the matter easy of disposal, the Collector used to say, 'The Government prohibits you from entering this land or occupying that land.' The people could not have resort to civil courts for getting justice, just as in the other Act which prevented alienation of forest land or communal land. I therefore submit that it is

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better that the Forest Department takes charge of these forests even though some of the estates have not been notified so far under the Zamindari Abolition Act.

"The next thing is this. Some zamindaris have been notified under the Zamindari Abolition Act, but the zamindars have gone to the courts and asked for writs. These big estates are going scotfree without their forests being taken over by the Forest Department. Some way must be found out of the difficulty. Even though cases may be pending in the courts, the forests must be taken over by the Forest Department and administered by it pending disposal of the cases before the courts. I therefore submit that the Government may take note of these things and see that the original Forest Act itself is made applicable to these forests."

* SRI M. R. APPA RAO:—"Mr. Speaker, Sir, I wholeheartedly support this Bill, because it is absolutely necessary that forests should be preserved more from the point of view of the economy of the country. It has been found that the recent droughts were the direct result of the denudation of the forests. I personally feel that the Government forests also are equally in need of protection. As far as my personal knowledge goes, in various districts, at least in my own district, I find that the zamindari forests are in a much better condition than the Government forests. Of course there may be some zamindars who may have cut their forests. But that is mainly due to the fact that, after 1942 there was petrol scarcity and the Collectors forced the zamindars to lease their forests for cutting. Even if the zamindars were unwilling to lease them, they were forced to lease their forests for cutting and thus help the Government and the society. Under these circumstances many zamindars gave their forests for cutting. Then there was also the grow-more-food campaign. Many tenants were anxious to cultivate lands. The Collectors and Special Officers recommended the allotment of zamindari forest lands to the tenants. Under these circumstances many lands were allotted.

"Now that the Government are bringing forward this Bill, I want them to take note of one fact. Various forests were handed over to panchayats, especially in Krishna district. The Kandapalli forest was handed over to the panchayat and then its condition became very bad. Almost all the trees were cut. There was no control and the whole thing was very badly done. I think it has now been taken over by the Government. As far as forests are concerned, their administration must be in the hands of the Provincial Government; it must not be in the hands of private individuals or panchayats. I request the Government that a forest policy must be carefully laid down so that replantation of trees may be done carefully. Even in the Government forests, except in Ootacamund, we do not see any plantation of new trees. I do not know what the Forest Department are doing. The Government forests also must be taken care of and replantation and scientific afforestation must take place. With these few remarks, I support the Bill."

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*THE HON. SRI K. MADHAVA MENON :—“ Sir, the hon. Member Mr. Karanth raised two points. He said that when he introduced this Bill in December 1946 there was another Bill under examination for amending the Madras Forest Act and he wanted to know far it had progressed. It is true that there was another Bill under examination. After the passing of this Act, a further examination of the question was made. Certain lacuna was found even in this Act and it took some time for its examination. By that time constitutional changes came in and we had to examine how far the provisions offended the Constitution. The permission of the Government of India had to be obtained and it has been obtained. All this examination took some time and we were extending the Act by the notification power we had. Subsequently that power lapsed. We extended the legislation last year by one year and now we ask for extension for one more year.

“ There are certain lacunae even in the Private Forests Act. Hon. Mr. Karanth said that it has had very bad effects on the forests in Malabar and South Kanara. It is true, Sir. Unfortunately there are clever people who have defeated some of the provisions of the Act. The Act provided that the provisions would apply only to forests of 100 acres and more; therefore except one or two big landholders, in petty joint families, there have been a series of partitions with the result that the areas of forests became 99½ acres and so on, so that the provisions of the Act could be evaded.

“ Secondly there was another difficulty. Along with the passing of the Act, Collectors were not given sufficient staff. They were depending on the ordinary forest staff and there was delay. It was only last year that we provided a separate staff for the working of the Act. For these two reasons, the working of the Act did suffer a little bit. Before the close of the year, we hope to bring forward an amending Act before the House.

“ Hon. Mr. Koti Reddi referred to the difficulty of getting firewood. We want the private forests to be preserved and at the same time licences have to be given by the Collectors in their discretion for the cutting of firewood. We shall examine the difficulty that has been pointed out and see how the Private Forests Act can be worked in a way which will not in any way affect the supply of firewood to Cuddapah.

“ Sir, hon. Mr. Vedaratnam Pillai was speaking about the preservation of animals. That is only with regard to Government forests, whereas this Bill relates to the preservation of private forests. He spoke about the forests near Vedaraniyam and the depredations by the game hunters. Of course, poaching will be going on for the pleasure of hunting as well as for eating the animals, just as thieving is going on in other places. (Sri A. Vedaratnam Pillai: ‘I am referring to private forests also’.) With regard to private forests, I do not think it is possible for the Government to stop hunting there under this Act. It is for the private owner concerned. Anyhow we shall take note of what the hon. Member has said and see what can be done.

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“ Hon. Mr. Kaleswara Rao said that the Act was good but the administration was bad and that things had not been done properly in Krishna district. Sir, the major estates in Krishna district have all been taken over. The major forests also have been taken over. It is because some other estates have yet to be taken over, it is necessary to continue this Act. As regards the remarks of hon. Members Mr. Varadachari, Mr. Muniswami Pillay and Mr. Appa Rao, they all mainly relate not to private forests but to the administration of forests in general. I shall certainly take note of what they have said and convey them to the Hon. Minister for Forests so that he may rectify the defects pointed out by them.”

MR. SPEAKER :—“ The question is—

‘ That the Madras Preservation of Private Forests (Amendment) Bill, 1950, 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 Bill be passed into law.’ ”

MR. SPEAKER :—“ The question is—

‘ That the Madras Preservation of Private Forests (Amendment) Bill, 1950, be passed into law.’ ”

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

(2) THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
BILL, 1949 (L.A. BILL NO. 10 OF 1949)—cont.

Clause 14.

* SRI T. VISWANATHAM :—“ Sir, my amendment is—

‘ In sub-clause (1) (a), delete the words “ by notification in the Fort St. George Gazette ” and after the words “ Area committee ” insert the words “ elected as hereinafter provided ”.’

Sir, the purpose with which this amendment is moved is this: At the time of the introduction of this Bill most of us pleaded that the members of the denominations must have some effective voice in the management of the various endowments within their respective areas. When we said we wanted the association of the local people of the religious denominations we had in our mind the temple committees as we originally contemplated in the existing Act, temple committees which were provided for in the Act of 1863; but we never wanted that the Government should make provision for committees to be appointed by them by notification. In other words, we wanted only elected committees. These are days of democracy not only at the top but also at the bottom; and if democracy is to prevail in small villages having even 500 of population, and if the Government are anxious to establish panchayats for ordinary affairs, there is no reason why the endowments should be left out of the jurisdiction of elected bodies. One

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might ask, 'what is the electoral college, whom do you contemplate as electors for this purpose'? For such a general question, the general answer would be "all those who are interested in the upkeep and maintenance and prosperity of the endowment". For greater details along with other rules for which Government have been making provision in this Act, the Government, in consultation with whomsoever they like, might certainly frame rules and prescribe the necessary machinery for the electorate and give a chance to persons in the locality to have an effective voice. The Government have now provided for Area Committees. As the Hon. Minister pointed out, originally there were no Area Committees but they have been brought in now. But the Area Committees now provided for are appointed committees. I submit the Area Committees appointed by the Government are only an addition to the objectionable machinery, i.e., the kind of machinery to which we have been raising objections. All along, the point of our objection has been that the religious denomination must have some voice; but if you go through the provisions of this Bill, you will find that the religious denomination is practically squeezed out. The Constitution may say that the denomination must maintain these institutions, but still, none of the provisions in the Bill is such as to bring within its scope the religious denomination for expressing its will, effectively or otherwise. If the Government are anxious to associate local people, at least in the case of temples whose income is below a particular level, and if they think Area Committees should be appointed in respect of such institutions, I submit these committees should be elected bodies. If they are not elected bodies, the purpose is not served. On the other hand, this House will put another instrument into the hands of the Executive to more effectively manage the properties themselves, instead of leaving them to the denomination to manage them.

"There is also another difficulty, Sir. The Commissioner, the Deputy Commissioners and the Assistant Commissioners will be paid officers and there will be some kind of check over them. The Trustees also have got certain duties and they have greater obligations to fulfil than other persons who hold property. But the Area Committee will have all the power and no responsibility, practically none, because they do not have the disadvantage of being paid officers nor have they the obligations of trustees, but they will be merely appointed by the pleasure of the Government and be there during the pleasure of the Government. I submit this is a very anomalous position. Area Committees to be constituted like that and spread over the entire Province, with nearly 15,000 temples to be distributed to these Area Committees—provisions like these are not healthy provisions to be embodied in the Bill, in my humble opinion. And that is the reason, Sir, why I want these Area Committees to be manned by elected personnel subject to such rules as may be prescribed, and that is my amendment."

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* SRI L. N. GOPALASWAMI :—"Sir, I second the amendment. While seconding it, I need go no further than take the instance of this Government. The Government say that because we represent the public, we have a voice in the management of the religious institutions. It, therefore, stands to reason that local people who are very interested in the temples should certainly have a voice in the management of their own institutions. If simply because we alone represent the public here, we alone should have a voice in managing not only all the institutions in general but even particular institutions, not directly but even through agents to be appointed by Government, i.e., by the Commissioner to be appointed by this Government, it is an indirect way of transferring the responsibility and it only offends the fundamental principles whereby it is only the denomination and the local people and the public of the locality that should be put in charge of these religious institutions. The Hon. Minister the other day said that if we leave it to elections, it may be that irreligious people will capture these organizations. Will not the Oppositionists and the critics of this Bill say that we irreligious people have captured the seats in the Legislature and want to take charge of all the temples which we are not entitled to do? If we adopt one kind of argument for taking over the institutions, that argument should also apply to a provision which will give scope to the local people to choose their own officers; so that there may be proper supervision and so that it may be more in accordance with public opinion, rather than have direct management by the Government themselves."

* SRI K. R. KARANTH :—"Sir, I must say, having had some part in the Select Committee stage, that it appears at an earlier stage it was stated here that I was against any elected committee. If that is so, there is a slight misapprehension. The position is this: The Government wanted all powers for the officers and nothing less than that; they wanted that the trustees also should be appointed by the officers. The view I took was: Let there be at least nomination for the present, because instead of having the paraphernalia of electoral rolls and regular elections and so on for this purpose, let us be satisfied with nomination; because nomination even by Government would be preferable to appointment of trustees by the officers. I felt, with the little experience I have had of the committees in my district, that they functioned fairly well and very satisfactorily. I am not sure whether they were appointed or elected, but rather than officers trying to dictate from Madras and appointing local trustees, our own men, however bad or good they may be, would have a better idea of choosing local people than officers who are being transferred from district to district. This position was taken in the Select Committee stage; but that does not mean that I am against elections of any sort. Sir, there is a real fear, and I think Hon. Mr. Viswanatham voiced that fear, viz., that as things are being done now in respect of advisory committees and advisory councils,

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"My reason for moving this amendment is for better grammar."

SRI K. BHASHYAM:—"I second it, Sir."

THE HON. SRI K. MADHAVA MENON:—"I entirely disagree that a pronoun instead of a noun makes it any better. Unfortunately, I am not able to find how it fits in into the section at all. No amendment can be moved which does not fit in with the section."

"Again, Sir, hon. Mr. Viswanatham's amendment is to remove the word 'temples' in line 4 and substitute 'those' in its place. But I do not find the word 'temple' in line 4. In fact, I have been searching every line to see whether this will fit in."

SRI T. VISWANATHAM:—"It is in line 5 as it is printed in the Bill. Probably it is a clerical mistake, because it is not correctly put in the amendment."

THE HON. SRI K. MADHAVA MENON:—"If it is in line 5, I think the words 'other than temples included,' etc., are better and I do not see any particular grammatical advantage in having the pronoun instead of the noun."

SRI T. VISWANATHAM:—"I do not press the amendment, Sir."

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

Sub-clause (1) (b).

* SRI T. VISWANATHAM:—"Sir, I move—"

In sub-clause (1) (b), after the words: 'clause (a)' in line 2, insert the words 'on grounds of misconduct or wilful neglect of duty'."

"Sir, I thought that hon. Mr. Bhashyam had some amendment relating to election and that we could group all these amendments together. Sir, this power of removal of the area committee must be for specific grounds and it is absolutely necessary now that you have agreed to have a nominated committee, because when once a person is nominated he ought not to be at the will and pleasure of those in authority. You have got the power to make a gift, but you cannot remove that gift when once it is given. Therefore, there must be some safeguard for the person who takes the appointment. That is why I say no person should be removed except on grounds of misconduct or wilful neglect of duty and it is a necessary safeguard against any executive authority."

* SRI K. BHASHYAM:—"Sir, I beg to second the amendment for a more practical reason and it is this. It is always difficult to go to Government for nomination and respectable people do not seek nomination. Generally, people that go in for nomination are fairly not qualified for it and so Government have no other go-

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but to nominate those persons who go and worry them. Now on the question of safeguard for the person who has been nominated to the area committee, suppose the area committee is abolished, without any specific grounds, it makes it all the more difficult for any respectable man to agree to serve on it. Therefore, you must give dignity and honour to the committee so that respectable persons may offer themselves to serve on the committee. Instead of merely putting a man and turning him out the next day, what I want is if you are to turn a member of the committee out, you must give reasons for doing so. In all committees that are constituted, it is necessary to provide for such a thing. If it is one of the conditions that is always understood and so I insist upon the amendment of my hon. friend. I, therefore, support it."

* THE HON. SRI K. MADHAVA MENON:—"Sir, I cannot accept the amendment. Mr. Viswanatham said that clause (b) provides for the abolition of the committee and not of the individual members. He says that for abolition of a committee, there must be grounds such as misconduct or wilful neglect of duty. But, he does not make any allowance for incompetence. Suppose we nominate a person to the committee and he is found incompetent of the committee exceeding the statutory powers given to them. Such contingencies might happen which hon. Mr. Viswanatham has evidently not foreseen."

"Then, Sir, hon. Mr. Bhashyam said that respectable people do not care to come in, and in such a case Government may come in with nomination. But I may tell him that even respectable persons come and ask for nomination. That apart, even after nomination, if the committee is not doing the work properly, if it exceeds its powers and proves inefficient or for some reasons the committee has not been able to do any work by not having a majority and on account of this like that, the work of the committee becomes impossible, in such cases it must be open to the Government to abolish the committee."

"Then, Sir, hon. Mr. Bhashyam wanted to know the reasons for the abolition of the area committee. That is what we have said in the clause, namely, that a reasonable opportunity shall be given to the committee to show cause against its abolition. It is not arbitrary and only after notice is given to the committee to show cause and after obtaining their views abolition is done. So, Sir, it is necessary in the circumstances we have pointed out and I cannot accept the amendment."

* SRI T. VISWANATHAM:—"Sir, the Hon. Mr. Madhava Menon thought that he has discharged his duty by giving these reasons. He has given good reasons, except one reason. He said 'incompetence' as the first cause. I do not agree, because they themselves choose the men. On the other hand, if they are elected men, some Secretary or officer might pounce upon them and say they are incompetent. Then, Sir, I have always protested that incompetence and unsuitability are not grounds at all, but that there

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must be some tangible grounds. Therefore, this incompetency and unsuitability are not at all grounds. Again, if he says there are reasons for abolition, I want them to be inserted here, so that the body might be made to show cause against their abolition. As the clause stands, an order for abolition need not state the grounds of abolition and it is not on grounds of misconduct or wilful neglect of duty or that is not functioning without a majority. I say, Sir, that there is the Municipal Act, or Panchayat Act or Corporation Act and wherever there is a removal clause like this, the authorities are expected to give the reasons for removal. I, therefore, submit that the Minister must include these reasons. But, according to the wording of the clause as it stands, what I contemplate is, the order will merely say that in exercise of the powers conferred under section 14 (1) (b) the Government propose to abolish the committee and the committee should show cause why it should not be abolished. In such a case what is the answer that the blessed committee could give? Therefore, I submit, it is absolutely necessary that you must state the grounds. I agree with the Hon. Minister in respect of the grounds he has suggested, except one and at least he can put forward those other grounds in the form of an amendment. Otherwise, I think, my amendment will be more useful. He may well put in misconduct, wilful neglect of duty, exceeding statutory powers, not functioning or discharging any of the functions imposed by this Bill, as grounds for the abolition of the committee. Therefore, Sir, I submit that some reasons must be given; otherwise there is no chance for them to show cause against the abolition and it will only be an eye-wash to say, as stated in the clause, they will be given an opportunity to show cause. It is all vague and it should not be in that form at all. Now, Sir, as the Hon. Minister has agreed to the reasons, I ask him to accept my amendment or if he likes he may put it in his own words."

MR. SPEAKER :—" The question is—

' In sub-clause (1) (b), after the words " clause (a) " in line 2, insert the words " on grounds of misconduct or wilful neglect of duty " " "

The amendment was lost.

SRI K. R. KARANTH :—" I beg to move—

' Add at the end of sub-clause (1) (b), the following :—

" And shall reconstitute a new committee in its place within six months from the date of such abolition. " " "

THE HON. SRI K. MADHAVA MENON :—" May I suggest, Sir, that instead of moving the amendment here, it would be more appropriate to consider it along with an identical amendment which hon. Mr. Bhashyam has given notice of in respect of clause 19. Most probably, I am going to accept his amendment."

SRI K. R. KARANTH :—" In the circumstances explained by the Hon. Minister, I do not propose to move it here."

Clause 14 was put and carried.

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Clause 15.

MR. SPEAKER :—" The motion is—

' That clause 15 do stand part of the Bill. ' "

SRI T. VISWANATHAM :—" Sir, I move—

' Delete the clause. '

" The clause as it stands runs thus: ' Every Area Committee shall consist of such number of members as may be appointed by the Government, not being less than three nor more than five. ' I have already stated my objection. Of course, if clause 14 were deleted, clause 15 also would have to be deleted. Now, I think it is not necessary. "

* SRI K. BHASHYAM :—" The clause says, Sir, that the Area Committee shall consist of persons who may be appointed by the Government. I suggest that instead of its being appointed, they may be elected in the manner prescribed by the Government. That is the reason why I want this amendment. Arguments have already been advanced in the matter of the election question. "

MR. SPEAKER :—" That has already been voted down. So, I rule it out of order. "

Sub-clause (3).

* SRI K. BHASHYAM :—" Mr. Speaker, Sir, I beg to move— 1 p.m.
' In sub-clause 3 (a), after the word " profess " add the words " or practise. " " "

MR. SPEAKER :—" The House has given a verdict on a similar motion moved in another place and it has been voted down. "

SRI K. BHASHYAM :—" Consistent with what I have said I make the motion and consistently with what has been the fate of my previous motion, the Government will defeat it. I want to be consistent with myself and therefore, Sir, I make the motion. "

SRI T. VISWANATHAM :—" I second the motion for the reason that it is very necessary. "

MR. SPEAKER :—" The question is—

' In sub-clause 3 (a), after the word " profess " add the words " or practise " " "

The amendment was lost.

SRI T. VISWANATHAM :—" Mr. Speaker, Sir, I beg to move—

' In sub-clause 3 (a), delete the word " Hindu " and add at the end the words—

" or religious denomination or the religious faith for whom benefit the institution is intended or created. " "

At every stage it is there and I feel it is not necessary. "

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SRI K. BHASHYAM :—" I second it, Sir."

MR. SPEAKER :—" The question is—

'In sub-clause 3 (a), delete the word "Hindu" and add at the end the words—

"or religious denomination or the religious faith for whose benefit the institution is intended or created."'

The amendment was lost.

Sub-clause 3 (b).

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

'For the words "has applied" substitute "has applied or applies" and for the words "has been" substitute "has been or is".'

SRI T. VISWANATHAM :—" I submit, Sir, that the words as they stand are good enough and I do not know the reasons why we should add these words. At the time of the disqualification arising, there must be a person who has applied and therefore, Sir, the words employed are the proper terms. I feel, Sir, the original wording is quite all right and it need not be changed."

MR. SPEAKER :—" The question is that—

'For the words "has applied" substitute the words "has applied or applies" and for the words "has been" substitute the words "has been or is".'

The amendment was carried.

* SRI T. VISWANATHAM :—" Mr. Speaker, Sir, I beg to move that—

'In sub-clause 3 (b), add at the end the words "or is proved to have been living in the company of a concubine or a prostitute".'

I am very particular about this amendment, Sir. One of the fervid and fervent appeals made by the Government and others supporting the measure to take over the management of temples, maths and every other possible institution which they can is made on the ground that the persons in charge of those institutions are desecrating them by not living a moral life and they are even exhibiting photographs of trustees that are said to be immoral, on the floor of this House. If they are so anxious about the private lives of mada-dhipathis and trustees, they must be equally careful about the persons who are expected to exercise authority over the institutions, namely the persons who are to be appointed members of the Area Committee. They will have jurisdiction over 16,000 temples in the Province. (Sri K. Bhashyam : "28,000.") The Area Committee would not operate in respect of certain temples and so, they will have jurisdiction over 16,000 temples. From our experience, Sir, and from the speeches delivered by the Hon. Minister and by hon. Members who support the measure perhaps more fervently than the

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Ministers themselves, we find that private morality of the persons in charge of the institutions has played a very important part in their emotional appeal in support of this Bill both at the time of the introduction of the Bill and at the time when constitutional objections had been raised. It is not as if everybody is perfect in this world. When certain points are raised on the ground that it goes against the Constitution, then the emotional appeal is made based on the private lives of these unfortunate individuals who have no voice here. I attach great value for moral life of people and I want not merely mada-dhipathis, not merely trustees but all people to have a high standard of morality. But a person chosen by the Government for filling the office of managing and guiding the destinies of so many temples and maths will be in a position to create a certain reaction or impression in the minds of millions of people who attach great importance to their private lives and who feel that their life ought to be pure and beyond suspicion. Unless, Sir, the Government chooses people whose private lives is beyond cavil, we will be handing over those institutions to persons whose conduct will bring down the reputation of those institutions which we want to preserve by enacting this piece of legislation. I have a great and sincere belief that every person if possible in Government service in charge of public institutions must be a person of good morals and so, Sir, every person who is to be nominated by the Government to discharge duties of a public nature must have a private life which is beyond cavil. If it is so essential in general and in relation to public life, it is even more essential when we think of these persons in the context of religious and charitable institutions. After all it is not a case of election wherein the Government might say: 'What can we do; he has managed to get himself elected by his immoral or other means?' It is a case of nomination and I submit that it is a case in which the Government must exercise the greatest amount of care to see that only persons having a private life beyond reproach alone is to be nominated."

SRI R. V. SWAMINATHAN :—" Who is going to second this amendment?"

SRI T. VISWANATHAM :—" All those who care for morality will second and support the amendment."

* SRI K. BHASHYAM :—" Mr. Speaker, Sir, this is the one occasion hon. Mr. Viswanatham has proved he can talk as much as if not more, upon morality than hon. Members Mr. Kosalram and Mr. Swaminathan. That is what I like about it. Their anxiety for the purity of those institutions and the purity of life of the people managing them and their insistence upon purity of life is something which was certainly amazing; but after hearing Mr. Viswanatham, I felt that, that Sri Kosalram and others must get themselves qualified for being appointed to the Area Committee under this sub-clause. (Laughter.) This is a simple proposition that has been put before the House. It is not a difficult test. It

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may be said: How are we to go into these things; how is it possible to dive into the lives of people. He said that even the devils cannot dive deep enough to find what man is thinking. I may point out that this does not cover occasional lapses from morality and that is not taken into account at all. I want that aspect of the amendment to be considered by the Hon. Minister and also those sitting behind him. The person complained against must be living with a concubine or a prostitute. I want to impress upon the Hon. Minister the practicability of enforcing this provision and it may well be enforced because we are all anxious for the purity of the lives entrusted with the administration of the temples and of persons around."

SRI R. V. SWAMINATHAN:—"Mr. Speaker, Sir, I never thought of speaking on this amendment. I thought that hon. Mr. Viswanathan was not serious in moving the amendment and I thought there may not be any seconder to his motion. But now, Sir, even Mr. Bhashyam has come forward to second this amendment. I think he is not also serious when he made his remarks and also dragged my name and of my hon. Friend Mr. Kosalram. He said that hon. Mr. Kosalram and I must qualify ourselves to be members of these Area Committees. I am one of those who believe in the moral character of individuals and particularly so when a person wants to become a member of the Area Committee, not only that but for the Legislature and all walks of public life. The hon. Mr. Bhashyam knows that hon. Mr. Kosalram and I am not certainly aspiring to get qualified for an Area Committee membership as we want to get ourselves qualified as matadhipathis and that is our ambition and that has been expressed even at the Select Committee Stage. That is the ambition if the chance comes to us. I need not say that I oppose this amendment. I entirely agree with the sentiments expressed by the mover and the seconder; anyhow they are not serious and that is what I feel."

SRI K. BHASHYAM:—"I am quite serious, Sir, when I seconded the amendment."

MR. SPEAKER:—"The hon. Member is not quite serious in saying that hon. Mr. Bhashyam was not serious in seconding the amendment."

THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir, may I contradict my hon. Friend Mr. Swaminathan; in fact, Sir, hon. Mr. Bhashyam has never been so serious as he had been in this case. I feel, Sir, he said in joke that those who cared for morality will not oppose this amendment. Even at the risk of being dubbed as not caring for morality, I do oppose this amendment. The clause relates to disqualification by insolvency. I do not particularly see any connection between insolvency and concubinage and prostitution except perhaps that one will lead to the other and insolvency will be the result. I entirely see the dictum that persons nominated for this purposes must be above reproach and

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pure as far as human judgment goes. But the question is: Are we to shut out people who have reformed? Supposing 25 years ago, a man lived with a prostitute and he reforms; is such a man to be shut out? The wording of the amendment proposed by my hon. Friend is: 'or is proved to have been living in the company of a concubine or a prostitute'. The wording includes all that. That is how I look at it with my knowledge of grammar. Apart from that, Sir, I do not think anybody lives in the company of prostitutes. He may go to a prostitute and he may not be living in the company of a prostitute for ever. Also, Sir, going to a prostitute occasionally is not covered by this and I do not know what Mr. Viswanatham means when he suggests the words 'living in the company of prostitutes' to be used. Therefore, Sir, the amendment is not practicable and I oppose it."

SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I seriously refute the argument of the Hon. Minister. As for grammar, I respectfully submit, Sir, that his grammar is not correct. It does not relate to things which happened 20 years ago as the Hon. Minister explained."

THE HON. SRI K. MADHAVA MENON:—"It does."

SRI T. VISWANATHAM:—"It does not; shall I show him the relevant articles of Nesfield's? It refers to a thing that happened not in the past, not at the time of nomination but we come to a stage when he is nominated and is already there and during the course of the discharge of his duties, having a comfortable seat, with somebody to attend upon him in which he can have an easy life leading to compromising situations. It is the intention that only such people should be disqualified and it has no reference to things that happened twenty years ago. The words are 'proved to have been living'. Therefore, I submit, Sir, the first argument of the Hon. Minister is wrong."

"Regarding the second point, that this is not a thing which will be proved and there will be lot of proof of it as hundreds of people in the area concerned will know it and be talking about it when a person in charge of a temple is misbehaving. If the Government think that such a person can be continued in his office, then woe to the institution over which he has to exercise authority. I do not think we can have purity or improve the moral tone of our religious life in this country, if we leave things like this. Regarding the wording employed, if he finds a better wording for the purposes I have explained, I never object to his making use of them for embodying the sentiments I have expressed. He agrees that they must be above moral reproach. So let him accept my amendment; or, if he does not like it, let him have any other suitable amendment. It is not correct to say, as was said by hon. Sri R. V. Swaminathan, that I would not have a seconder. I submit that I would have crores of people living in the province to support me; I would have four

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crores ninety-nine lakhs ninety-nine thousand and nine hundred and ninety-nine persons who will support me. (Laughter.) For nobody wants a person who is proved to have been living in the company of a concubine or a prostitute to be in charge of these institutions."

MR. SPEAKER :—" The question is—

' in sub-clause (3) (b), add at the end the words, " or is proved to have been living in the company of a concubine or a prostitute " " "

The motion was lost.

Sub-clause (15) (3) (e).

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

' That in clause 15 (3) (e) for the words " if he is sentenced " substitute " if he has been sentenced " " "

The amendment was put and carried.

SRI T. VISWANATHAM :—" Mr. Speaker, Sir, I beg to move—

' That in sub-clause (3) (e) in line 3, after the words " other than " , insert the words " a political offence or " " "

Sir, this is a simple amendment. The words ' political offence ' can be there. For if a person has been imprisoned for a political offence not involving moral turpitude, that should not operate as a disqualification for his appointment. This thing obtains in the District Municipalities Act, the Local Boards Act and the City Municipal Act. Therefore, I submit, Government having a particular policy for a long time, this amendment of mine may be adopted."

* SRI K. BHASHYAM :—" Sir, I heartily second the amendment. For this is in conformity with what obtains in other statutes. So this amendment is only in line with the wording of the other statutes. Therefore it may be accepted by Government."

* THE HON. SRI K. MADHAVA MENON :—" Sir, I do not think this amendment is necessary in view of the fact that the last sentence in that clause provides for it. For what does it say; it says—

' Provided that the Government may direct that such sentence shall not operate as a disqualification.'

So in every case, where the conviction is for a political offence not involving moral turpitude, Government may declare it not to be a disqualification. So I oppose the amendment."

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MR. SPEAKER :—" The question is—

' That in sub-clause 3 (e) in line 3, after the words " other than " insert the words " a political offence or " " "

The motion was lost.

* SRI L. N. GOPALASWAMI :—" Mr. Speaker, Sir, I beg to move—

' That in sub-clause (3) (e), at the end, delete the words " provided that the Government may direct that such sentence shall not operate as a disqualification " " "

Sir, we have been speaking so much of morality throughout from the very beginning of the discussion of this Bill and we have been discussing moral values of persons who are to occupy positions as heads of maths or positions of power over these institutions, that I thought it necessary to move this amendment. There are two sets of qualifications given, one on the positive side and the other on the negative side. One set deals with the qualifications and the other set deals with the disqualifications. Many members of this House moved that certain qualifications should be laid down for members of area committees. But Government rejected them by arguing that suppose they were not able to secure lawyers, or I.C.S. officers have not passed laws what were they to do. And so all those amendments were voted down. Now we are having a series of disqualifications laid down for those positions, namely, if a person does not profess Hindu religion, if he has been adjudicated an insolvent, if he is of unsound mind, a deaf-mute or suffering from contagious leprosy, if he is a trustee, or an office-holder or servant attached to a temple or specific endowment, if he has been sentenced for a criminal offence involving moral turpitude and so on. Now, coming to the last point, I do not see why Government should reserve with them power to exempt any person who has been sentenced for a criminal offence guilty of moral turpitude. It is hardly fair or just that such a person should have control over religious institutions. Apart from this fact, such a provision is likely to be misused in the actual exercise of it. I want Government to look at the morality of retaining such a proviso. The Government cannot say that they cannot find a better person, surely, they will exempt one such and appoint him. In the very sub-clause they have the words, ' such sentence not having been cancelled or reduced to a period of six months or less, or the offence not having been pardoned.' So, Sir, I am of opinion such an exemption is very heinous. I do not really want that such a person convicted for a criminal offence involving moral turpitude should even be allowed to occupy a post of responsibility."

SRI T. VISWANATHAM :—" Sir, I heartily second this amendment. I can understand Government exempting a person committed to prison for a political offence not involving moral turpitude. Sir, our aim in this legislation is to bring these institutions to a high moral level. Here in this sub-clause, in the first

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certain people only of certain groups who support the Government will be appointed. That is a fact just at present. Therefore, the fear is whether all the 28,000 and odd temples are going to be handed over to the supporters of Government in the shape of these committee members. I hope Government will take care to see that this power of nomination is not abused in any manner. Slowly and at a later stage, it is open to them to see that instead of having regular elections for this purpose and spending much money, the Hindu members elected in the districts are brought in. For instance, there will be a large number of Hindu members elected from various constituencies; we shall be having panchayat elections or there are elected Hindu members of the District Boards already. Therefore, instead of directly nominating and thereby taking the odium, it is open to the Government to take advantage of existing bodies where there are elected Hindu members, without having recourse to the paraphernalia of having regular elections for these committees, and to see that the power of nomination in the Government is not abused in the slightest manner."

* THE HON. SRI K. MADHAVA MENON :—" Sir, the mover of the amendment, hon. Mr. Viswanatham, did not adduce any more arguments now than what he adduced yesterday when he moved that the whole clause be deleted. His main argument is : ' We wanted a committee when the original Bill came; we asked for something, but we got something which we did not expect at all. The committees you have proposed are to be nominated, and so we do not want the committees at all.' So, he said, clause 14 should be deleted. Every argument mentioned by him and by his able supporter yesterday has been repeated to-day. And in the course of my reply, I said there would be difficulty; that if the area committees were to come in by election, it would mean that even people who had no faith in temples might come in. And he also said ' if that is so, we have no right to sit in this House and say that we have power to make provision for these special institutions.' I do not think, Sir, that is a convincing argument—of course I agree in the same way he can also say that my argument will not convince him. But apart from what I have said yesterday, I may say this much : the original Bill contained no committees at all. As hon. Mr. Karanth said, the original Bill said that the trustee should be appointed by the Commissioner or the Assistant Commissioner. Here, so far as area committees are concerned, power is given to the concerned officers. There was a strong feeling expressed in this House that it would be wrong and that we should associate local people in the administration of these institutions. It was in deference to this feeling that clauses 14 to 21 referring to these area committees were added by the Select Committee, just with a view to avoid the complaint that the work would be done entirely by officers who may not be people of the locality or of the same place. I mentioned Mr. Karanth's name yesterday; what I understood him to say was that for the present

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he would be satisfied with nominations. Therefore, I said even Mr. Karanth would agree to nomination. The background for his saying so might have been different; he seems to have felt that as the Government were willing to have area committees, let us have them at least for the time being, by nomination at least. Anyway, there are various difficulties as we have said in having elected committees for these temples. I entirely welcome the idea suggested by Mr. Karanth that we are going to have a large number of elected bodies in the districts and from among them, Hindu members can be nominated for this purpose. That will serve both the purpose of representation by election and representation of the locality. I am sure, Sir, this suggestion will be borne in mind when these committees have to be nominated.

" Then, Sir, in regard to the argument, that these will be handled by any Government to have their own men or groups of representatives, I should say it is a very plausible argument. But, I do not think the present Government have such a flattering unction to their soul that we are going to be here permanently. We are sure that at least in another year the elections are bound to come and so that is a thing which can be in the hands of anybody; it may be in the hands of this side to-day or somebody else who may be here the next day. So we do not gain anything particular in having a provision like this. It will be to the advantage or disadvantage of any Government that may come in. So, Sir, I cannot accept the amendment." 12-45 p.m.

* SRI T. VISWANATHAM :—" Sir, I press my amendment for this reason. The Hon. Minister ended by saying, ' we are not going to be here permanently and that a provision like this is not going to benefit us,' and so on. I submit, Sir, that no executive Government should have such powers, whether it is manned by the Hon. Mr. Madhava Menon or by men who are raising objections. My point is only this, that the executive Government should not have such wide and extensive patronage in respect of as many as 18,000 institutions spread over 142,000 square miles of this State. I submit it is wrong in principle and that is why I press my amendment."

MR. SPEAKER :—" The question is—

' That in sub-clause (1) (a), delete the words " by nomination in the Fort St. George Gazette " and after the words " Area Committee " insert the words " elected as hereinafter provided ".

The amendment was lost.

SRI T. VISWANATHAM :—" Sir, I move—

' In sub-clause (1) (a), for the word " temples " in line 4, substitute " these ".

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part, the Government say, that if a person is guilty of an offence not involving moral turpitude and has been convicted he should be disqualified. But at the same time, in the second part, it says Government may direct that such sentence shall not operate as a disqualification. I submit that it is wrong for the Government to ask for power to exempt such persons. Surely such persons should be the last persons who can aspire to positions of trust and responsibility."

SRI R. V. SWAMINATHAN :—" Sir, I have not understood what hon. Mr. Viswanatham wants."

SRI T. VISWANATHAM :—" Shall I turn to his side and speak? " (Laughter.)

SRI R. V. SWAMINATHAN :—" Hon. Mr. Viswanatham wanted to introduce the words 'political offence' after the words 'other than.' But the Hon. Minister said that his point is covered by the proviso, his amendment was not accepted. So this proviso is necessary. Now, hon. Mr. Viswanatham seconds this amendment; and I am not able to understand him. Hon. Mr. Viswanatham wants that if a man has been convicted for breach of trust or for swindling, he should not be nominated by Government. I agree. But suppose a man was convicted for a political offence fifteen years or twenty years ago or for a minor offence, and he is proved now to be a respectable man in the village, and nobody has any objection to have him as a trustee, what is wrong in having such a person. So, that is why this proviso is necessary. So I oppose the amendment."

* THE HON. SRI K. MADHAVA MENON :—" Sir, I oppose the amendment. That proviso is necessary to enable Government to give exemption. Apart from the argument of Mr. Gopalaswami, I wish to tell him that everything in this clause turns on the point of morality. That is specifically mentioned in the clause. For, mark the words 'any offence other than an offence not involving moral turpitude.' So it is only offences involving moral turpitude that are sought to be not exempted. Apart from that, Sir, such a saving clause is necessary. For, a man may have been convicted for a technical offence. Should not such a case be exempted. There may be similar cases, and so, it is necessary to have the proviso."

SRI L. N. GOPALASWAMI :—" Sir, I am unable to agree with the Hon. Minister for the simple reason that the language in the clause speaks only of an offence under which a person is convicted not involving moral turpitude only. Therefore the conviction under any other offence bars a man from appointment. A political offence is one that does not involve moral turpitude. So what is the purpose of this proviso at the end of the clause but to enable Government to exempt those who are guilty of offences involving moral turpitude."

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MR. W. J. FERNANDEZ :—" You are wrong! "

SRI L. N. GOPALASWAMI :—" I shall read the relevant portion of the clause. It runs thus—

'Such sentence not having been cancelled or reduced to a period of six months or less, or the offence not having been pardoned, provided that the Government may direct that such sentence shall not operate as a disqualification.'

Therefore the conviction applies only to cases not involving moral turpitude. So, it is with regard to the other sort of cases that Government seek to ask for power to give exemption. So I press my amendment."

THE HON. SRI K. MADHAVA MENON :—" I have nothing to say."

MR. SPEAKER :—" The question is—

'in sub-clause (3) (e), at the end, delete the words " provided that the Government may direct that such sentence shall not operate as a disqualification " " "

The motion was lost.

MR. SPEAKER :—" Mr. Raghavayya is not in his place to move the amendment he has given notice of."

SRI T. VISWANATHAM :—" Cannot hon. Mr. Bhashyam move his amendment? "

MR. SPEAKER :—" No."

Sub-clause (15) (3) (f).

* SRI L. N. GOPALASWAMI :—" Mr. Speaker, Sir, I beg to move—

'in sub-clause (3) add a new sub-clause (f), viz., " (f) if it is proved that he has no faith in the religion he professes " '.

In doing so, I want to say that by this amendment I want to add one more disqualification for a person to be appointed as a member of the area committee. The reasons are only from experience. We now see that there are several persons who though they profess Hindu religion have lost their faith in Hindu religion; because a Hindu is born and not made. Now, if the clause is allowed to stand as it is, it is quite possible that such person would be appointed as members of area committees. As was pointed by Sri Vedaratnam Pillai yesterday, it is seen that Hindus appointed as officers under the Act are seen entering temples without removing their boots and hats or smoking cigarettes. It is to such people that the care and management of temples would be entrusted if my amendment is not adopted. As pointed out by the Government yesterday, we want to maintain the purity of temples. So, Sir, I submit though a person may profess to be a Hindu he may not have faith in Hinduism, and I want such people should not be appointed under this Bill."

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SRI T. VISWANATHAM :—" Sir, I second the amendment. I want practice and profession should have the same place in public life." (Laughter.)

THE HON. SRI K. MADHAVA MENON :—" Sir, practice and profession should be the same, I submit; but it is difficult to find out. Even the devil does not know the mind of man." (Laughter.)

SRI T. VISWANATHAM :—" Why do you always quote the devil?" (Laughter.)

THE HON. SRI K. MADHAVA MENON :—" I find more devil only here! Sir, sub-clause (3) (a) covers the object of hon. Mr. Gopalaswami's amendment. It says—

'If he does not profess the Hindu religion.'

A man cannot profess Hindu religion unless he has faith in it."

* SRI T. VISWANATHAM :—" The contrary is correct."

THE HON. SRI K. MADHAVA MENON :—" As regards the question of smoking cigarette, having hat and boots on and similar things, cannot a person have faith in Hindu religion, in spite of all these things. What is the difference between smoking and snuffing and chewing tobacco. I have seen hard, devoted Hindus chewing while doing puja in temples. So that these members, if they chew tobacco or use snuff, they need not cease to be Hindus. There are very many good people who have faith in Hindu religion in spite of their habit to chew tobacco and use snuff.

1-30 P.M. If a person is in the habit of smoking, snuffing or chewing tobacco, it cannot be said that he has no reverence for God. Addiction to these habits should not be confused with faith in religion. What is faith in Hindu religion? Even among ultra-Hindus, are there not astikas and nastikas? Rishi Charvaka was a Hindu and he was a rishi who said that there was nothing like God."

SRI K. BHASHYAM :—" If he said that, he could not be appointed to the area committee."

* THE HON. SRI K. MADHAVA MENON :—" Charvaka was a Hindu and he was certainly entitled to membership of an area committee. Faith in religion cannot be measured by any instrument. Therefore the words 'if he does not profess the Hindu religion' are quite enough."

SRI L. N. GOPALASWAMI :—" If he is content with the disqualification proposed in sub-clause (3) (a), why should he not make it more explicit?"

THE HON. SRI K. MADHAVA MENON :—" The amendment does not make it more explicit; it only confuses."

* SRI L. N. GOPALASWAMI :—" If the Government think that it is enough if the person professes one thing and practises another thing, I do not see any useful purpose in trying to convince the Hon. Minister."

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THE HON. SRI K. MADHAVA MENON :—" I have nothing to say."

MR. SPEAKER :—" The question is—

In sub-clause (3), add a new sub-clause (f), viz., "(f) if it is proved that he has no faith in the religion he professes."

The amendment was lost.

The House rose to meet again at 2-30 p.m.

(After lunch—2-30 p.m.)

Sub-clause (15) (b).

* SRI T. VISWANATHAM :—" Sir, I move—

'In sub-clause (5) (b), for the word "Government", substitute the words "Chairman of the Area Committee having jurisdiction".'

I submit that the Government are out of the picture so far as the internal working of the area committees is concerned. This does not relate to the overall control by Government. This relates more or less to the business procedure of area committees. Therefore I submit that it will be quite right if the resignation is handed over to the Chairman of the Area Committee having jurisdiction."

SRI K. R. KARANTH :—" I second the amendment."

THE HON. SRI K. MADHAVA MENON :—" The appointing authority is the Government and it is only right that the resignation should go to the appointing authority. It is usual to vest the power of dismissal or acceptance of resignation in the appointing authority."

* SRI T. VISWANATHAM :—" I am pressing the amendment, because it involves a good principle. It is a committee with a Chairman provided by the Government. Should resignation of membership of the committee be sent to the Government at Madras? I think it is too much."

MR. SPEAKER :—" The question is—

In sub-clause (5) (b), for the word "Government" substitute the words "Chairman of the Area Committee having jurisdiction"."

The amendment was lost.

Clause 15 as amended was put and carried.

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Clause 16.

MR. SPEAKER :—" The motion is—

' That clause 16 do stand part of the Bill '."

SRI T. VISWANATHAM :—" Sir, I move—

' For sub-clause (1), substitute the following :—

" The area committee shall elect its own chairman to preside over its meetings."

It is necessary to have a chairman elected by the committee and that is why I move the amendment."

SRI K. R. KARANTH :—" I second the amendment."

THE HON. SRI K. MADHAVA MENON :—" The Assistant Commissioner's main duty is to deal with area committees. All the functions that were allotted to the Assistant Commissioner before are now proposed to be given to the area committee. If the Assistant Commissioner is not to be the chairman of the committee, he has no work at all. I think he must be associated with the committee. The sub-clause must remain as it is according to the scheme of the Bill."

SRI T. VISWANATHAM :—" I am not able to follow the reason. The Hon. Minister said that if the Assistant Commissioner did not preside over the meetings of the area committee, he had no work at all. Is that the scheme of this Bill? We have been following the provisions. The Assistant Commissioner was there before the area committees took their birth in the Select Committee. The Assistant Commissioner has many other duties. When the Government provide for a committee and they themselves nominate its members, it is but right that it should be allowed to elect its own chairman. I do not think the Hon. Minister need press his objection."

MR. SPEAKER :—" The question is—

' For sub-clause (1), substitute the following :—

" The area committee shall elect its own chairman to preside over its meetings."

The amendment was lost.

Clause 16 was put and carried.

Clause 17.

MR. SPEAKER :—" The motion is—

' That clause 17 do stand part of the Bill '."

SRI T. VISWANATHAM :—" Sir, I move—

' After the words " may make rules " insert the words " after previous publication "."

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The addition of the words ' after previous publication ' seems necessary because the public will have an opportunity for raising any objection that they may have to the proposed rules. Otherwise, the Government may make rules without previous publication."

SRI K. R. KARANTH :—" I second the amendment."

THE HON. SRI K. MADHAVA MENON :—" Under clause 100 (3), the power to make rules shall be subject to the condition of previous publication."

SRI T. VISWANATHAM :—" Then I withdraw the amendment."

The amendment was, by leave, withdrawn.

Clause 17 was put and carried.

Clause 18.

MR. SPEAKER :—" The motion is—

' That clause 18 do stand part of the Bill '."

SRI T. VISWANATHAM :—" The amendments are coming in such quick succession that I am not able to follow."

MR. SPEAKER :—" If possible we will sit to-day till 7 o'clock or at least till 6 o'clock."

* SRI T. VISWANATHAM :—" Then we will drop some amendments. That is why I have not moved some amendments. I move—

(i) delete the words " of a defect in the Constitution or on the ground ".

(ii) substitute " is alleged to be disqualified " for " was disqualified " in lines 3 and 4.

(iii) substitute " has " for " had " in line 4.

If there is a defect in the constitution of an Area Committee, the acts of such a committee must be made invalid. That is the reason why I move the first part of my amendment.

" The second and third parts are for improving the grammar. Generally my grammar does not appeal to the Hon. Minister. If it appeals to him in this case, let him accept them."

SRI K. R. KARANTH :—" I second the amendment."

THE HON. SRI K. MADHAVA MENON :—" Identical language is used in the Madras District Municipalities Act and no difficulty has been experienced with reference to that Act. So the language may remain as it is."

MR. SPEAKER :—" The question is—

(i) delete the words " of a defect in the Constitution or on the ground ".

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(ii) substitute "is alleged to be disqualified" for "was disqualified" in lines 3 and 4.

(iii) substitute "has" for "had" in line 4."

The amendment was lost.

Clause 18 was put and carried.

Clause 19.

MR. SPEAKER:—"The motion is—

'That clause 19 do stand part of the Bill.'"

* SRI T. VISWANATHAM:—"Sir, I move—

'After the words "section 14" insert the words "a new Area Committee shall be constituted within six months of abolition and till then" and omit the words "until it is reconstituted".'

There appears to be some lacuna in the clause. When an Area Committee is abolished, a time-limit for its reconstitution should be fixed. Sri Karanth also gave notice of a similar amendment to clause 14."

SRI K. R. KARANTH:—"I second the amendment."

THE HON. SRI K. MADHAVA MENON:—"I accept the amendment."

MR. SPEAKER:—"The question is—

'After the words "section 14" insert the words "a new Area Committee shall be constituted within six months of abolition and till then" and omit the words "until it is reconstituted".'

The amendment was carried.

Clause 19 as amended was put and carried.

Clause 20.

MR. SPEAKER:—"The motion is—

'That clause 20 do stand part of the Bill.'"

* SRI T. VISWANATHAM:—"Sir, the object underlying the second part of my amendment to sub-clauses (2) and (3) is the same. Therefore I propose to move them together. I move—

'In sub-clause (2), after the words "reconsideration" insert the words "in the interests of satisfying legal requirements".'

In sub-clause (3) (b) and (c) for the words "as the case may be" substitute the words "in the interests of satisfying legal requirements".'

The Commissioner is given the power to modify, annul or reverse the decision or order. This is an overall power and there must be some restriction upon its exercise. I want that the modification

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or annulment of the decision or order or for remitting it for reconsideration should be confined only to the interests of satisfying the legal requirements, and not for any other purpose."

SRI K. R. KARANTH:—"I second the amendment."

THE HON. SRI K. MADHAVA MENON:—"The revision powers of the Commissioner should not be restricted in any way."

MR. SPEAKER:—"The question is—

'In sub-clause (2), after the word "reconsideration" insert the words "in the interests of satisfying legal requirements".'

In sub-clause (3) (b) and (c) for the words "as the case may be" substitute the words "in the interests of satisfying legal requirements".'

The amendment was lost.

Clause 20 was put and carried.

Clause 21.

MR. SPEAKER:—"The motion is—

'That clause 21 do stand part of the Bill.'"

* SRI T. VISWANATHAM:—"Sir, I move—

'Delete the clause.'

Under this clause, the Commissioner is vested with an Aurangzeb's power. That is not really conducive to good administration, and I submit that he should not be vested with such vast powers. The power should be confined to specific purposes. The powers vested by clause 20 are enough. This may be called Henry VIII provision."

SRI K. R. KARANTH:—"I second the amendment."

THE HON. SRI K. MADHAVA MENON:—"The powers of this 'Henry VIII' clause must be given to the Commissioner. We have made provision in the proviso that in cases falling under clause (a), the Commissioner shall first fix a period and only when the Area Committee does not exercise the power or perform the duty within that period that the Commissioner shall exercise the right conferred on him.

"As regards transfer of pending proceedings to another Deputy or Assistant Commissioner, he must have the power."

* SRI T. VISWANATHAM:—"Perhaps I have not made myself clear. I said that the powers conferred by clause 20 were enough. Under sub-clause (1) of that clause, the Commissioner can call for and examine records. Under sub-clause (2), he can modify the decision or order or remit it for reconsideration.

"Sir, sub-clause (3) (a) of clause 20 states that the Commissioner, if he thinks fit, may remit the matter together with his observations in regard thereto to the committee or trustee for

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reconsideration of the decision or order and report to the Commissioner within a time to be specified by him, and on receipt of such report, it is open to the Commissioner to modify, annul or reverse the decision or order or decision as revised after such reconsideration, as the case may be.

"Under sub-clause (5) of the same clause, the Commissioner may stay the execution of any decision or order of the Area Committee. All these powers are already given under clause 20 and these are wide enough. Then, why should some more general powers be given to the Commissioner under clause 21? I think, Sir, these powers are too many and absolutely unnecessary. With these powers the Commissioner can create any amount of chaos and can do anything and everything in the administration of these religious endowments, from north to south, according to the pressure exerted by any political group. I submit, Sir, that no officer in such a responsible position should be entrusted with such wide powers and put in such an embarrassing position."

THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir, I do not think it is possible to delete sub-clause (2), because the Commissioner is the supreme authority and he can certainly exercise the powers and discharge the duties of the Deputy Commissioner or Assistant Commissioner, if he is satisfied that they had failed to do so. I think, Sir, that the deletion of the whole clause 21 is something which is impossible, because such powers should be given to the Commissioner for the proper discharge of his duty."

* SRI T. VISWANATHAM:—"If the Hon. Minister will agree to delete sub-clauses (1) and (3), I shall be satisfied, Sir."

MR. SPEAKER:—"The question is—

'Delete clause 21.'"

The amendment was lost.

Clause 21 was put and carried.

Clause 22.

MR. SPEAKER:—"The motion is—

'That clause 22 do stand part of the Bill.'"

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

'For clause 22, substitute the following clause:—

"22. Subject to the control of the Government and the provisions of this Act, the administration of all religious endowments shall be subject to the general superintendence and control of the Commissioner; and such superintendence and control shall include the power to pass any orders which may be deemed necessary to ensure that

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such endowments are properly administered and that their income is duly appropriated for the purposes for which they were founded or exist."

"Sir, the Select Committee did not make any change in the clause as it was in the original Bill and it reads as follows:—

'22. Subject to the control of the Government and the provisions of this Act, it shall be the duty of the Commissioner to see to the proper management of the affairs of religious institutions and he may do all things which are reasonable and necessary to ensure that religious institutions and endowments are properly administered and that their income is duly appropriated for the purposes for which they were founded or exist.'

"It was suggested to us that the words 'It shall be the duty of the Commissioner to see to the proper management of the affairs of the religious institutions' might offend the provisions of Article 26 of the Constitution and so a slight change was made by the substitution of the following words in their place:—

'Subject to the control of the Government and the provisions of this Act, the administration of all religious endowments shall be subject to the general superintendence and control of the Commissioner.'

And instead of the words 'he may do all things which are reasonable and necessary to ensure that religious institutions and endowments are properly administered and their income is duly appropriated for the purposes for which they are founded or exist', we have substituted the following words:—

'And such superintendence and control shall include the power to pass any orders which may be deemed necessary to ensure that such endowments are properly administered and that their income is duly appropriated for the purposes for which they were founded or exist.'

"That is to say, the powers of superintendence and control shall be only for the administration of the income of these religious institutions and to see that they are properly appropriated and not for the actual detailed management of the institutions themselves. Therefore the only change we have effected is that we have made the Commissioner responsible for the proper administration of the income of the institution and not the carrying on of their daily functions."

MR. SPEAKER:—"I suggest that the hon. Sri Viswanatham instead of moving his amendment for the deletion of the clause, may oppose this amendment."

SRI K. R. KARANTH:—"I suppose, Sir, that those who are opposed to the revised clause 22 can also speak on it."

MR. SPEAKER:—"Yes."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I oppose the amendment for very good reasons. The Hon. Minister has been good enough to admit that the original wording of the clause was deemed to be a little too wide, and that it offended certain articles of the Constitution. It is a very good sentiment, no doubt, Sir. But I submit, Sir, that the mere changing of the language of the clause by itself does not make much difference, because the

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real intention of the Government behind this amendment has not very much changed. Though the language of the clause has been changed to remove the possibility of offending the Constitution, the real intention has not been altered. Sir, both myself and the Government are anxious to exercise some control as *pater patriae* over these religious institutions. With these objects in view, let us analyse the language of the clause which the Government now propose to substitute and see how far it satisfies our requirements. Article 26 of the Constitution says—

‘Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—

(a) to establish and maintain institutions for religious and charitable purposes;

(b) to manage its own affairs in matters of religion;

(c) to own and acquire movable and immovable property; and

(d) to administer such property in accordance with law.’

“Sir, you will see that this article gives the religious denomination certain powers. The Constitution-makers were aware that after the attainment of independence, the State Government and the Union Government have sovereign powers to legislate on whatever subjects they like. But at the same time they thought it necessary to reserve certain matters which, even after the attainment of independence, the sovereign Legislatures should not touch and therefore conferred certain rights on the citizens to do certain things without any interference or encroachment by the State or by the State Legislatures and they are what are known as fundamental rights. They have further laid down once for all, that whatever may be the wisdom of the future Legislatures, they should not touch or abridge these powers, unless and until the Constitution itself is amended in an appropriate way. One of such rights granted by the Constitution is the right to maintain, manage and administer the affairs of religious institutions under Article 26 by the religious denominations. It may appear, Sir, that we are over-stating and over-emphasizing the importance of these fundamental rights by repeating them every time and whenever we like. But unfortunately in this Bill so many provisions have been introduced entrenching upon these fundamental rights and that is why we have, much against our will, to refer to these fundamental rights over and over again. I would, therefore, crave your kind indulgence, Sir, in allowing me to deal with this matter in some detail and I hope the House will bear with me for a while and follow the trend of my argument.

“Sir, what are these fundamental rights which are reserved to these religious denominations under Article 26 of the Constitution? The first is the right to establish and maintain institutions for religious and charitable purposes. That is to say the maintenance of these religious institutions is the sole right of the religious denominations. There may be various practical difficulties in the matter of the maintenance and establishment of these institutions

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for a secular Government and that is why the framers of the Constitution have thought it right to leave them to the religious denominations and not to the Government or the Legislature to deal with them and maintain them as they like.

“The second sub-clause of the article says that these religious denominations have the right to manage their own affairs in matters of religion and the third sub-clause says that they can own and acquire movable and immovable property and the fourth gives them the right to administer such property in accordance with law. If such fundamental rights are given to the religious denominations, it means that others shall not exercise such rights. Even the Government cannot take over the management of these institutions, which were established by the religious denominations, because, if they do so, they would be entrenching upon the fundamental rights conferred by the Constitution. Nor can the Legislature do anything which would interfere with these fundamental rights.

“Therefore we must understand the exact scope of these three fundamental rights reserved for the religious denominations in the matter of the establishment and maintenance of religious institutions, in the matter of the management of their own religious affairs and thirdly in the matter of the administration of such property and then proceed to legislate. Any legislation which either directly or indirectly abridges any of these rights will be invalid, and *ultra vires* of the provisions of the Constitution. That is a very simple proposition and there is no doubt about it. But these words ‘management, maintenance and administration’ being words of common usage, seemed to have created some confusion in the minds of the draftsmen of this Bill and that is why they have framed this clause in such a manner as to give the Government and their officers the very same powers as are reserved for the religious denominations by the Constitution. Here in the revised clause 22, you will find the words ‘Subject to the control of the Government and the provisions of this Act, the administration of all religious endowments shall be subject to the general superintendence and control of the Commissioner’. The very word ‘administration’ has been used both in this clause and in Article 26 of the Constitution. The new clause further says, ‘that such superintendence and control shall include the power to pass any orders which may be deemed necessary to ensure that such endowments are properly administered and that their income is duly administered for the purpose for which they were founded or exist’. Therefore, what is the scope and the extent of the powers sought to be taken by the Government by means of this legislation? They are, the powers to pass orders for the proper maintenance, for the good management and for the good administration of the properties of the religious institutions. Sir, no doubt, these are laudable objects and no doubt the Government are actuated by laudable motives in bringing forward a legislation like this, in order to see that the funds and properties of the religious institutions are properly administered and accounted for. But the

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3 p.m. Constitution says that however laudable may be the object of the State, they should not interfere or try to abridge the rights reserved for these religious denominations. Therefore I do not question the motives or the intentions of the Government, but I only question their propriety in seeking powers to take over the maintenance, management and administration of the affairs of the institutions from these religious denominations, by this revised clause 22. Final orders may vest in the Government. In some cases the party is given the right of appeal. But in several cases the parties are not given that right. I submit that whatever is reserved for the religious denomination shall not be provided for to be administered or executed by the Government or their officers. The Government may say 'what is the law by which we can compel those institutions'. They may ask 'if you say that the fundamental rights come in the way of the Government doing anything, what are the Government here for?' They may also ask 'how do you ask the religious denomination to manage its affairs or its property?' It is not a strange feature for such a question to arise. In this country not only now, but for ages and ages, these institutions have been under the control of the general laws. Only general laws have been made regarding the management of properties of these religious denominations. It is only such laws as will apply to everybody regarding the management, administration and enjoyment of properties and the acquisition and disposal of properties, that were made applicable to the religious denominations. The religious denominations did not have one Transfer of Property Act and the rest had another Transfer of Property Act. Religious institutions will have to pay the same amount of court fees if they have to go to the court just as anybody else will have to pay the court fees. That is the meaning of the phrase 'in accordance with law'. The religious denominations cannot step on another's property nor slander nor commit libel against any person, just as anybody else for that matter is prevented from doing so. The religious denomination cannot enjoy, and likewise others cannot enjoy, any property so as to injure another man's property. That is what it means when we say 'and administer it in accordance with law'. It does not mean the Endowments Act as the law, but it means the Bill which we now discuss and by which we propose to take over the administration and acquisition or disposal of the immovable properties belonging to the various institutions. I submit, therefore, that this is absolutely *ultra vires* of the Legislature notwithstanding the fact that the Hon. the Minister was good enough to change the language of the clause. I would point out that his intentions are not carried out in the revised draft. The revised draft contains language which will mean the taking over of the administration of the religious denominations into the hands of the Government and their officers, which are specifically reserved to the religious denomination under the Constitution. I oppose this clause, Sir."

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* SRI K. R. KARANTH :—" Mr. Speaker, Sir, if I take a little time of this House, it is because I feel that this legislation which we are passing after so much cost and delay in this House is going to be declared *ultra vires* by the courts of law. I can quite understand that any *matadhipathi* or temple trustee should not misappropriate, and that if he misappropriates, he should be subject to the decision of a court or in grave cases conviction by a criminal court. I shall not have the least compunction if he is punished, or sent out of his office, or if anything else happens to him. But this sort of interference at every stage by the officers is opposed to the Fundamental Rights specified in the Constitution. A few samples of the orders passed by the officers, I shall place before the House which will show how they are negating these Fundamental Rights given under the Constitution, and how this legislation is going to be declared *ultra vires* of this legislature. By virtue of this clause, namely, general superintendence, there will be interference in the smallest things also. I shall read out a few orders passed by this Board in a few cases to show how they have understood the Act, and how in the last twenty years they have been treating certain heads of institutions, for whom people have great respect. Let us take the instance of maths. There are ample provisions made in clause 57 for the removal of trustees by suits where there is misappropriation, and where a trustee is of unsound mind and so on. Nobody will desire that they should be there. Clause 59 says that their scale of expenditure in maths can be fixed, though I am bound to say that the power taken here is a little too much. In the same clause it is stated that it should be subject to local usage of the institution. Under the guise of fixing the scale of expenditure, the officer here in Madras has got the right to say 'you shall do this and you shall not do that'. From morning till evening, he can go on controlling and humiliating any *matadhipathi*. This is wrong. I would appeal to hon. Members not to think of a few cases where people have misbehaved. Nobody should shut his eyes to such cases. Some *Samians* may be immoral and some may be bad. If the bulk of them are bad, all that I can say is that it is a disgrace to Hindu society which we represent. But the bulk of them are good people and I would request this House to say whether they want these officers sitting in Madras to go on dictating to them from morning till evening, 'you shall not do this or that'. I shall give a few examples now. There is no use of my hon. Friends Opposite shaking their heads to say, 'we do not want to do that'. I will show them what has been done, what is being done, and what is going to be done by these officers. Bad people may be punished. But do the Government want a *matadhipathi* to come here with folded hands and petition before the officers? Take for example the math at Udipi. For years and years together there are certain usages observed from morning till evening during the *pariyayam*. There is a *Samian* who is going on with the *pariyayam* this year. I want to know whether anyone in this House can raise his hand and

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say that that man is immoral or bad. There may be bad people. I do not deny that. But we must see how people are going to respect the law which we are now passing. Is the *matadhipathi* to be told what kind of *payasam* he should have on a Friday morning? My hon. Friends want to make a distinction between religion and secular matters when the highest authority in this country at one time, in the Privy Council in the case in 41 Madras 296, Lord Shaw stated that it was not possible to divide the two so easily. It is very easy to put in provisions saying what are religious matters and what are secular matters. In Hindu religion much of it is as religious as it is secular. The way in which food is prepared and given to so many people is as much religious as it is secular. For the officers it is a secular matter or a rationing matter. But people who have faith take it as a religious matter. I may not have as much faith in it as others, but what I say is that the various ceremonies done, the food that is supplied to people, and the *aratis* that are performed are as much secular as they are religious. The *arati* is no matter of merely cotton wick and oil. We cannot separate things like that. Under clause 59, the trustee may prepare a *dittam*. But the Commissioner or his assistants may say 'no: you alter the *dittam*: I do not like it'. Do the Government want the *matadhipathis* to be treated like that? All this time of the House which we spend on passing this Bill will become a waste, as I feel that this legislation will be declared *ultra vires*. I can use my little brain and say that. Here, Sir, in their wisdom the Constitution makers have stated in Article 25, 'Subject to public order, morality and health. . .'. That means to say that if people misappropriate, by all means provide a law under which they could be brought to book. If Government want to audit their books and see whether there is misappropriation, I have not the least objection. Let them do it. But they cannot, under the guise of fixing *dittam*, interfere from morning till night by passing orders saying, 'you do this and not that'. Under clause 61, a manager can be appointed directly from here. Under clause 63, schemes can be framed. Even the courts have no power to stay the schemes. (I do not know if any latest amendments of Government are sought to be made to this clause.) But as the clause stands, I see that civil courts have no power to stay the schemes. Then, Sir, there is clause 68 dealing with notifications of institutions. By introducing such clauses, the Government are preventing people from going to the court. This Government, Sir, are making the position impossible for honest men. Any sort of orders will be passed by the officers. I have copies with me of a few orders. One of them is with reference to pisciculture. I will cite those orders to show in what way the officers have been exercising the provisions in the Act, are exercising now, and will exercise hereafter without reference to personalities and their position. They interfere even in smallest matters. This is a circular, dated 22nd September 1950. It says, 'in your tanks you better put new fish and go on auctioning the

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fish you rear in it'. Pisciculture may be good. There is the Fisheries department, I know. But I ask whether it is proper for the President of the Hindu Religious Endowments Board to direct *Samians* of maths in Udipi, who are vegetarians, to put new fish in tanks and auction the fish? Do the Government respect the sentiments of these *Samians*? Do the Government want this sort of power to be exercised by their officers? My hon. Friends are all well-intentioned here. They think that nothing like that will be done. But in the name of general superintendence, I say several things have been done and will be done also. Sir, a certain *dittam* may pertain to the use of jaggery. Hon. Members know that jaggery cannot now be had easily. According to this Bill, if the religious institutions buy jaggery at one anna more than the price stipulated, they will have to get the orders of the Commissioner. They cannot increase expenditure without the Commissioner's sanction. They cannot increase the charges for repairs. Then there is an order regarding raising of crotons in temples. In that math, crotons were grown. On 25th August 1947, an order was passed regarding crotons. The order is, 'they are neither useful nor necessary for services in religious institutions'. Then there is an order given to do certain things, which is very interesting. Two years ago, the Government gave out of their wisdom manure coupons to be utilized by the year to year tenants (*chalgeni* tenants) in my district. The Government gave them for the benefit of the cultivators and not the landlords. But here is an order issued by the Endowments Board which says, 'See that your tenants do not get them; you must get the entire coupons and you must yourself utilize them'. This is an order against the orders of the Government. Then, Sir, certain people in Madras, for example, the Sarada Vidyalaya, Thyagarayanagar, go and approach the President of the Board, for charity or donations for their institutions. At once an order is issued to all the religious institutions in the State saying, 'to such and such an authority, you are recommended to give donations'. But at the same time, for a college in Udipi recently started, and which is recognized by the Government, if the *Samiar* gave a donation (about Rs. 1,000 I think) that constituted sufficient cause of action for framing a scheme against that math. The Government are giving grant to that college. Because he gave that donation to the college at Udipi, a notice is sent to him asking him to say 'why should not a scheme be framed for your math, because you have donated so many rupees to the college?' But an ukase goes from Madras saying, 'you give donation to the Sarada Vidyalaya, Thyagarayanagar'. There are very many interesting instances as to how the Board interferes even in small matters. One order says, 'The Board is of opinion that where there are two crops in a year and where one of the crops fails wholly or partially and the second crop is fair, the lessee is not entitled to ask for remission'. My hon. Friend, the Minister for Law, when he comes forward with the Malabar Tenancy Bill, wants all mercy for the tenant. He says, 'Give the maximum concession to the tenant'. But when

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every type and at every stage. By this, what is going to happen? Only rogues will thrive; if vouchers are all that are wanted, they can be easily made. But honest people will not be able to work.

"Sir, you will be pleased to note that article 25 (1) of the Constitution reads as follows:—

'Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.'

Here have these people no right to do what they like provided they do not misappropriate the funds? Clause 2 (a) of that article says—

'Nothing in this article shall affect the operation of any existing law or prevent the State from making any law—

(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice.'

I asked Sri Alladi Krishnaswami Ayyar who was present at the time of its passing how it came to be passed. He told me that in the Punjab and other places there were institutions which were lending money at high rates of interest and it was a secular activity. Even in our State there may be similar activities. Suppose a temple has got lands in its ownership. Then we will have the right to say that the temple authorities shall not charge unreasonable rent. General provisions can be made to control such activities. But this cannot be taken to mean that every little activity of theirs such as every offering they make and the quantity of rice they use could be separated from religion and called secular and brought under control. Article 26 of the Constitution says—

'Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—

(a) to establish and maintain institutions for religious and charitable purposes;

(b) to manage its own affairs in matters of religion.'

So, the Government cannot interfere with the management. If this officer is empowered in this manner that he can have general superintendence by a simple order from Madras, he orders, 'Put the money in such and such a Bank; give this contract to so and so.' Orders are passed like that. No liberty is at all left. There are so many other provisions for filing of suits, for notifying temples and appointing managers over their heads. The Samiyars are reduced to non-entities. The managers who are appointed look only to the Board Commissioner for orders. They do not care for the Samiyar there. I know an instance recently where the agent refused to show the accounts to the Samiyar who appointed him. At once he runs up to Madras and is able to get orders in 24 hours and such a man is backed up by the Board. This is what is going on in the name of 'General superintendence'. We may spend our time in passing all these provisions. But I have no doubt whatever that the Constitution does not allow us anything more than to frame rules to see that there is no misappropriation and that proper accounts are kept but not to control every activity from morning till evening. In clause 22 of this Bill, the term 'religious institutions and endowments' might satisfy somebody's legal conscience

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but it is not going to satisfy those who know the law a little. I, therefore, request the Government to ponder over this matter and not simply rush these things. People will go to Court. Of course, I am not threatening anybody by saying that. But by passing this legislation, let us be reasonably certain that it will stand. The substance of the fundamental rights is that subject to general laws a person or a community can manage his or its affairs in his or its own way. This is a secular State. Therefore, the Government can make general laws. By all means make law to prevent misappropriation. But I think many of the provisions of this Bill will be invalid. Let my Friends on the Treasury Bench have the satisfaction of passing it."

* SRI K. BHASHYAM:—"Mr. Speaker, Sir, after the first-hand information which my hon. Friend, Sri Karanth, has given to the House, there is very little for me to say on the question of pinpricks which the various religious institutions are subject to in the course of administration of the properties which are left to their care. I am more concerned at the present moment with the question as to how the provisions of the proposed clause 22 can be justified or reconcile with the position which the matadhipathi occupies to-day or the rights that they enjoy under law for managing their properties. That is to say, we want to reduce these religious heads to be mere cyphers—widows with no properties but enjoying a little maintenance now and then—with perhaps a dignified name of Sami as is mentioned in communications from the Board or anywhere else. Nothing will be left to them, and that is the position to which they are reduced by this provision. Sir, I thought during the Select Committee stage that the Government had, at any rate, so far as the religious institutions were concerned, accepted the view that, where the Commissioner and the matadhipathi disagreed, they would have to come to the Government for final orders. Now the position is that clause 7 has been taken away and clause 22 is sought to be amended so that the ultimate authority, the person in whom the whole superintendence vests, is the Commissioner with the various satellites mentioned in the Bill. In the light of these changes, how will the Government, I ask, preserve the rights vesting in the heads of institutions—whatever their denominations be—to manage their properties. It is not as if we can mitigate the effects of a particular clause by simply saying at the end of the clause 'the provisions of the previous section shall not be construed as being derogatory to the provisions of article 26 of the Constitution.' I do not think that any decent Government will do so. That is my view. Whether the Government have put in a like provision or not it amounts to that. Does it really require the imprint of this Government to say so in so many words? The whole assumption seems to be that whatever is contained in the Bill is outside the scope of article 26 of the Constitution. Therefore, what I am urging upon the Government is this. In spite of the several questions raised, should we vest the ultimate management of properties in the Commissioner? Why not we go the other way round and say, 'subject to the control and powers of

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it is the case of the religious endowment, it is an extraction of the worst type. The *Samiars* are asked to give notices to their tenants and to auction the rents every year. I put this question to my Hon. Friend, the Minister for Law who knows the conditions in my district—if the rents from the tenants, verumpattam tenants, on the land are going to be auctioned year after year to the highest bidder, is it a religious institution? Is it a Board run for the improvement of religion? The Board should help the people and keep the rents at the lowest level at which the families of poor tenants have lived on the land for generations. Math after math in Udipi is being asked by the Board to raise the rents, to auction the rents every year, and the maths are also asked, 'why do you not also take security deposits from tenants?' For not doing this, for treating the tenants leniently, notices for schemes are being given. Is it proper or fair for the Government to go on allowing their authorities to pass orders like this irrespective of the position of the people? I know recently an order was passed and sent to a *Samiar* of a math, saying, 'you appear before me in person or by pleader at such and such an hour'. We are bearing all this with patience, but there is a limit to it also. Unfair people, Government may punish by any means, but they should not humiliate all people. We know what some of these officers are. Some of them, every time they go to Udipi, come back with brinjals, dried coconuts and such sort of things. They use the cars of the *Samiars* and go from place to place. These are the kinds of people to parade morality and charity. These officers are there to see that people do not do bad things but not themselves to pocket things. They ought to set a better example to the people.

"My hon. Friend, the Minister, sitting here has hardly an idea of the extent to which the Board is interfering with the affairs of these institutions. The Commissioner is going to be the successor of the Board. Powers similar to those of the Board are given to him. I shall give another instance. In Madras we know there are no rains. But in the West Coast our difficulty is excess of rain, sometimes 120, 150 and 200 inches of rain we have. An order is passed by the Board as follows:—

'The Board requests Trustees and Executive Authorities of maths and temples to arrange for special puja and solema prayers every Friday for the advent of rain which has failed this year. The prayers may be continued till rains come by the grace of God.'

It may be quite good here, but in Mangalore if we are to pray for rain, it would be very bad. Here the order is to arrange for special puja and solemn prayers for the advent of rain. But if they want to spend two annas extra, they cannot spend without asking the Board. If they do not spend on this sort of puja and prayers, it is made a cause of action. The above order was passed on 4th February 1949. After six months, the Board in its wisdom says, 'There have been rains in response to the special prayers and the Board feels that there is no need to continue the special prayers any longer'. (Laughter.)

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"Another order is as follows:—

'Reports of cases of theft of jewels and valuables of religious institutions have of late been on the increase. One of the modern contrivances which would help executive authorities in the matter is the use of Tell-Tale Clocks.'

Certain manufacturers who had these clocks obviously went to the authorities of the Board. So, the names of those persons are mentioned in the order and it is advised, 'You better go to these persons. They have got tell-tale clocks. They may be the best for you. You are advised to buy one or more clocks'.

"Another order says, 'The sanction of the Board has not been obtained for undertaking "self-cultivation" of lands belonging to the math'. 'Self-cultivation' is bad English. For a time in our district as elsewhere, the people cultivate some portion of the land either with labour or themselves. Will any reasonable man ask that the sanction of the Board must be taken for this so-called self-cultivation of the lands belonging to the math? This is while 99 per cent of the lands is given to the tenants.

"Another very interesting order is this. People carry deities upon their heads. As labour has become costly, the trustees are advised to construct 'Sagadams' and use them by engaging a very few persons or a pair of bulls to drag them. Why not a diesel engine? It will be cheap and the best for the purpose. Sir, there is some sanctity for certain people in carrying deities upon their heads. But the order here which is dated 7th May 1947 says—

'It is observed that owing to the abnormal rise in prices and altered labour conditions there is a general complaint from those in the management of the temples that the services refuse the work of carrying the deities unless they are paid a large increase of their wages. In view of the general trend in wages and the temper of the times, the trustees, etc., of temples are requested to consider whether it would not be advisable to construct "Sagadams" and use them by engaging a very few persons or a pair of bulls to drag them.'

"Sir, these officers are very anxious to pass orders. It appears that the executive authorities mentioned in their orders the words, 'as directed by the Board'. Then another circular is issued from the Board that they should not mention in their orders the above words.

"Sir, I say all this with a little regret. People may be in office but they ought to respect those who are elsewhere. Merely because we are in office and we are running the Government, it is not proper for anyone to treat the matadhipathis and temple trustees in this manner. Similar conditions apply to the hereditary trustees. Some of them are very bad people, but it does not mean that the class of hereditary trustees consists of rascals and rogues. If it is so, we must be ashamed of our religion.

"Sir, the whole Bill as framed interferes in very little things also. I think a provision will be enough to check maladministration. For example, it may be provided that the accounts must be produced for check and audit. If anybody misappropriate the funds, he must be punished. Some provisions like these will be enough for the purpose. But as at present we see interference of

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revision that the Government have, the management and allied affairs shall vest in the heads of the various institutions? That will be the proper way. That would be fairer than saying that the management shall vest in the Commissioner. That would be more in accord with the requirements of the Constitution. Sir, we have been fighting against the whole scheme of the Bill. We have always been saying that there is something wrong with the Bill but the Government would not listen to it. Of course they have got their own advisers (fairly competent advisers) and I do not want to quarrel with them. But for my part, I am not satisfied with many things that the Government have done. All these had really gone before the Court and were held *ultra vires*. I am anxious that none of the measures we pass here should be called in question. Why not we do the right thing instead of defective things in order that there may not be any controversy? The Government must be careful. They must be loyal to the Constitution. If they do that that will be the best thing. The more controversial portion of the proposed clause is 'control shall include the power to pass any orders which may be deemed necessary to ensure that such endowments are properly administered and that their income is duly appropriated for the purposes for which they were founded'. Now let us see what will happen if this position is accepted. Suppose a difference of opinion arises between the head of the institution and the Commissioner. The head of the institution may deem it necessary to do a certain thing; and the Commissioner may deem it necessary to do something other than what is suggested by the head of the institution. How are we to settle it? That is the question. Of course, the Government may say, 'we have got such powers under clause 99-A'. I know that. We know what it is. The Government always look upon their own officers as persons who really have all the wisdom in the land. I am not complaining against this theory. It must be so because they appoint as officers only those who enjoy their confidence. They cannot say, 'we have no confidence in our officers'. But what we want is the matter must come up before the Government in such a form as the persons aggrieved must have a sympathetic deal. That is all what I want to say. My hon. Friend has already said much and I do not want to elaborate it. If the words 'heads of the institutions, subject to the control of the Commissioner' are incorporated that will be more in accord with the sentiments expressed in the House and will also be fair."

* SRI M. S. PATTABHIRAMIAH:—"Mr. Speaker, Sir, after listening to the speeches made by hon. Members who preceded me, I do not wish to take much of the time of the House. I oppose the amendment."

MR. SPEAKER:—"Government amendment?"

* SRI M. S. PATTABHIRAMIAH:—"Yes, Sir. If it is changed a little that will satisfy me and other laymen like me."

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According to the Fundamental Rights, this provision is objectionable, and this point has been elaborately explained by many previous speakers. The amendment reads: 'subject to the control of the Government and the provisions of this Act, the administration of all religious endowments shall be subject to the general superintendence and control of the Commissioner.' This of course means, vesting of the power in the Government themselves. This is a little better than the original position which the Government took in keeping clause 7. But what I want is a small change there. Instead of the word 'include' occurring in the next line ('such superintendence and control shall include') I want the words 'be limited only to the power to pass any orders' to be substituted. I hope the Hon. the Minister will note the change I have asked for. If this is conceded then the proposed clause will be acceptable to all. If, on the other hand, the clause stands as it is and accepted by the House, then its provisions may run counter to the Fundamental Rights as enunciated in the Constitution. I hope even those who oppose the Government amendment will support me in this change and I also hope that the Government will favourably consider this and bring in an amendment to that effect themselves."

SRI K. T. KOSALRAM:—"Mr. Speaker, Sir, சர்க்கார் கொண்டு வந்துள்ள திருத்தத்தை ஆதரித்தும், அவர்கள் முன்பு இருந்த அதிகாரங்களையும் கூட இப்போது குறைத்துக்கொண்டிருப்பதற்கு வருத்தம் தெரிவித்துக்கொண்டு நண்பர் விஸ்வநாதம் அவர்கள் கொண்டுவந்திருக்கும் திருத்தத்தை எதிர்த்துப் பேசுகின்றேன்."

"ஸ்ரீமான் காரந்த அவர்கள் பேசினார்கள். அரசாங்கத்தின் எண்டோமெண்ட் தலைவர்கள் மதத்தலைவர்களுக்கும் மடாதிபதிகளுக்கும் தாறுமாறாக அனுப்பிவரும் உத்திரவுகளைப்பற்றி எடுத்துக் கூறினார்கள். இவ்வாறு அனாவசியமாய் மதத்தில் அரசாங்கம் தலையிடுகிறது என்றும் சொன்னார்கள். அதற்கு உதாரணமாக ஐந்தாறு உத்திரவுகளையும் எடுத்து வாசித்தார்கள். ஒன்று அவர்களை நான் கேட்கிறேன், எனக்கு நன்றாகத்தெரியும். ஸ்ரீமான் சி. பி. ராமசாமி ரெட்டியார் அவர்கள் பிரதமராய் இருந்த காலத்தில் மடாதிபதிகளை மடத்திற்குச் சொந்தமான தென்னை, பனை மரங்களைக் கள்ளு இறக்க குத்தகைக்கு விடாமலிருக்கும்படி கேட்டுக்கொண்டதற்கு அவர்கள் கட்டுப்பாட்டாளர்களா? தவிர மீன் வளர்ப்பதைப்பற்றி அவர்கள் சொன்னார்கள். மீன்களை வளர்ப்பதற்காக ஒவ்வொரு மடாதிபதியையும் அல்லது கோவில் அதிகாரியையும் ஆங்காங்குள்ள குளங்களில் மீன் வளருங்கள் என்று சொல்லுவது தப்பிதமல்ல என்று நான் சொல்லுகிறேன். மீன் அந்தக் குளத்தில் வளர்த்தால் அந்த குளத்துத்தண்ணீர் சுத்தமாய் இருக்குமென்பதை எந்த சுகாதார அதிகாரியும் ஒப்புக்கொள்வார்கள்."

SRI K. R. KARANTH:—"They are to be reared to be sold in auction later on. That is all what I said."

SRI K. T. KOSALRAM:—"அதைத்தான் நானும் சொல்லுகிறேன். மீன்களை குளங்களில் வளர்ப்பதினால் குளம் சுத்தமடைகிறது. அதைத் தவிர ஒன்று சொல்லுகிறேன். மீன் சாப்பிடுவது கேவலமென்று ஒரு சில அங்கத்தினர்கள் கருதுகிறார்கள். அதனால் ஒரு லைவன் மடாதிபதியாக இருந்தால் மடத்திற்குச் சொந்தமான குளங்களிலே மீன் வளருங்கள் என்று சொல்வது தவறு என்று யாரும் கூறமுடியாது. இன்று சுத்த சைவர்களாக இருப்பவர்கள் 100-க்கு 3 பேர்கள் கூட இருக்கமாட்டார்கள். மீதி இருப்பவர்களில் மீன் சாப்பிடுவது யாரும் இருக்கவேமாட்டார்கள்."

[Sri K. T. Kosalam] [20th November 1950]

அதுவும் குறிப்பாக நாங்கள் இருக்கக்கூடிய ஊர்களிலெல்லாம் ஒரு வேளை மீளையே தான் சாப்பிட்டுக்கொண்டிருப்பார்கள். அந்த நிலைமையில் மீளையே வளருங்கள், எலம் போடுங்கள் என்றால் மடாதிபதிகளையா செய்யப் போகிறார்கள் அதுவுமில்லை. யாரோ அவருடைய மானேஜ்மேன், வேலையார்களோ செய்யப்போகிறார்கள். அது ஒரு பெரிய விஷயமல்லவென்றே சொல்லுகிறேன்.

“மடாதிபதிகளை குறிப்பிட்ட தேதியில் ஆஜராகும்படி Endowment தலைவர்கள் தாக்கீது அனுப்பலாமா என்று சொல்லப்பட்டது. ஆம் உண்மை. மடாதிபதிகளை வரச்சொன்னால் மடாதிபதிகளையா வரப்போகிறார்கள். அவர்களுடைய ஏஜெண்டோடான் வருவார். இப்போது மத்திய சர்க்காரிடமிருந்து ஒரு தாக்கீது வந்தால் உடனே மந்திரிகளையா போகிறார்கள். காரியதரிசிகள் தான் போகிறார்கள். அதேமாதிரி மடாதிபதிகளை வரச்சொல்லி தாக்கீது சென்றிருந்தால் அதில் தவறுதலில்லை. மடாதிபதிகளை பெரிய மனிதராகவேதான் கருதுகிறோம். அவர்களை மத்தித் தின் சின்னமாகவே தான் மதிக்கிறோம். அவர்கள் தவறுதலாக நடக்கக் கூடாது என்பதற்கும், அவர்களிடமுள்ள சிப்பந்திகள் ஒழுங்காக இருப்பதற்கும் அரசாங்க அதிகாரிகளுக்கு அதிகாரம் இருக்கத்தான் வேண்டும். முன்பிருந்த அதிகாரங்களையே அரசாங்கம் Constitution-க்கு விரோதமாகவுள்ளது என்று குறைசூறிக் கொண்டிருக்கிறார்கள். ஆகையால் நான் அரசாங்கம் கொண்டுவருகின்ற திருத்தத்தை ஆதரித்து, நண்பர் விஸ்வநாதம் திருத்தத்தை எதிர்க்கின்றேன்.”

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p.m.

MR. SPEAKER:—“The Minister may reply.”

SRI K. BHASHYAM:—“I have given notice of two amendments, Sir.”

MR. SPEAKER:—“They will come afterwards, when the Government amendment is accepted. They are amendments to Government amendments. They will come afterwards.”

THE HON. SRI K. MADHAVA MENON:—“I shall deal with the propriety of the orders that have been read by my hon. Friend Mr. Karanth here as examples of how the Board has been exercising its powers, later. Let me first deal with the main objection raised by my hon. Friends Sri Viswanatham, Karanth and Bhashyam.”

MR. SPEAKER:—“Shall we do one thing, I shall ask the amendments to be formally moved and seconded. I will put the amendments to vote and when they are decided then the Government amendment may be taken up.”

SRI K. VARADACHARI:—“I have also given notice of an amendment to this clause, Sir.”

SRI L. N. GOPALASWAMI:—“I have also given an amendment.”

MR. SPEAKER:—“The hon. Members' amendment was for the original clause and not for the amended clause which substitutes the original clause.

“The hon. Member Sri Bhashyam may move his amendments.”

* SRI K. BHASHYAM:—“I move, Sir, that—

(1) In clause 22 omit the words “the control of the Government and”

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(2) In line 2 of clause 22, for the words “the administration,” substitute the words “the secular and property administration”

“Sir, what I want to say on these amendments is this. The Government is out of the picture now. They really do not want to take any responsibility for control over the institutions and at the same time they say they shall have the mere power of revision of orders and not administrative control in their hands. I can understand these words if they were there at the time when clauses 7 and 8, since deleted, were there. But to-day after deleting the clause 7 why have these words ‘subject to the control of Government’. It will make the whole clause somewhat difficult to understand. Therefore these words ‘the control of the Government and’ must go. This is only a consequential amendment after deletion of clause 7, already approved by us. That is why I ask for the acceptance of the amendment. The wording of the clause as it is will also be misleading to people as if there is some control by Government and the Commissioner is not doing his duties properly. This will give a bad name to the Government. I am trying to help the Government by my amendment. That is all.

“The other amendment is a little more important and it is this. The clause says ‘administration of all religious endowments’, etc. Religious endowments mean not only the property attached to the endowments but also the math, its temples and all the other things belonging to the math. I really fought hard to omit these things but the Government were adamant and that could not be done. Now they recognise at any rate that they ought not to interfere with the internal affairs of the math or the religious institution. Having come to that conclusion, I want the amendment to be accepted, namely, substituting the word ‘administration’ with the words ‘the secular and property administration’, as they cannot interfere with the management of what may be said to be non-secular portion of it. If the Government accept the amendment, they would be making their position in this regard clearer.”

SRI T. VISWANATHAM:—“I second the amendments, Sir.”

MR. SPEAKER:—“The hon. Member Sri K. Varadachari may also move his amendment. It will be easier then.”

THE HON. SRI K. MADHAVA MENON:—“I will reply to all the amendments.”

* SRI K. VARADACHARI:—“Sir, I have given notice of a very small amendment, and I beg to move it, namely—

“In clause 22, for the words “shall include” occurring in line 5, substitute the words “shall be confined to”

“Sir, as has been pointed out by the previous speaker and by the Government themselves, they have committed themselves to the new policy of non-interference in the internal management of religious institutions. Now if that is so after having deleted

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clause 7 from the Bill, and rewriting clause 22 in this manner, the position is not altered even a bit. What they wanted to do under the deleted clause 7 the very same mistake they are again committing in redrafting the clause 22 as it now stands. If in a definition the Government want to say they mean such and such a thing, the ordinary way in which the Legislature does it is by the use of the words 'shall mean and include'. But if the Government omit the word 'mean' and use the word 'include' alone, it means that over and above the powers that are mentioned here, there is something else which you can exercise. It is left undefined. It is a very bad way of drafting the thing. In the clause as it stands there is nothing definite to indicate what 'general superintendence and control' means. In the clause it is sought to be defined by merely saying 'it shall include the power to pass any orders which may be deemed necessary to ensure that such endowments are properly administered and that their income is duly appropriated for the purposes for which they were founded or exist'. These are the only powers that the Government want the Commissioner to exercise. Then the only way in which it could be drafted is to say that it 'shall mean and include' the power and so on. If you omit the word 'mean' and have 'include' alone, the whole sense of it goes. The Government would still have at the back of their mind the exercise of some powers which are over and above those specifically mentioned in this clause. I, therefore, say, Sir, consistent with the policy that you are adumbrating with regard to the management of the institutions limiting the power of the Government and the officers to external supervision and not interference with the internal management of the institutions, I say that the simple word 'include' there would make it absurd and nonsense. It would be inconsistent with the policy. I therefore request that the word should be substituted by the words 'shall be limited' or 'confined to', or 'restricted to' whichever the Government may think fit to choose, and adopt. If the Government do not admire the words 'shall be confined to' very much, they can use some such words as 'limited to' or 'restricted to'. My hon. Friend Sri Pattabhiramiah anticipated me and said that the clause would offend the Constitution, even as the clause now stands. Even if it is amended in the way in which I want it to be amended, I do not know if this clause would be acceptable to any court and considered as going against the Constitution. I think there will be a chance of its being contended as being *intra vires* if at least the words that I have suggested are introduced here and thus make the intention and policy of the Government in this matter quite plain."

* SRI M. S. PATTABHIRAMIAH :—" I second the amendment, Sir. It is a fair amendment and the Government ought to see their way to accept it. By accepting this small amendment this Bill would become more popular and acceptable."

* SRI T. VISWANATHAM :—" Sir, my hon. Friend Sri Varadachari has not risen during the debate on this Bill very often because he has been very carefully following the discussion and

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generally he has not interfered in the discussion. Even he in his anger was saying that this clause is absurd and nonsense. If that is so, Sir, there is great reason why the Hon. Minister and all of us should consider what it is. 'Shall include' means there is the overall power which is indefinite. I did not exactly note this when I spoke upon the aspect of the clause. There is overall indefinite power which is worse than the power originally sought to be introduced in clause 7, now omitted. You have also, in addition, got this power to pass any orders. What are those orders? The scope of those orders may be anything from the management to administration and so on. I therefore feel the clause is—I do not want to use the expression, my hon. Friend has used, 'absurd and nonsense'—certainly very wide of the mark. My hon. Friend has suggested—he is a practising lawyer and I am not—that by changing the expression, in some measure the Government can mitigate the mischief of the provision. I request that it may be done, Sir."

THE HON. SRI K. MADHAVA MENON :—" I may at the outset say, Sir, that I am prepared to accept the hon. Member Sri Bhashyam's amendment to omit the words 'the control of the Government and'."

* SRI T. VISWANATHAM :—" That is something, Sir."

MR. SPEAKER :—" What about the other amendments? "

THE HON. SRI K. MADHAVA MENON :—" The other amendment I am not accepting, Sir."

The hon. Member Sri Viswanatham rose in his seat.

MR. SPEAKER :—" A reply is not necessary. I have already given sufficient time to the hon. Member."

* SRI T. VISWANATHAM :—" I want only to congratulate the Hon. Minister on accepting at least one amendment."

MR. SPEAKER :—" Then, is the hon. Member Sri Varadachari withdrawing his amendment? "

SRI K. VARADACHARI :—" I withdraw my amendment, Sir."

The amendment was by leave of the House withdrawn.

MR. SPEAKER :—" I think the hon. Member Sri Bhashyam will withdraw the second amendment, the first having been accepted by the Hon. the Minister."

SRI K. BHASHYAM :—" What does the Government say, Sir? "

MR. SPEAKER :—" They have accepted the first amendment."

THE HON. SRI K. MADHAVA MENON :—" I do not accept the second amendment, Sir."

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SRI K. BHASHYAM :—" I press for a vote on my amendment, Sir."

The second amendment was put and lost.

MR. SPEAKER :—" I shall now put the first amendment to vote. The question is—

'That in line 2 of the Government amendment the words "the control of the Government and" shall be omitted.'

The amendment was carried.

MR. SPEAKER :—" The Government amendment to clause 22 as amended is before the House."

* THE HON. SRI K. MADHAVA MENON :—" I want to reply, Sir. The hon. Members, Sri Viswanatham, Karanth, Bhashyam and M. S. Pattabhiramiah, all said that no court is likely to uphold this clause because it offends the Constitution. The hon. Member Sri Viswanatham told us that the intention of the Government was allright but their translation of their intention, by the language they have used, was a failure and therefore it would offend the Constitution. Apart from the intrinsic objection that the Government or the Commissioner should not have all the powers that are mentioned therein, the legal objection is that it offends the Constitution. I cannot say with such dogmatic assertion that this clause will offend the Constitution or will not offend the Constitution, that it will be upheld by the Court or not. It is not at least for me to say it with such an amount of assertion as my hon. Friends have done. (Sri T. Viswanatham : 'You are encouraging such statements.') Whatever it is, I can only say this. The hon. Member Sri Karanth read what was said by Lord Shaw, namely, that it would be very difficult to distinguish between religious and secular matters. When that is so, what is the fun of trying to say that this is secular and that is non-secular. Unfortunately it is difficult to make a distinction in the matter. But the Constitution itself demands that we must make a distinction between secular matters connected with the religion and purely religious matters. I also depend on the same Article of the Constitution which my hon. Friend, Sri Karanth quoted, namely, Article 25 of the Constitution. He said that Government have no powers according to that Article of the Constitution to interfere with the internal administration of the maths and that the maths should be allowed to manage their own affairs, profess and practise the religion in which they believe and propagate the same subject of course to the condition, he conceded that point, that they did not misappropriate the funds entrusted to them and rendered proper accounts. If that is conceded then the Legislature has a right to legislate that the trustees, whether they are trustees of temples or matadhipathis, whatever that might be, keep proper accounts of the funds. If that could be done, I submit, that the proposals contained in the Bill do not go beyond that.

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"If it is conceded that the Government have got a right to legislate so that the trustees, whether they be matadhipathis or temple trustees, will not misappropriate their funds and that they should keep proper accounts, my submission is that the proposals here do not go beyond that.

"Sub-clause (2) to Article 25 of the Constitution says—

'Nothing in this article shall affect the operation of any existing law or prevent the State from making any law—

(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice . . .

So, according to the Constitution itself we can legislate to regulate secular activities. Though it is difficult to distinguish religious practices from secular ones, we are put in such a position that we have to make a regulation. So, Sir, there is no difficulty about it, according to me.

"Sub-clause (b) of Article 26 of the Constitution says—

'to manage its own affairs in matters of religion . . .

The clause that we have suggested is—

'Subject to the provisions of this Act, the administration of all religious endowments shall be subject to the general superintendence and control of the Commissioner; and such superintendence and control shall include the power to pass any orders which may be deemed necessary to ensure that such endowments are properly administered and that their income is duly appropriated for the purposes for which they were founded or exist.'

So, we have not touched the management at all. The administration of the religious endowments shall be subject to the control of the trustees. But the Commissioner shall have superintendence only. What is the purpose of superintendence? It is sought to see that the properties are properly administered and that the income is duly appropriated for the purposes for which they were founded or exist. That is exactly what it means—that they are not misappropriated and that proper accounts are kept. So, the administration and superintendence wherever they are needed are only for the purpose of seeing that the property is appropriated for the purposes . . . or to translate it, that the property is not misappropriated in any other form and that the moneys are properly accounted for.

"Clause 22 is a general one and that by itself cannot give much power because it is subject to the provisions of this Act. Only the general superintendence is there and the superintendence shall include power to pass any orders that such endowments are properly administered and that their income is duly appropriated for the purposes for which they were founded or exist. It is not administration on matters of religion. It is administering the endowments so that their properties are properly accounted for and that they are not misappropriated. So, it is confined to that field of administration and superintendence. As such, the wording as it stands does not interfere with religion and will not come into conflict with Article 26 of the Constitution. Hon. Mr. Karanth said 'you have provided for only administration of properties,'

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That is exactly what is said. So, the wording of this clause is allright and I do not think that any Court will set aside or say that the Bill is *ultra vires*. According to me it cannot be *ultra vires*.

Then, Sir, hon. Mr. Karanth said that this power will not help the orders which are being passed. I want the House to see the provisions of the present Act, Sir. Perhaps it may be that the Board has need to pass orders. They are such wide powers that they may possibly be against the Constitution. The Board may have superintendence for the purpose of seeing that there is no misappropriation so that it may do all the things that are reasonably necessary, that accounts are properly maintained and that religious endowments are properly administered and the income is duly appropriated for the purposes for which they were founded. Certain orders have been read by hon. Mr. Karanth and I feel that some of the orders may appear to be unfair.

"Sir, I do not agree with hon. Mr. K. T. Kosalam that there is nothing wrong in asking the matadhipathis to rear fish and also auction them. I think that this is too much for an orthodox matadhipathi to do. What hon. Mr. K. T. Kosalam meant or understood is this. If the matadhipathis can give coconut trees for drawing toddy without any compunction whatsoever, they may perhaps have no compunction to rear fish in the tanks.

"Apart from that, Sir, I cannot say anything about the orders passed by the Board without hearing the Board and knowing the reasons therefor. For instance, one order was read that the Board directed in places like South Kanara and Malabar where there is excess of rain, that the matadhipathis should pray for rain. I feel it may look absurd. But, that is not it. There was no rain then in the country at all. So, it may be a general circular just like a war-time circular by the King asking that all should pray for Victory. Likewise, a general circular would have been issued to all matadhipathis of temples that they may pray for rain. Rain might have fallen in the West Coast, South Arcot, Chingleput, Mathurai, etc. Some of us would believe in prayers. In some places, *homams* also are done for the purpose of getting rain. So, the Board may have issued an order or a directive or a request to all that they may pray for rain. It may look absurd because there is excess of rain in the West Coast. It is quite possible that it may be a general order. I cannot say anything about each of those orders. What is the reason? I have no opportunity to know the reasons that prompted the Board to issue such orders. But assuming for argument's sake that the orders passed are all bad, it is no good to say that it should have no power at all to pass good orders.

"Another thing is that the Board might have issued orders regarding coupons for manure. I know, Sir, that in the case of bonus for procurement the rent due to the landlord was taken away from the tenant in the bonus amount that was given to the tenant. Various suits were filed by the landlords to recover the rent from the bonus amount given to the tenants and decrees were passed by various courts. Similarly, it may be that the Board might have

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issued instructions regarding these coupons for manure and the Board may be justified in thinking that the additional expenditure will be saved if these matters are not allowed to go to courts. I am only saying that there are possibilities of expenditure. But assuming for argument's sake that there is the risk of passing wrong orders, it is no reason that no powers should be given at all to pass good orders. I want the Endowment Board or the Commissioner to have powers to see that they must remit rent in the case of tenants whose crops have failed. But, you should not collect excess interest or rent which is immoral. Certainly they should never have power to raise the rent. But, there must be power for them to give relief to the tenants wherever necessary. To say that all orders passed are bad and as such they should not be given at all, is not good. The point is that this will go against the fundamental rights. That contention I cannot accept, Sir.

"I was taken aback when they said that the Board directed to raise rents from the tenants. It may be, Sir, that the Board has reason to believe that there has been collusion in the matter between the tenant and the landlord for reducing the rent and eventually in the loss of income. If the landlord and the tenant colluded and there is reduction in income in the tenancy, then the Board may issue orders to provide against such collusion. I have aversion to any order raising the rent.

"In another instance, the Board has passed an order asking the matadhipathis to collect donations for the Sharada Vidyalaya, Thyagarayanagar. Personally I think that it is a good order that the Board has issued. The Board can only recommend. I would certainly prefer that the Board should only recommend to certain religious institutions. That is a good institution and the Board can give mere advice to donate. Mr. Karanth's point is that such orders will not end there only."

SRI K. R. KARANTH :—"The point is that the local college policy is upset."

* THE HON. SRI K. MADHAVA MENON :—"Certainly, Sir, that must extend to the local college also. I agree. But, that should be given for a good purpose. I am told, Sir, that the Board was justified in issuing the orders which have been read. But, to say that, because certain orders have been passed wrongly, they should not pass any good orders at all, is not good. I cannot accept the contention, Sir."

MR. SPEAKER :—"The House has accepted the amendment of the hon. Member Sri K. Bhashyam. The question is—

"That for clause 22, substitute the following clause :—

"Subject to the provisions of this Act, the administration of all religious endowments shall be subject to the general superintendence and control of the Commissioner; and such superintendence and control shall include the power to pass any orders which

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may be deemed necessary to ensure that such endowments are properly administered and that their income is duly appropriated for the purposes for which they were founded or exist."

The amendment was carried.

Clause 22 as amended was put and carried:

Clause 23.

MR. SPEAKER:—"The motion is—

'That clause 23 do stand part of the Bill.'

* SRI L. N. GOPALASWAMI:—"Sir, I move—

'In line 5, for the words "of worship", substitute the words to which a worshipper has access.'

"It is quite necessary to clear a misunderstanding as to the limit up to which an officer can go. 'A place of worship' is different from 'a place to which a worshipper can go.' I want this power of the officer to be limited to the particular point up to which an ordinary worshipper can go. The place of worship is the *sanctum sanctorum* itself. These officers cannot be allowed to go into the *sanctum sanctorum* itself. They can be allowed to go only to the point up to which an ordinary worshipper can go in order to see whether things are going allright. He will otherwise be interfering with religion itself and creating confusion. These people should not be allowed to have access to a place where no other person except the archaka can go.

"This is a reasonable amendment which I hope the Government will accept."

SRI T. VISWANATHAM:—"I second it."

THE HON. SRI K. MADHAVA MENON:—"I may explain, Sir, the dangers in our way in accepting this amendment. In certain places, in Malabar for instance, there are certain places such as *namaskara mantapam* and so on, into which, according to custom and usage, no non-Brahman can enter or step in and non-Brahmans do not enter it for fear of committing a sin. Only Brahmins enter that mantapam. Again, there are certain places where Vedic hymns are repeated and, into these, people are not allowed to enter. All the same, all worshippers listen to the mantras and see what is being done there."

SRI K. VARADACHARI:—"There are certain parts of temples where both Brahmins and non-Brahmins cannot go."

THE HON. SRI K. MADHAVA MENON:—"Yes, to which only workers and those engaged in temple ceremonials can go. In these circumstances this widening of the scope of the Bill is not called for."

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* SRI L. N. GOPALASWAMI:—"Such differences cannot exist after the passing of the Temple Entry Act. Any place accessible to a Brahmin is equally accessible to worshippers other than Brahmins. Therefore there is no force in that argument. But there is this distinction, viz., that there is a limit up to which a worshipper can go. The place to which this proviso gives access is one where even a worshipper cannot go. I must say that this officer should not be permitted to go to a place to which only the archaka has access. If the intention of this legislation is that this officer should go to the *sanctum sanctorum* I have no objection; but if it is the intention to make this officer go and observe or watch certain things done there, he should be content with going up to the point to which the worshippers are allowed to go and not destroy the sanctity of even the *sanctum sanctorum* and affect the susceptibilities of persons. His supervision should not extend to that very sacred spot where actual puja is done and milk and other abhishekams are performed. That is a thing which cannot be tolerated."

THE HON. SRI K. MADHAVA MENON:—"Sir, it would be dangerous to say 'worshippers may have access to places other than places of worship'. I cannot accept the amendment."

The amendment of Sri L. N. Gopalaswami was put and lost.

MR. SPEAKER:—"I will now ask the Government to make their amendment to 'Omit the proviso to sub-clause (1)'. If that is accepted by the House, hon. Mr. Bhashyam's amendment to add some words after the proviso to clause (1) cannot be moved."

SRI T. VISWANATHAM:—"The Government amendment is to omit the proviso and hon. Mr. Bhashyam's amendment is to add something as sub-clause (3)."

* SRI K. BHASHYAM:—"The Government have changed their mind after we gave notice of these amendments on the basis of the original Bill. In this situation we must adapt these things to the extent to which it can be done. Therefore I am asking as a general rule that in cases where the Government in its wisdom changes its mind and brings about an alteration in the original Bill, the Members should have the opportunity to suitably modify their amendments. In the present case, you will please permit me, Sir, to move my amendment first. After it is defeated, the Government may move their amendment."

MR. SPEAKER:—"I would allow the hon. Member to have a properly worded amendment and move it in the form of an amendment to the Government amendment."

THE HON. SRI K. MADHAVA MENON:—"The amendment of hon. Sri K. Bhashyam seems to me to be out of order, because it is similar in nature to the one moved by hon. Sri L. N. Gopalaswami and rejected by the House just now."

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MR. SPEAKER:—" But hon. Mr. Bhashyam may move the second part of his amendment."

SRI T. VISWANATHAM:—" When there is an amendment tabled, by interpreting it as an amendment to an amendment, you can allow it to be moved."

MR. SPEAKER:—" But it does not fit in. If it is suitably altered I have no objection to hon. Mr. Bhashyam moving his amendment."

SRI L. N. GOPALASWAMI:—" In view of the Government amendment, the second portion of hon. Mr. Bhashyam's amendment also is not necessary."

SRI T. VISWANATHAM:—" The meaning of hon. Sri Gopalaswami's amendment is different from that of hon. Mr. Bhashyam's amendment."

SRI K. BHASHYAM:—" Sir, I shall read out my amendment: 'To sub-clause (3) as added, add "or authorize any person to enter that portion of the premises to which the general public are not allowed to enter."'"

MR. SPEAKER:—" Yes, the Government may now move their amendment."

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

'Omit the proviso to sub-clause (1) and add the following as sub-clause (3):—

"(3) Nothing in this section shall be deemed to authorize any person who is not a Hindu to enter the premises or place referred to in sub-section (1) or any part thereof."

The proviso as it stands in the original Bill, as approved by the Select Committee is a bit defective. The object of the amendment is to make the proviso applicable to sub-clauses (1) and (2). That is the object of my amendment."

MR. SPEAKER:—" The motion is—

'Omit the proviso to sub-clause (1) and add the following as sub-clause (3):—

"(3) Nothing in this section shall be deemed to authorize any person who is not a Hindu to enter the premises or place referred to in sub-section (1) or any part thereof."

4-30 P.M. * SRI K. BHASHYAM:—" Sir, I move the following amendment:—

'To sub-clause (3) as added, add the following: "or authorize any person to enter that portion of the premises to which the general public are not allowed to enter."'"

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Sir, I would like, if possible, that hon. Janab Sehamnad's amendment is taken up, because it is more comprehensive than mine. Sub-clause (1) says—

'(1) The Commissioner, Deputy and Assistant Commissioners and such other officers as may be authorized by the Commissioner or the Area Committee in this behalf shall have power to enter the premises of any religious institution or any place of worship for the purpose of exercising any power conferred, or discharging any duty imposed, by or under this Act.'

You know, Sir, from your personal knowledge that in many temples there are *garbhagrahams* and *antargrahams* into which the general public are not allowed to enter. Only persons who are actually engaged in the worship like the *archakas*, the *sthanikas* and the *paricharakas* are allowed to enter. Not even the biggest person is allowed to step in beyond a certain limit. Of course, we have passed the Temple Entry Act and every person is allowed to go and worship in the temple. But by tradition and custom and usage, in many temples no person is allowed to go into the *garbhagraham* or the *antargraham*. The Commissioner, the Deputy Commissioner and other officers, are persons who only profess the Hindu religion. Suppose in the course of his inspection, the Commissioner puts on a coat and shirt and enters that part of the temple. Or suppose some big person has come from England and in order to show him the architecture of the temple, he takes him inside. I want all these things to be avoided. Traditions of the temple should be strictly maintained. There ought not to be a single step which would swerve from the traditions, because we are already slipping away from some of the traditions and the sanctity of some of the temples has been spoiled by the way people behave both inside and outside. If my original amendment had been accepted with regard to the practice of religion by these officers, then there might have been some justification for allowing these people to enter the innermost shrines, but since it has not been accepted, it is quite possible for an officer with a shirt and coat on him to enter into the innermost shrines of the temple. I do not want that to happen. That is the reason, Sir, why I am asking that this amendment may be accepted. Of course, the Hon. Minister may express a lot of sympathy with my amendment and at the same time say that the Government could not accept it. I would like them to accept the amendment in view of what I have said. I may mention here, that in the temples on the east coast things are not so rigid as in the temples on the west coast. In either case, only the *archakas*, the *sthanikas* and the *paricharakas* are allowed to enter the innermost shrine. Therefore I want that the following amendment may be accepted, namely:—

'To sub-clause (3) as added, add the following at the end:—

"or authorize any person to enter that portion of the premises to which the general public are not allowed to enter."'"

SRI T. VISWANATHAM:—" I second the amendment."

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* THE HON. SRI K. MADHAVA MENON :—" Sir, I do not wish to say, as my hon. Friend Sri Bhashyam expected, that I sympathize with the amendment. I do not agree with the amendment at all. Sri K. R. Karanth pointed out that I objected to the present amendment even in the Select Committee. I had my own reasons for it. It is because of my personal experience in the matter that I say that this amendment cannot be accepted. Sri K. Bhashyam is perfectly right when he says nobody except the archaka and the sthanika ordinarily enters the *garbhagraham* and nobody should, according to me, be allowed to enter it under ordinary circumstances. But I had the fortune or misfortune of defending a Nambudri archaka who was accused of having stolen the jewels of the idol, and getting him acquitted. The jewels were taken away from the idol, the idol was lifted and the jewels were secreted below and the idol was replaced. The police officer, unless he is a Hindu could not enter that place. Many documents also may be secreted in that manner. It is necessary that the sanctity of the *garbhagraham* must be preserved, but there may be exceptional cases when other people will have to enter such places in the interests of the proper administration of the institution. I myself had experience of one such case and such exceptional instances might occur again. In such cases, if entrance into the *garbhagraham* is necessary, it is enough if we provide that it must be by a Hindu. Therefore, Sir, I am sorry I am not able to accept the amendment of Sri K. Bhashyam."

* SRI K. BHASHYAM :—" Sir, the Hon. Minister has accepted the position that the sanctity of the *garbhagraham* must be preserved, but he has put forward an exceptional case where the delinquent was the archaka himself. I ask, Sir, are there not provisions in the Criminal Procedure Code to deal with such cases? Are you going to allow a police officer with his patti and uniform to enter the *garbhagraham*? You would probably ask him to take a bath and put on a namam or something else before he enters the *garbhagraham*. By the time he does all these things, the jewel might have disappeared to some other place. It is not a practical proposition at all. What I say is this. You have already got persons inside the temple who can go into the *garbhagraham*. It is not as if the archaka alone is allowed to enter the place. There are a number of other persons. If the Commissioner or the officer in charge of the place is a careful man and knows his job, he can keep a police officer standing by and looking on and ask the archaka or the sthanika to get in and search. It is not as if the police officer himself must get in. Is it not enough if he sees the thing being done by somebody else? Therefore I am unable to accept the objections of the Hon. Minister as a valid argument against my amendment. The sanctity of the temple is a thing which is not to be touched. It is agreed. The only logical result of that is the acceptance of the amendment I have moved. I do not know why the Government are adamant in every respect."

20th November 1950] [Sri K. Bhashyam]

Between the Select Committee stage and now, I expected that the Hon. Minister would have softened his heart a little bit towards me, but I find that he has hardened his heart."

The amendment of Sri K. Bhashyam was put and lost.

The Government amendment to omit the proviso to sub-clause (1) and to add a new sub-clause was put and carried.

JANAB MAHIN SCHAMNAD :—" Sir, I beg to move the following amendment :—

'Add the following as sub-clause (4) :—

"Nothing in this sub-section shall be deemed to authorize any person, who does not belong to the category of persons solely entitled by virtue of ancient and long-established religious custom and usage to enter the *garbhagraham* or sanctum sanctorum of a religious institution belonging to a community or group of persons, to enter the *garbhagraham* or sanctum sanctorum under colour of exercising any power conferred, or discharging any duty imposed, by or under this Act."

* THE HON. SRI K. MADHAVA MENON :—" On a point of order, Mr. Speaker. This amendment is identical with hon. Sri K. Bhashyam's amendment which has already been rejected. Instead of using the words 'premises to which the general public are not allowed to enter' he uses the words '*garbhagraham*', '*sanctum sanctorum*' and so on. There is no other distinction, Sir."

MR. SPEAKER :—" Having rejected hon. Sri K. Bhashyam's amendment, it seems to me that this amendment is now out of order."

SRI T. VISWANATHAM :—" May I say a word before you finally give your ruling, Sir? This amendment relates to a person who does not belong to the category of persons solely entitled by virtue of ancient and long-established religious custom and usage to enter the '*garbhagraham*, etc.' This is totally different from the 'general public' referred to in the previous amendment, who have a right to worship and so on."

MR. SPEAKER :—" I rule the amendment out of order. The House having rejected hon. Sri K. Bhashyam's amendment, this amendment cannot be taken up."

JANAB MAHIN SCHAMNAD :—" After hearing me, the Hon. Speaker may give his ruling, Sir."

MR. SPEAKER :—" On the face of it, the amendment is out of order. I am going to put clause 23 as amended to the vote of the House."

Clause 23 as amended was put and carried.

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* THE HON. SRI K. MADHAVA MENON :—" Sir, I do not wish to say, as my hon. Friend Sri Bhashyam expected, that I sympathize with the amendment. I do not agree with the amendment at all. Sri K. R. Karanth pointed out that I objected to the present amendment even in the Select Committee. I had my own reasons for it. It is because of my personal experience in the matter that I say that this amendment cannot be accepted. Sri K. Bhashyam is perfectly right when he says nobody except the archaka and the sthanika ordinarily enters the *garbhagraham* and nobody should, according to me, be allowed to enter it under ordinary circumstances. But I had the fortune or misfortune of defending a Nambudri archaka who was accused of having stolen the jewels of the idol, and getting him acquitted. The jewels were taken away from the idol, the idol was lifted and the jewels were secreted below and the idol was replaced. The police officer, unless he is a Hindu could not enter that place. Many documents also may be secreted in that manner. It is necessary that the sanctity of the *garbhagraham* must be preserved, but there may be exceptional cases when other people will have to enter such places in the interests of the proper administration of the institution. I myself had experience of one such case and such exceptional instances might occur again. In such cases, if entrance into the *garbhagraham* is necessary, it is enough if we provide that it must be by a Hindu. Therefore, Sir, I am sorry I am not able to accept the amendment of Sri K. Bhashyam."

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20th November 1950] [Sri K. Bhashyam]

Between the Select Committee stage and now, I expected that the Hon. Minister would have softened his heart a little bit towards me, but I find that he has hardened his heart."

The amendment of Sri K. Bhashyam was put and lost.

The Government amendment to omit the proviso to sub-clause (1) and to add a new sub-clause was put and carried.

JANAB MAHIN SCHAMNAD :—" Sir, I beg to move the following amendment :—

'Add the following as sub-clause (4) :—

"Nothing in this sub-section shall be deemed to authorize any person, who does not belong to the category of persons solely entitled by virtue of ancient and long-established religious custom and usage to enter the *garbhagraham* or sanctum sanctorum of a religious institution belonging to a community or group of persons, to enter the *garbhagraham* or sanctum sanctorum under colour of exercising any power conferred, or discharging any duty imposed, by or under this Act."

* THE HON. SRI K. MADHAVA MENON :—" On a point of order, Mr. Speaker. This amendment is identical with hon. Sri K. Bhashyam's amendment which has already been rejected. Instead of using the words 'premises to which the general public are not allowed to enter' he uses the words '*garbhagraham*', '*sanctum sanctorum*' and so on. There is no other distinction, Sir."

MR. SPEAKER :—" Having rejected hon. Sri K. Bhashyam's amendment, it seems to me that this amendment is now out of order."

SRI T. VISWANATHAM :—" May I say a word before you finally give your ruling, Sir? This amendment relates to a person who does not belong to the category of persons solely entitled by virtue of ancient and long-established religious custom and usage to enter the '*garbhagraham*, etc.' This is totally different from the 'general public' referred to in the previous amendment, who have a right to worship and so on."

MR. SPEAKER :—" I rule the amendment out of order. The House having rejected hon. Sri K. Bhashyam's amendment, this amendment cannot be taken up."

JANAB MAHIN SCHAMNAD :—" After hearing me, the Hon. Speaker may give his ruling, Sir."

MR. SPEAKER :—" On the face of it, the amendment is out of order. I am going to put clause 23 as amended to the vote of the House."

Clause 23 as amended was put and carried.

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Clause 24.

Mr. SPEAKER :—" The motion is—

'That clause 24 do stand part of the Bill.'

* SRI T. VISWANATHAM :—" Sir, I beg to move the following amendment :—

'In sub-clause (a), delete the word "Hindu" and add at the end the following :—

"or religious denomination for whose benefit the institution is intended."

"Sir, when these officers are given vast powers, they must not only be Hindus but they must also belong to the religious denomination for whose benefit the religious institution is intended. If this amendment is accepted, it will bring the clause within the articles of the Constitution which give equal protection to all the denominations. Therefore I submit that this amendment may be accepted."

* SRI K. BHASHYAM :—" Sir, as a person who has experience of the disputes between the Vadagalais and the Thengalais among the Vaishnavites, I think that this amendment is very important. There is bitter feud between these two sects of Vaishnavites and they would rather have a Muslim than have a man belonging to the other sect. I want to avoid all quarrels in respect of this matter. I would like the officers to be appointed to be of the same denomination for whose benefit the temple is intended, so that there may not be any disharmony or fight between the persons concerned. It is also necessary to pay at least some homage and show some loyalty to that portion of the Constitution which says that the denominations must have some voice in the management of their institutions. If we do not accept this, then we can appoint any person who is not of that denomination altogether. He need not even profess that, but he must belong to the denomination for whose benefit the institution is intended. As I said there must be some vestige of loyalty and some vestige of consideration for the Constitution and you do not show that, when you do not provide that the persons appointed as trustees or other officers should be of the same denomination for whose benefit the temple or the institution is intended. If you do not make that provision, there will be quarrels and disputes between these people. Imagine what will happen if a Protestant Christian is appointed as the manager of a Roman Catholic institution. There will be heart-burning. When the Bill regarding the requisition of building of educational institutions was under consideration in this House, Christians thought that it would affect their religion if their institutions were taken away from them; and if a Protestant was appointed as the manager of a Catholic institution. We respected their feelings in the matter and if we can respect their feelings there, I want you to respect similar feelings even here also."

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* THE HON. SRI K. MADHAVA MENON :—" Sir, for the very reasons which Sri K. Bhashyam gave, I am sorry I cannot accept the amendment. This clause is only a reproduction of the existing section 50 and no difficulty has so far been found in its working. Section 50 would not apply to hereditary trustees. It applies only to non-hereditary trustees. If we take a concrete example, there are a good number of temples in respect of which we do not still know whether they belong to the Vadagalai or the Thengalai sect. Sri Bhashyam himself knows that. There are temples also in which even now the two sects, the Vadagalais and the Thengalais, are fighting to see that they belong to the Vadagalais or the Thengalais. In such cases, if you say that a particular temple belongs to this or that denomination, when it is actually not known to whom it belongs, how can we have a provision like that?"

* SRI T. VISWANATHAM :—" Sir, I am very sorry the Hon. Sri Madhava Menon has missed the point in his enthusiasm just to oppose what Sri Bhashyam has stated. It is a matter for enquiry if the Government or the Commissioner is not aware to what denomination a particular temple belongs. To say 'there is a dispute there, therefore I cannot appoint a man whose denomination I know', is a wrong method of approach. I submit we are not here trying to wipe out the differences between the various denominations. Let us be clear about that. We are not here to smoothen the differences between the Vaishnavites or the Mardhvas or between the Saivites and the Vaishnavites or even among the Visishtadwaites, the Vadagalais and the Thengalais. People sitting here in a secular place like this cannot wipe out all these differences. On the other hand, being secular, we thought we should not interfere with such things and therefore it is that the Constitution has recognized and used the words 'religious denomination.' The words 'religious denomination' have not been invented by me for the purpose of this amendment. If you look at the persons who were the framers of the Constitution, you can easily find to how many different denominations they belonged. They had all these differences in mind at the time of framing the Constitution and that is why they said these religious denominations should be kept up. Therefore, I submit it is absolutely necessary that the trustees whom you appoint should belong to the religious denomination to which the trust belongs; otherwise, out of anger or spite a Saivite may be appointed to a Vaishnavite temple or a Vaishnavite may be appointed to a Saivite temple or either of them may be appointed to even a Jain temple. You may ask: are we going to do like that? You may not; but when you give wide powers of appointment in the Act, it will be a *carte blanche* to the officers to do anything they like, it will engender some sort of disregard for all these finer distinctions we have been seeking to protect as referred to in the Constitution. Therefore, I submit that in obedience to the language of the Constitution and in obedience to the faith which we have in the various religious denominations

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which ultimately are based upon philosophic tenets in relation to such questions as Godhood, the origin and progress and end of this universe, etc., the person to be appointed must first of all be a Hindu, and then he must also belong to the same religious denomination as the one for whose benefit the institution is intended. Otherwise, Sir, it will lead to great and unnecessary quarrels and we will be doing what is likely to produce evil. I submit, therefore, the Hon. Minister may please reconsider and accept this amendment."

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

SRI T. VISWANATHAM :—" All words are wasted."

MR. SPEAKER :—" I now put the amendment to the vote of the House."

The amendment was put and lost.

Sub-clause (b).

* SRI L. N. GOPALASWAMI :—" Sir, I move my amendment—

' To delete sub-clause (b). '

For the simple reason that if you limit the age of the trustee to 35 and 70 and if you say that a man between 60 and 70 can discharge his duties as trustee, I really cannot see how a man between 20 and 35 or 25 and 35 cannot discharge them. The age-limit passes my comprehension, Sir. The Government themselves admit that in the case of a hereditary trustee, even a man under 35 can be a trustee. I want the Government to understand that in these cases, they should not be guided by age. In the appointment of trustees they should be guided by the fact as to whether a man, having regard to his enthusiasm, energy, etc., can be fixed up for the proper administration of the institution. In these days of advancing intelligence, there is no point in appointing a man between 60 and 70 to look after the affairs of a temple. Perhaps he may not have the health or the strength to visit the temple even once a day. I think it would be far better if you bring down the age to 25 rather than take it beyond 60. I find there is another amendment given notice of to bring down the age from 35 to 25, and I trust the Government will accept the fairness of that amendment at least and accept it."

SRI T. VISWANATHAM :—" I will second the amendment, if they do not want to accept it."

THE HON. SRI K. MADHAVA MENON :—" I think this is not seconding, Sir. He says he will second it only if the Government do not accept it."

SRI T. VISWANATHAM :—" I second the amendment, Sir, positively and affirmatively."

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* SRI M. S. PATTABIRAMIAH :—" It is strange, Sir, that my Friend Sri Gopalaswami was arguing that a person between 70 and 75 or 60 and 70 would not be able to go to the temple, and I must express my surprise at what he said. It is unfortunate that men who are well-versed in our Hindu lore are so ignorant and they think that all Hindus will be weak after 60 or 70. I will point out to him and to others in the House that when the Mahabharata war was fought, all the five Pandavas were above 60 years, and Vyasa describes them as yuvas or young men. Unfortunately we think that even at 35 a man becomes old. It may be that at that age there may be some precocious beings who may do much of work or talk and who may be wise; but it requires a ripened age and much experience to manage such institutions. A man generally becomes ripe only after 60 years, and it is only after 75 that people used to become sanyasis in the olden days, and till 75, they used to be working. If we say that people at 70 or 75 will not be able to attend to this work, it only shows how ignorant we are of our own traditions and history. Not only that; let people well educated in English and well-versed in western ideas, refer to a classical work by Cicero called ' Old age and friendship '—two famous essays very often found and read in the world's libraries. There the author says how people are active after 70 years unless they are crippled or diseased. Such activity is very common among people of 70 and more. Strictly speaking, there should be no age-limit fixed here at all. Again, Sir, my Friend wanted that people below 35 should be appointed and the upper age-limit should be brought down to 60, if the Government so chose. We should not be under the impression that people become weak and unfit for work after 60. They get ripened in their wisdom and they are also active. As I said, the big heroes of the Mahabharata war were all above 60. Bhishma was 150 years old, Drona was 120 years old and the Pandavas were 61, 62 or 63. Krishna himself was above 60 years at that time. Let us therefore remember that people do not become disabled after 60, and they should not become disabled."

* SRI K. BHASHYAM :—" Sir, we have had great controversy over the age. It is a very good thing we are discussing it. Especially when a certain gentleman says that old age must be respected, I am very proud, for I am myself old; Dr. Rajan must be older still; and I felt elated when it was said that old age must be respected. After hearing the speeches, I think Sri Gopalaswami's amendment is very good; he says there must be no upper or lower limit at all. But after all, it depends on the concerned person; the older a man grows, the wiser he grows and so, if an older man is appointed, the better it is because he is wiser. The only difficulty is sometimes he may be affected with forgetfulness to do some things at the proper time and then the Commissioner will come down upon him. What I say is that the Government, when they make the appointments, must see to it that there is a mixture of both, the young people for doing the work actively and

[Sri K. Bhashyam] [20th November 1950]

the old people for giving the necessary advice and suggestions. I hope, Sir, they will do so and that by this method, Sri Gopalaswami may be satisfied, I will be satisfied and there will be satisfaction all round."

SRI R. V. SWAMINATHAN :—" Sir, I see some point in the arguments put forward by hon. Members Sri Gopalaswami and Sri Bhashyam. I think the maximum limit is quite alright and my Friend referred to the heroes of the Mahabharata war. Even in the present day, our leaders in the Central Government are above 70 and they are ruling the country. Why not take our Hon. Dr. Rajan? I think he must be above 70; if he can pilot this Bill and be a Minister to this Government, why not a member of the Area Committee be of that age? I request the Hon. Minister to reconsider this point. I appeal to him to reconsider and fix up a proper age-limit."

* THE HON. SRI K. MADHAVA MENON :—" Sir, the whole controversy arose when Sri Gopalaswami said that people at 70 become useless and Sri Pattabhiramayya and Sri Bhashyam said that old age was as good as young age. We have put the lower age-limit at 35 and the upper limit at 70. Ordinarily a person ceases to be a revolutionary after 35, and comparatively, with experience gained, people become better. Anyway, I don't think the upper limit need be changed, if Sri Gopalaswami will kindly bear with me. Sri Viswanatham's next amendment for substituting 25 for 35 may be accepted and the other limit may remain as it is. The idea of fixing 35 as the lower limit was that comparatively, at that age people would have gained sufficient experience and developed balanced thinking, while people of younger age would think too much in advance of the times. We thought people who have passed the age of romance might be there."

SRIMATHI V. LAKSHMI AMMAL :—" I think this age may be applied to the executive officers also."

SRI L. N. GOPALASWAMI :—" I am very sorry, Sir, I have been misunderstood by Sri Pattabhiramayya. I never said that people after 70 are unfit; I said that if people at 70 can manage temples, why should not people between 25 and 35 be able to manage them. That is all."

SRI M. S. PATTABHIRAMIAH :—" I say that people do not become old at 70." (Laughter.)

SRI L. N. GOPALASWAMI :—" The Hon. Sri Madhava Menon sympathized with me and said that the upper limit may be there but the lower limit of 25 to be proposed by my Friend may be accepted. My submission is that both the limits may be absolutely left out and that in appointing trustees, the Government may be guided by the man's other qualifications, his capacity, his ability, his experience and wisdom."

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MR. SPEAKER :—" I now put the amendment of Sri Gopalaswami to the vote of the House. The question is—

'That sub-clause (b) be deleted.'

The amendment was lost.

SRI T. VISWANATHAM :—" Sir, I move the amendment 5 p.m. standing in my name, namely—

'In sub-clause (b) for the word "thirty-five" substitute the word "twenty-five" ?'

SRI R. V. SWAMINATHAN :—" I second the amendment, Sir."

* SRI K. BHASHYAM :—" I oppose the amendment, Sir. How can a young man who hardly attains majority at 21, be put in charge of a big management at the age of 25? As an old man I cannot feel that youngsters can be entrusted with the management of institutions like this. Of course, executive officers are selected by the Government and it is all right, but in the case of appointments of trustees, young men should not be entrusted with such responsibilities.

" Besides, Sir, there is one other matter to be considered in this connection. Joke apart, what I want to say is, there are a number of temples in villages and small localities which are fairly compact and a person of a fairly old age will command more respect and his words will carry weight more than those of young people, however clever and good they may be. That is why I would like to stick to the very good rule provided by the Government, namely 35 years and I do not think we can go below 35 years for the purposes of selecting persons and entrusting them with the responsibilities of a trustee."

SRI K. VARADACHARI :—" Sir, I oppose the amendment proposed by my hon. Friend, Sri Viswanatham. Sri Viswanatham must be partial to very young men because he always appears to be young and that is the reason why he is so sympathetic to young men. I do not of course object to young men being entrusted with such responsibilities in other spheres, but appointment to religious institutions requires mature age and it is a wise thing that the Government put in a lower age limit. Let us not disturb it."

* SRI M. S. PATTABHIRAMIAH :—" Sir, I oppose the amendment moved by my hon. Friend, Sri Viswanatham and I would like to be excused for saying this. These young men generally on whose behalf Sri Viswanatham has brought in the amendment and another young gentleman, Sri Swaminathan has seconded it, I think that young age is superior to old age. But I may point out, Sir, that old people know what is young age, whereas young people do not know what is old age. (Laughter.) They are partially ignorant because at 25 they are really children.

[Sri M. S. Pattabhiramiah] [20th November 1950]

In fact if you go through the whole of the ancient Sanskrit works, they are only denoted as innocent youths or 'balas' that is children. Moreover, Sir, that will be the proper time for them to get married and so will they be able to attend to their family life or to religious institutions? I therefore oppose the amendment and request the Government not to accept it. I am afraid there is some levity in the Hon. Minister in accepting this amendment."

SRI L. N. GOPALASWAMI:—"On a point of order, Sir. Will it not be discriminatory legislation between one man and another if you say that persons between the ages of so and so will be appointed."

MR. SPEAKER:—"How is it a point of order?"

SRI L. N. GOPALASWAMI:—"According to the Constitution, it is discriminatory legislation."

MR. SPEAKER:—"It is no point of order."

*THE HON. SRI K. MADHAVA MENON:—"I agreed beforehand that I will accept the amendment to substitute 'twenty-five' for 'thirty-five'. I think there is no question of levity in accepting it. I may say that Sankaracharya ascended the peetam before he was twenty-five. Again, Sir, how many Bhashyams are there? There are not hundreds of Bhashyams and everybody cannot be expected to be as wise in that age. That is not the main consideration also. Article 84 of the Constitution provides thirty years of age for a member of the Council of State and twenty-five years for a member of the House of the People. So, if a member of the House of the People can have responsibility at the age of twenty-five, I thought why not a man be a trustee at the age of twenty-five. (Interruption by Sri K. R. Karanth.) Sri Karanth suggests thirty years. At least in one case let me have the satisfaction of accepting Sri Viswanatham's amendment."

MR. SPEAKER:—"I will now put Sri Viswanatham's amendment to vote. The question is—

'In sub-clause (b) for the word "thirty-five" substitute the word "twenty-five".'

The amendment was carried.

New sub-clause (c).

JANAB MAHIN SCHAMNAD:—"Sir, I move the amendment that stands in my name, namely—

"Add the following as new sub-clause (c):—

"(c) unless, in the case of a non-hereditary trustee, he also belongs to the category of persons whose exclusive right is to hold the trusteeship of the religious institution by virtue of ancient and long-established religious custom and usage of a community or group of persons to which the religious institution belongs."

[20th November 1950] [Janab Mahim Schamnad]

"Sir, there are sectional and communal temples in the State and more of them in my district of South Kanara belonging to members of each community exclusively, apart from those belonging to the Hindu public in general. These communal and sectional temples were founded and established by the respective communities for their religious worship, for their own benefit and use and they are managed and administered by them exclusively from time immemorial according to custom. Therefore, the members of other communities have no right in them, although they are allowed to go there and make offerings, as in the case of non-Muslims and non-Christians who are allowed to go to mosques and temples to make offerings. So, Sir, separate rights of the several communities to manage their own religious institutions have been recognized by the courts and the Government in the schemes framed for the temples. This is also in consonance with Article 26 of the Constitution of India and therefore this Legislature can neither abridge nor remove any of the guaranteed rights. So, Sir, superintendence and supervision only can be vested in the Commissioners and their subordinates, but the actual management has to be left in the hands of the trustees of the respective communities. Now, Sir, we have to modify the substance of the provisions of this Bill which remove the right of these people to manage and control their temples, because the trustees of the respective communities have managed the temples very satisfactorily for generations and there is no reason to deprive them of their rights of management. Therefore, Sir, nobody who is not a member of the community can be a trustee. And, only members of the community can manage the affairs of the temple and administer it. So, Sir, my amendment is in consonance with Fundamental Rights in Article 26 of the Constitution of India."

*SRI T. VISWANATHAM:—"I second the amendment, Sir, because it is almost on the same lines as the one which I have already moved. It is necessary that the trustees should be of the same religious denomination and they should also belong to the same religious denomination by long and ancient usage and custom. Moreover, Sir, it is not a new thing we are now inventing. Even if you read the Bible in the Old Testament, you will find that only certain clans are entitled to receive all the privileges and be priests. That is there even now in the temple at Jerusalem. Therefore, I submit, Sir, the amendment is a very good one and Government should accept it without reply and without any hesitation."

*THE HON. SRI K. MADHAVA MENON:—"Sir, I would have accepted the amendment if I had not already provided for it in another portion of the Bill. In the first place, Mr. Viswanatham's amendment, similar to this, was moved and it had been rejected. Secondly, it is impossible of performance, because the amendment says, 'unless he also belongs to the category of persons whose exclusive right is to hold the trusteeship of the religious institution

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APPENDIX I.

[Vide answer to starred question No. 453 asked by Sri D. V. Ramaswami (on behalf of Sri G. Latchanna) at the meeting of the Legislative Assembly held on 20th November 1950, page 429 supra.]

List of industrial concerns in Dowlaiswaram, East Godavari district, manufacturing iron safes, balances and other iron articles and the quota fixed for them.

Serial number, name and address of the industrial concern.	Quota fixed per year. TONS.	Remarks.
1 Sree Ramakrishna Iron Safe and Balance Works, Dowlaiswaram, Proprietor: M. Appa Rao.	8	Manufacture of consumer goods.
2 Saraswathi Iron Balance Works, Dowlaiswaram, Proprietor: Ganiraju.	4	Do.
3 Lakshmi Ganapathi Balance Works, Dowlaiswaram, Proprietor: Maggi Aidia.	4	Do.
4 Mechanical Workshop, Dowlaiswaram, Proprietor: Janab Mohamad Kareem Sahib.	6	Do.
5 Sri Harinath Industrial Works, Dowlaiswaram.	6	Do.
6 Lakshmi Devi, c/o Sri Puty Ramamurthy Reddy, Dowlaiswaram.	6	Do.
7 M. Bullimuthyam Gowrisankar Industrial Works, Dowlaiswaram.	2	Do.
8 Vadlamuri Venkataswamy, Dowlaiswaram ..	2	Do.
9 Bhagavannarayana Iron Balance Works, Dowlaiswaram Proprietor: P. Janardhanam.	9	Do.
10 Sri Satyanarayana Iron and Safe Works, Dowlaiswaram, Proprietor: Sri Patula Veeraraju.	14	Do.
11 Sri Sivananda Industries, Dowlaiswaram.	6	Do.
12 Sri Ranganaika Iron Works, Dowlaiswaram ..	6	No allotments have been made so far, as they are only recently registered.
13 Sri Lakshminarayan Engineering Works, Limited, Dowlaiswaram.	}	Steel processing factories. No quotas have been fixed but they are given prorata allotments from separate quota allotted by the Government of India for Steel Processing Factories.
14 Messrs. Seetharama Engineering Works ..		
15 Messrs. Pappu Veeranna & Bros. ..		

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APPENDIX II.

[Vide answer to starred question No. 464 asked by Sri S. Nagappa at the meeting of the Legislative Assembly held on 20th November 1950, page 436-437 supra.]

G.O. Ms. No. 2215, Revenue, dated 11th August 1950.

Tax—Commercial taxes—Advisory committee—Fresh committee for another period of two years—Constituted.

READ—the following papers:—

G.O. Ms. No. 1121, Revenue, dated 10th May 1948.

G.O. Ms. No. 1614, Revenue, dated 10th July 1950.

Order—No. 2215, Revenue, dated 11th August 1950.

In the Government Order first read above, the Government constituted an advisory committee for a period of two years for advising the Government on matters relating to commercial taxes. This Committee ceased to function with effect from 10th May 1950. The Government have decided to constitute a fresh committee for another period of two years for the same purpose. The Committee will advise the Government on all important matters regarding the policy on administration of the Madras general sales tax, the Madras entertainments tax and other commercial taxes that may be referred to it by the Chairman. The committee will consist of 15 members—3 members from the Madras Legislative Council, 6 members from the Madras Legislative Assembly, 3 representatives of Chambers of Commerce and 3 outsiders to be nominated by the Government. The Hon'ble the Minister for Finance will be the ex-officio Chairman of the Committee and the Hon'ble the Minister for Industries will be an ex-officio member. The Chairman of the Committee may, if he considers it necessary, invite others to attend any meeting or meetings and offer their advice. The Deputy Secretary to the Government, Revenue Department, will be the Secretary to the Advisory Committee.

2. The Government appoint the following gentlemen to be the members of the Advisory Committee:—

- (1) Sri K. Venkataswami Naidu, M.L.C., Madras.
- (2) Sri N. Venkatachalamaji, M.L.C., Visakhapatnam.
- (3) Sri G. Venkata Reddi, M.L.C., Anantapur.
- (4) Mr. B. W. Batchelor, M.L.A., Madras.
- (5) Mr. C. M. Kothari, M.L.A., Madras.
- (6) Janab P. P. Hasan Koya, M.L.A., Malabar.
- (7) Janab M. S. Abdul Majeed, M.L.A., Chingleput cum South Arcot.
- (8) Sri N. M. R. Subbaraman, M.L.A., Mathurai.
- (9) Sri Guntur Narasimha Rao, M.L.A., Madras.
- (10) A representative of the Cochin Chamber of Commerce.
- (11) A representative of the Kanara Chamber of Commerce, Mangalore.

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(12) A representative of the Indian Chamber of Commerce, Coimbatore.

(13) Sri V. Pandurangiah, Madras.

(14) Sri Katta Subba Rao, Merchant, Eluru.

(15) Janab M. Nazir Hussain.

3. The Government direct that the Advisory Committee constituted in paragraph 1 above be treated as a first-class committee for the purpose of drawal of travelling allowance by the non-official members of the Committee.

The Deputy Secretary to Government, Revenue Department, will be the Controlling Officer for the purpose of countersigning travelling allowance bills of the non-official members of the Committee.

The charges on account of travelling allowance to the non-official members of the Committee will be debited to "13. D. Other taxes—Commercial Taxes—Allowances and Honoraria—Voted."

4. The date of the first meeting of the newly constituted committee will be intimated in due course.

5. The following officers are invited to attend all the meetings of the Advisory Committee:—

(1) Member, Board of Revenue, in charge of Commercial Taxes.

(2) Secretary to Government, Revenue Department.

(3) Secretary to the Commissioner for Commercial Taxes.

(4) The Deputy Commissioner of Commercial Taxes (Central).
(By order of His Excellency the Governor)

APPENDIX III.

[Vide answer to starred question No. 468 asked by Sri T. Viswanatham at the meeting of the Legislative Assembly held on 20th November, 1950, page 442 supra.]

Statement showing the production and import of rice in this State and the rate of rice ration given, noting the changes and dates of change in the rate.

Year.	Production. TONS.	Imports. TONS.
1943-44	4,931,863	92,772
1944-45	5,053,978	17,000
1945-46	4,241,495	268,612
1946-47	4,919,442	144,109
1947-48	4,329,641	248,524
1948-49	(a) 4,284,463	128,724
1949-50	(b) 3,811,000	* 223,590

* From January to 30th September 1950.

(a) The figure is inclusive of the production in the merged states. The total production in the merged states was 18,526 tons.

(b) Final figures are not yet available. This is the estimate made in the final forecast report. The figure is inclusive of the production in the merged states. The total production estimated in the merged states was 27,350 tons.

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Scale of rice ration given noting changes and dates of change in the rate of the ration.

Period.	Scale.
1943-44	1 lb per adult per day.
From October 1944 to 17th February 1946.	13 oz. rice per adult per day.
From 17th February to 1st June 1946.	12 oz. Do.
From 2nd June to 3rd August 1946.	10 oz. Do.
From 4th August to 14th December 1946.	8 oz. Do.
From 15th December 1946 to 24th May 1947.	Rice content of the ration was increased from 8 to 10 oz. and then from 10 to 12 oz. on different dates in different districts during this period. The period during which 12 oz. rice ration was given is less than 3 months.
From 25th May to 12th July 1947.	10 oz. of rice per adult per day.
From 13th July 1947 to 1st July 1950.	8 oz. Do.
From 2nd July to 12th August 1950.	7 oz. Do.
13th August 1950 to date ..	6 oz. Do.

THE MADRAS LEGISLATIVE ASSEMBLY.

Tuesday, the 21st November 1950.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.*Government holidays.*

169 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Chief Minister be pleased to state—

(a) whether the Government have received any representation to modify the list of Government holidays; and

(b) if so, what it is and what action the Government have taken in this matter?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Chief Minister):—“(a) & (b) One Sri T. N. Somanatha Rao, wakil, Pattukkottai, in a representation suggested that all Newmoon days might be declared as holidays instead of the holidays granted on penultimate Saturdays and that certain Muslim festivals might be declared as sectional holidays so as to provide for some additional holidays on occasions of Hindu festivals. As the list of holidays has been drawn up after very careful consideration, no action was taken on the representation.”

SRI A. VEDARATNAM PILLAI:—“May I ask, Sir, if the Government will consider the desirability of cancelling unnecessary holidays and alter them in a useful way in accordance with present conditions and not follow the old Britisher's customs so far as these holidays are concerned?”

THE HON. SRI B. GOPALA REDDI:—“In the last three years, we have considered the holidays and have cut down some, like the Christmas holidays and have added some other holidays which are suited to the time spirit.”

JANAB MOHAMED RAFFEEUDIN AHMAD ANSARI:—“May I know, Sir, whether there is any proposal to modify the existing number of holidays so far as District Courts and District Munsifs' Courts are concerned?”

MR. SPEAKER:—“I think it is better the hon. Member puts a separate question.”

SRI L. N. GOPALASWAMI:—“May I know, Sir, whether this list of holidays applies to educational institutions aided by the Government and whether it is obligatory on these educational institutions to observe those holidays?”

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THE HON. SRI B. GOPALA REDDI :—" It is according to the instructions of the Director of Public Instruction."

SRI V. RAGHAVAYYA :—" Sometimes it happens, Sir, that for the same festival, the Tamil holiday and the Telugu holiday do not fall on the same day and in such cases, is it a fact, Sir, that the Tamil holiday is declared as a holiday and the Telugus are obliged to attend offices despite the fact that they are also entitled to a holiday, for instance, Vinayaka Chaturthi and other festivals? "

THE HON. SRI B. GOPALA REDDI :—" We consult the Panchangam which is available in Madras and sometimes it may so happen that it falls according to the Tamil calendar and sometimes the Telugu calendar."

JANAB MOHAMED ABDUL SALAM :—" The Hon. Minister stated, Sir, that the list of holidays has been drawn up after very careful consideration. May I know, Sir, what prompted them to fix Sunday as a weekly holiday and what is the special reason that they have found to adhere to the same thing? "

THE HON. SRI B. GOPALA REDDI :—" It is a habit, Sir, coming from many decades and we do not see any reason why it should be changed."

JANAB M. S. ABDUL MAJID :—" May I request the Government to see that they make these holidays obligatory so far as private firms are concerned? "

THE HON. SRI B. GOPALA REDDI :—" They are governed by the Negotiable Instruments Act and holidays declared under that Act are compulsory holidays for all the firms and banks."

SRI K. R. KARANTH :—" May I inform the Government that there are too many holidays, and this nation can never progress if there are so many holidays? No other country in the world has so many holidays as we have and so, will the Government seriously think of retrenching the number of holidays? "

THE HON. SRI B. GOPALA REDDI :—" In view of the tropical climate, our officers do require some holidays."

SRI V. M. RAMASWAMI MUDALIYAR :—" May I draw the attention of the Hon. Minister to the fact that the 8th and 9th of this month were declared public holidays for Deepavali but the Madras High Court declared only one day as holiday; they did not observe the 8th as a holiday but declared the 9th as a holiday; may I ask, Sir, how this discrepancy arose? "

THE HON. SRI B. GOPALA REDDI :—" I do not know how it was done; but the High Court is an autonomous body."

SRI P. NATESAN :—" May I ask, Sir, if the Government have statistics as to how many holidays they have in a year, including Sundays? "

THE HON. SRI B. GOPALA REDDI :—" I can certainly give that information if the hon. Gentleman puts a separate question."

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BEGUM SULTAN MIR AMIRUDDIN :—" Is not the Hon. Minister aware that the innumerable holidays that are being given by the Government are causing dislocation of work and that there is a lot of complaint everywhere? Will the Government therefore reduce the number of holidays and bring the same into line with other progressive countries of the world? "

THE HON. SRI B. GOPALA REDDI :—" We shall consider the suggestion to reduce the number of holidays; it is not as if we are anxious to keep far too many holidays on the list; but in view of the various religions practised by the people and the too many holidays in India, we are obliged to give some of these holidays."

Hindi pandits.

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

(a) whether the Government have received any representation that many Hindi pandits are about to be ousted out due to the recent change in study of Hindi and, if so, what action the Government have taken;

(b) the number of periods allotted to Hindi in a week in the schools where it is a compulsory subject as well as in the schools where it is taught as an optional subject;

(c) whether the Government have got any proposal to increase the number of periods in the schools where it is a compulsory subject;

(d) whether Hindi is a subject for examination in both these schools; and

(e) if not, whether the Government have got any proposal to make it an examination subject in the schools where it is a compulsory subject as well as in the schools where it is an optional subject?

THE HON. SRI K. MADHAVA MENON :—" (a) A resolution passed by the Hindi Teachers' Association of Visakhapatnam suggesting that many Hindi pandits will be ousted as a result of the Government making the language optional has come to the notice of the Government. No other representation on the lines indicated has been received. It is quite possible that there will be a reduction in the number of Hindi teachers employed in certain middle and high schools consequent on the allotment of two periods a week for the study of the language owing to Hindi being made an optional third language, and that some of the schools may not need the services of as many pandits as before. The teachers, if any, displaced will, however, have chances of being absorbed in services in the newly opened secondary schools and in the additional sections in existing schools. The Government do not consider that any special action is called for in the matter, in view of the increasing importance of the language and of the provision made for its study in the schools."

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"(b) In schools in which the language will be studied by students as a first language, the number of periods allotted for the study will be seven—four under Part I and three under Part II in a week. The number of periods per week for its study as a third language will be two.

"(c) No. Only the question of increasing the number of periods allotted for the study of Hindi as a third language has been raised and is under examination.

"(d) Yes.

"(e) The question does not arise."

SRI A. VEDARATNAM PILLAI :—" May I know, Sir, whether the Government consider that two periods are enough for the students who are studying Hindi as the third language in the State and do they consider whether fifteen years will be sufficient for them to make Hindi the *lingua franca* of the country? "

THE HON. SRI K. MADHAVA MENON :—" Evidently, Sir, my hon. Friend did not follow or hear the answer to clause (c). I said that the question of increasing the number of periods allotted for the study of Hindi has been raised and it is under examination."

SRI D. V. RAMASWAMI :—" Is it not a fact, Sir, that during the first Congress Ministry, the number of periods in Part II was more than four and now it happens that after Hindi is declared to be the *lingua franca* of India and it is very desirable for pupils in the State to learn it, the number of periods has been cut down to two; is it not an inconsistency and will the Government rectify it, Sir? "

THE HON. SRI K. MADHAVA MENON :—" At that time, the orders were to teach Hindi for three years but now it is for teaching Hindi for six years from Form I to Form VI; I have already said that the question of raising the hours for Hindi is under examination."

SRI V. I. MUNISWAMI PILLAY :—" Will the Government consider the desirability of giving general instructions to the schools where Hindi pandits are selected or chosen to retain them for the new courses instead of their being ousted? "

THE HON. SRI K. MADHAVA MENON :—" We have not received any complaints of any person being ousted and ousted persons not being provided for; it is only a hypothetical position that they might be displaced."

SRI V. RAGHAVAYYA :—" In the interests of the Hindi pandit and in the interests of the spread of the language, are the Government prepared to make out a list of persons that may be ousted on account of the recent arrangements and willing to direct the various institutions to draw from this list in accordance with seniority? "

THE HON. SRI K. MADHAVA MENON :—" All these questions arise upon the assumption that people have been ousted; we have not received any such complaint."

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SRI L. N. GOPALASWAMI :—" Arising out of the answer to clause (d), may I know, Sir, whether it is obligatory on the part of the student to secure pass marks in the examination in Hindi to entitle him to be promoted to the next class? "

THE HON. SRI K. MADHAVA MENON :—" If they do not secure pass marks, they will fail in that subject; that is all."

SRI V. I. MUNISWAMI PILLAY :—" May I inform the Hon. Minister that the Hindi Pandit of the Municipal High School, Ootacamund, has been refused leave to attend the new pandit course? "

MR. SPEAKER :—" That is an individual grievance and he should not bring it to the notice of the Hon. Minister by means of a question."

SRI D. V. RAMASWAMI :—" May I ask, Sir, whether this question of the re-absorption of teachers thrown out of employment on account of the present rules reducing the number of periods for Hindi has been raised as a specified item and representations have been made in that direction by the Visakhapatnam Hindi Teachers' Association? That is my information, Sir."

THE HON. SRI K. MADHAVA MENON :—" They said that some are likely to be affected and we do not know whether any have been actually ousted."

SRI T. VISWANATHAM :—" May I bring it to the notice of the Hon. Minister that the teachers being thrown out of employment is not a matter of assumption or likelihood and may I submit as the head of one of the local authorities that we are obliged to oust one gentleman soon? I want to know from the Hon. Minister what action the Government will take to provide for the absorption of those teachers? "

THE HON. SRI K. MADHAVA MENON :—" I do not think it is the business of the Government to provide for all cases where a particular person has been ousted. The demand, as a matter of fact, is so much that there is no likelihood of a person remaining without being absorbed in the new schools."

SRI T. VISWANATHAM :—" May I ask, Sir, whether the frequent changes of policy during and in the middle of the year made by the Government do not cast a moral obligation on the Government to make a provision for those affected by it? "

THE HON. SRI K. MADHAVA MENON :—" I shall see that these frequent changes are not made."

Scale of rice ration.

* 471 Q.—SRI M. A. EASWARAN: Will the Hon. the Minister for Food be pleased to state at how many ounces of rice per head per day for the people in the statutorily rationed area and

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in the informally rationed area has been calculated, when the Hon. the Minister placed the demand for rice for the Madras State with the Government of India for the year 1950?

THE HON. SRI J. L. P. ROCHE VICTORIA:—"At eight ounces per adult per day."

11-15 a.m. SRI M. A. ESWARAN:—"Will the Hon. Minister for Food be pleased to state why the demand has not been made for more than twelve ounces, when the Government gave sixteen ounces when they first introduced rice ration? So, may I know why the Hon. Minister has calculated only at eight ounces of rice per head per day?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"That was the ruling rate at that time. Even with regard to that twelve ounces, we have got difficulty in getting the necessary supplies."

SRI K. KOTI REDDI:—"Are the Government aware that ordinarily hard-labourers (manual labourers) do require not less than forty or fifty ounces per day?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Hard-labourers are now specially treated: they do get normally sixteen ounces per head."

SRI V. RAGHAVAYYA:—"Sir, may I know even while begging the Government of India for food, why this Government should be beggarly in its demands?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"That is not a question of begging or reducing our demands. The demand was made according to the necessity and also according to the success in getting a supply from the Central Government, who have to meet not only the Madras requirements but also the requirements made from all over the country."

SRI K. KOTI REDDI:—"May I know whether the Government are now giving sixteen ounces to hard-labourers in rural areas as well as in towns?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Yes, Sir, that is given."

JANAB M. S. ABDUL MAJID:—"Irrespective of the fact, whether the Government get their demand or not from the Central Government, may I ask why this Government should underestimate the normal requirements of the people of this State?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"The normal requirements for the whole of that year was considered as eight ounces per head per day, as we are now supplying eight ounces of rice ration with a total of twelve ounces of overall ration."

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JANAB MUHAMMAD RAZA KHAN:—"Is the Hon. Food Minister aware that in the suburbs of Madras City like Pallavaram and other places, rice was not available for a number of days; even at the rate of four ounces it was not available for a considerable time?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Yes, we are meeting the situation as best as we can."

JANAB MOHAMED ABDUL SALAM:—"May I know what is the scale of ration accepted by the other States in India, say the neighbouring State of Mysore, when they made their demand to the Government of India, and what were the special reasons for this Government to fix their target so low in their calculations?"

MR. SPEAKER:—"How does the Hon. Minister know the scale of ration in other States?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Apart from the rate of ration in the neighbouring State, our demand was on the higher side, because, as far as we know, the neighbouring State of Mysore was getting only five and a half ounces, when we are getting eight ounces."

SRI KALLUR SUBBA RAO:—"May I know from the Hon. Minister for Food, whether he has taken the advice of the Health Department that with twelve ounces of ration, which in reality is eight ounces of rice and four ounces of other grains, people can maintain their health, and whether they have recommended such a scale of ration?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"That is the ruling rate. We are keeping a watch on the general health of the population through our Nutrition Expert, and whenever any special attention is required, he brings it to the notice of the Government."

SRI L. N. GOPALASWAMI:—"May I know whether the Government are aware in the case of certain institutions in rural areas, where both these grains are supplied, the authorities refuse to accept the substitute of one thing for the other grain, though they are entitled to it, and though institutions were willing to take that particular kind of cereal?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"There was some complaint in certain places—but it was not on the part of any particular ration depot—people refused to accept such a thing, and so they were allowed a supply of other grains other than rice."

JANAB ABDUL HAMEED KHAN:—"Is the Hon. Minister aware that what is called eight ounces of rice is really four ounces ultimately, and so may I know whether the Government would take steps to give at least full eight ounces without any mixture?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"It is not always so. We cannot draw conclusions from certain complaints made here and there that some supplies of rice have

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got rot or mixed up with other grains. The general rule is that people are entitled to get eight ounces or six ounces of real rice."

SRI S. NAGAPPA :—" Arising out of the answer given by the Hon. Minister to the question of hon. Mr. Koti Reddi that hard-labourers are given sixteen ounces of ration, may I bring to the notice of the Hon. Minister, that the other day when he gave statistics of persons who were given such ration in Kurnool district, as 215 persons, whereas in Kurnool district in actuality more than seventy per cent of the population are hard-labourers, so, will the Hon. Minister instruct the ration authorities in that district to give all labourers sixteen ounces of ration, even though they do not come forward and ask for it? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" We have made the rule as public as possible, and so, unless there is a demand from the population, we cannot force sixteen ounces on every one who comes for ration."

SRI A. KALESWARA RAO :—" May I know when the labour population, for example, in the City of Vijayavada, is not given above eight ounces, and that too, not regularly throughout the week, do Government take into consideration public opinion that is prevailing in the country, namely, that either there should be strict rationing throughout the State or there should be complete decontrol with regard to food? "

MR. SPEAKER :—" It is altogether a different question."

SRI V. M. RAMASWAMI MUDALIYAR :—" May I know whether the Government have been made aware of the statement of the Food Minister of the Government of India made yesterday, saying that a larger import of rice will be indented upon and purchased in the coming year and whether it has been made quite clear to the Government of India that the figure given now by the Madras Government has been arrived at as a result of calculation at the rate of eight ounces only per head, and not as the Government would like it to be, on an increased scale of twelve ounces; may I know whether this point has been made plain to the Government of India? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" Yes, in making our indent to the Government of India we have proceeded on the basis of eight ounces of rice per head per day, as I already said in my answer."

SRI K. BRAHMANANDAM REDDI :—" Does this popular Government honestly believe that there is only as much food in the country as stated in the figures supplied to us, if not, will they revise their policy and come into grips with hard realities and practicalities? " (Laughter.)

JANAB ABDUL HAMEED KHAN :—" May I ask whether the Hon. Minister for Food is aware that in some parts of the City of Madras, only broken rice has been supplied for a long time, and may I know how long it is going to be continued? "

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THE HON. SRI J. L. P. ROCHE VICTORIA :—" As far as I know it is not a fact. We are actually supplying whole rice. It may be that in certain supply depots some broken rice might be mixed up. It was not so, for any length of time, as made out by the hon. gentleman."

Tobacco Advisory Committee.

* 472 Q.—JANAB MOHAMED ABDUL SALAM : Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether it is a fact that the Government have appointed an advisory committee to decide whether or not to fix minimum prices for all kinds of tobacco in this State; and

(b) whether the above committee has submitted its report?

THE HON. SRI A. B. SHETTY :—" (a) & (b) No such Advisory Committee for the whole State has been set up. The Government have, however, constituted an Advisory Committee consisting of the Director of Agriculture, the Collector of Guntur and three representatives of growers, three of traders and one of the Guntur Tobacco Market Committee for negotiating agreements on a purely voluntary basis as to the minimum as well as fair prices for tobacco in Guntur district. The Director of Agriculture has so far forwarded two reports on the working of this Advisory Committee in Guntur."

JANAB MOHAMED ABDUL SALAM :—" May I know whether one of the aims of the Government in establishing market committees was to fix the minimum price of tobacco, and even though the Act has been in existence for such a long time why the Government have not been able to decide this matter of fixing a minimum price for tobacco? "

THE HON. SRI A. B. SHETTY :—" Market committees do not fix prices. This committee is a voluntary joint machinery of traders and growers for suggesting minimum and fair prices."

JANAB MOHAMED ABDUL SALAM :—" Arising out of the answer that the Director of Agriculture has sent in two interim reports, may I know whether the Government is likely to take steps in this matter and fix the prices as soon as possible? "

THE HON. SRI A. B. SHETTY :—" Prices have been fixed for 1949-50, and for the year 1950-51, they will be fixed in due time."

News regarding food scarcity.

* 473 Q.—SRI B. S. MURTHI : Will the Hon. the Minister for Food be pleased to state—

(a) whether any letters were addressed by the Government to the editors of daily newspapers requesting them not to publish news regarding food scarcity;

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(b) if so, the names of papers so addressed;

(c) the contents of the letters; and

(d) the reasons for sending such letters to the editors of daily newspapers?

THE HON. SRI J. L. P. ROCHE VICTORIA :—“(a) to (d) The Press were requested not to create unnecessary panic, as some newspapers published exaggerated reports, some of which were also verified and found to be incorrect. The other details required to be furnished are confidential and cannot be furnished in public interests.”

SRI B. S. MURTHI :—“May I know what newspapers have published alarming reports not based on facts?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“It is not a question of basing on facts. As I have said, some of them were exaggerated reports, which appeared in several newspapers. When we verified and found them to be incorrect we thought it better that some such request may be made to the Press, that is, not to publish such exaggerated reports as they would create panic among the people.”

SRI B. S. MURTHI :—“May I know what was the necessity to issue a general circular to all the newspapers when only a few important or unimportant newspapers have published alarming news; may I know what made the Government not to address such letters only to such newspapers?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“We thought that all the newspapers might know the opinion of the Government.”

JANAB ABDUL HAMEED KHAN :—“Does the Hon. Minister realise that by issuing such a circular, Government are suppressing real news from the public?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“It is not a question of suppression of news at all. Because whenever facts are published, Government have no grievance at all. It was only when certain reports were exaggerated we had objection.”

JANAB ABDUL HAMEED KHAN :—“May I ask whether the Government consider what they know are facts and what is published in the Press are not based on facts?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“As I have said, the hon. Gentleman is making a mistake between facts and exaggerated reports. Facts are acceptable to both the State and the Press. Only exaggerated reports are objectionable.”

SRI L. C. PAIS :—“Will the Government concede that on account of the agitation carried on in the Press and by the Press, the food situation has improved to some extent?”

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THE HON. SRI J. L. P. ROCHE VICTORIA :—“It has improved to some extent and at the same time during the acute crisis we were passing through we were handicapped by such reports.”

SRI P. NATESAN :—“May I know what is the reaction of the Press to such a circular letter? Are the Government satisfied that such reports are not appearing since the circular was issued?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“I think there has been a healthy change in the reports made by the Press.”

SRI A. KALESWARA RAO :—“While the people are suffering very much and there is complaint everywhere that the newspapers are not depicting real situation, is it not a fact that the officers of the Government try to minimise the importance or the gravity of the difficulty of the people and telling the Government that everything is almost alright in the land?”

MR. SPEAKER :—“How does it arise?”

SRI A. KALESWARA RAO :—“Is it right on the part of Government to issue such circulars merely depending on the honesty of their officials?”

JANAB M. S. ABDUL MAJID :—“Is it not a fact that several 11-30
of the contradictions made by the Government were again contra- a.m.
dicted by newspapers on the basis of facts?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“I am not aware of any such instance. I should like to have notice.”

JANAB MOHAMED ABDUL SALAM :—“Is it not a fact that some of the questions put in the Assembly create panic and cause embarrassment to the Government and will the Hon. Minister write a letter asking all Members not to put questions?”

MR. SPEAKER :—“How does this question arise?”

SRI M. S. PATTABHIRAMIAH :—“In mufassal places, only three to six ounces of rice per week, not even per day, are given and people depending entirely on ration are starving. As a result of this circular, are we not kept ignorant of the alarming situation which is rampant in mufassal places?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“As I have already said, it is not the intention of the Government to shut out the publication of any report, complaint or opinion. We only want that whatever is published in the Press should be facts actual and not exaggerated.”

SRI V. M. RAMASWAMI MUDALIYAR :—“Cannot the Government contradict or correct exaggerated or wrong reports through the Publicity Department, as the circular is causing unnecessary apprehension in the minds of the public that the Government are anxious to shut out real facts?”

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THE HON. SRI J. L. P. ROCHE VICTORIA :—" It was only a request to the newspapers to be careful. We are not at all shutting out any fact from publication. The Publicity Department verified certain reports and found that some of them were not based on facts."

SRI D. V. RAMASWAMI :—" As food situation is of very great importance, cannot the Hon. Minister for Food or Hon. Minister for Public Information call for a meeting of the editors of various newspapers and indicate the viewpoint of the Government? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" We are now and then meeting press representatives and giving them necessary information."

JANAB ABDUL HAMEED KHAN :—" Instead of sending a circular to the press, is it not desirable for the Government to issue a correction when they find that a report is exaggerated or not true to facts? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" That will be done when it is proved that a report is wrong. As I said, it was a general circular containing a request and there was no direction or order."

JANAB P. K. MOIDEEN KUTTY :—" Is it not a fact that after this circular some newspapers sent special representatives to verify the facts and found that their reports were correct? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" I am not aware of any such case."

JANAB M. S. ABDUL MAJID :—" Is it a fact that the Government have issued instructions to District Collectors to contradict reports of newspapers unfavourable to the Government even though they may be correct? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" Certainly not."

SRI B. S. MURTHI :—" Who is to decide about actual facts and exaggerated reports when there is a difference of opinion between the Government and the Press? "

MR. SPEAKER :—" Facts will decide."

THE HON. SRI J. L. P. ROCHE VICTORIA :—" I do not understand the exact purpose of this question."

SRI B. S. MURTHI :—" The purpose of this question is to find out whether the Government themselves verify the facts contained in press reports or whether they merely depend upon the report of the Government officials in the districts."

THE HON. SRI J. L. P. ROCHE VICTORIA :—" If a report is found to be correct, the Government are prepared to act upon it. We are not going to deny reports which contain facts as they are."

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JANAB MUHAMMAD RAZA KHAN :—" Is the Hon. Minister aware that, though his intention to see that no exaggerated reports are published is right, his action has created more panic in the public? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" That is a matter of opinion."

SRI T. VISWANATHAM :—" May I ask the Hon. Minister to give a few samples of the exaggerated reports, as all of us are ignorant about them? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" If notice is given, I am prepared to give a few instances."

Dravidian Federation.

* 474 Q.—JANAB MOHAMED ABDUL SALAM: Will the Hon. the Chief Minister be pleased to state—

(a) whether the attention of the Government has been drawn to a resolution passed by the Dravidian Federation calling upon the members of the Federation to picket all cloth shops owned and run by North Indians in Dravidanad (as published in *Mail*, dated the 8th October 1950); and

(b) whether it is a fact that the Government have decided to prohibit such picketing?

THE HON. SRI K. MADHAVA MENON (on behalf of the Hon. the Chief Minister) :—" (a) The answer is in the affirmative.

" (b) The question of prohibiting or allowing picketing does not arise. If the action of the people who threaten to picket is likely to lead to inconvenience to normal business to the shops or clients or likely to lead to any violence or anything untoward, such action as is considered necessary and suitable will be taken at the appropriate time. As a matter of fact, the police are taking action under section 71 of the Madras City Police Act."

JANAB MOHAMED ABDUL SALAM :—" This is an important question and I want more time for putting supplementary questions. If the Hon. Minister is so definite about the action to be taken, why did he go to Delhi to consult the Central Government and why do the Hon. Sri M. Bhaktavatsalam and other Ministers go about the State only talking about Dravida Kazhagam? "

THE HON. SRI K. MADHAVA MENON :—" For tackling this nuisance, no consultation with Delhi is necessary and the assumption is absolutely wrong."

JANAB MUHAMMAD RAZA KHAN :—" When the movement is confined to only two or three persons here and there, is not more prominence given to it by the public utterances of Hon. Ministers? "

THE HON. SRI K. MADHAVA MENON :—" Prominence is given by questions like this."

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SRI B. S. MURTHI :—“ What prevents the Government from inviting the leaders of Dravida Kazhagam and acquainting them with the policy of the Government towards the movement and thereby avoid panic and the need for putting poor urchins in jail? ”

THE HON. SRI K. MADHAVA MENON :—“ The Government do not think that any such step is necessary. ”

JANAB MOHAMED ABDUL SALAM :—“ Apart from Dravida Kazhagam, what is the attitude of the Government towards any association starting peaceful picketing for any purpose? ”

MR. SPEAKER :—“ This is a general question. ”

THE HON. SRI K. MADHAVA MENON :—“ Article 19 of the Constitution gives the answer to the hon. Gentleman. ”

JANAB MOHAMED RAFFEUDIN AHMAD ANSARI :—“ Are the Government aware of the reason that prompted the Dravidian Federation to picket the shops? ”

THE HON. SRI K. MADHAVA MENON :—“ Whatever may be the reason, we do not want to probe into it. But the thing is bad. ”

JANAB N. MUHAMMAD ANWAR :—“ May I know what this Dravidian Federation is? ”

THE HON. SRI K. MADHAVA MENON :—“ The hon. gentleman may refer to the questioner hon. Gentleman Mr. Salam for the answer. ”

JANAB M. S. ABDUL MAJID :—“ There is a feeling in the country that the Government sympathize with the Dravida Kazhagam. Is it a fact? ”

THE HON. SRI K. MADHAVA MENON :—“ It is very wrong to start a scandal like that; to give currency to it is much worse. ”

Malabar Aided School Teachers' Union.

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

(a) whether the Government have received any representation from the council of the Malabar Aided School Teachers' Union requesting the Government to sanction an increase of Rs. 2 (two) in the pay of lower and secondary grade teachers;

(b) whether the Government have taken any action on that representation so far and if so, what it is and when; and

(c) if no action has been taken, the reasons therefor?

THE HON. SRI K. MADHAVA MENON :—“ (a) to (c) Yes. The Government have recently decided to increase the rate of Government grant for higher elementary grade trained teachers by Rs. 2 per mensem each with effect from 1st April 1950 and to compel the managements to contribute an additional sum of Rs. 3 per teacher per mensem. The question of

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increasing the scale of grant for Lower Elementary, Secondary and Collegiate grade trained teachers employed in aided elementary schools also, similarly is under the consideration of the Government. ”

SRI S. NAGAPPA :—“ May I know whether the matter is under the active or passive consideration of the Government and when it will take a material shape? ”

THE HON. SRI K. MADHAVA MENON :—“ I am not aware of any passive consideration at all. ”

SRI S. NAGAPPA :—“ May I know whether the Government can come forward and say that from such and such a date onwards the teachers will be paid enhanced salaries? ”

THE HON. SRI K. MADHAVA MENON :—“ Unless the order is issued, we cannot say from what date it will take effect. ”

Subsidy for wells.

* 476 Q.—SRI A. KALESWARA RAO : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the number of wells that have been subsidized in 1949-50 in this State;

(b) the number that has been newly dug;

(c) how much money has been actually spent by the Government for them; and

(d) whether the Government have stipulated any conditions to the effect that the owners of those wells should raise only food crops or fruits or vegetables under them at least for some years?

THE HON. SRI H. SITARAMA REDDI :—“ (a) During 1949-50, 24,398 wells and 656 tanks have been subsidised in this State.

“ (b) 19,098 wells have been newly dug under the various well subsidy schemes during the year.

“ (c) An amount of Rs. 1,50,67,550 has been disbursed by the Government for 24,398 wells and 656 tanks.

“ (d) The grantees under the 1949-50 scheme are required to raise food crops for a period of three years soon after the completion of well. The term ‘ food crops ’ means all cereals, grams, pulses, root crops, potatoes, sweet potatoes, plantains and tapioca. Fruits and vegetables do not come under ‘ food crops ’. ”

SRI A. KALESWARA RAO :—“ How many acres of land have been irrigated from subsidized wells and tanks? ”

THE HON. SRI H. SITARAMA REDDI :—“ The condition for giving subsidy is that the well or tank to be constructed should irrigate not less than one acre. From the number of subsidized wells and tanks, we can roughly say that the acreage irrigated is about 25,000. ”

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SRI A. KALESWARA RAO:—"Are the Government strictly enforcing the rule that under each subsidized well only food crops should be grown and not commercial crops like chillies and tobacco?"

THE HON. SRI H. SITARAMA REDDI:—"As I have already said, the purpose of the subsidy is to raise food crops for a period of three years soon after the completion of the well. Sometimes instances are brought to the notice of the Government that to facilitate the proper growth of food crop during the next season, it is necessary to allow the raising of some non-food crop as a rotation crop. The Director of Agriculture and the Board of Revenue made certain suggestions in this respect. After examination, Government said that as a rotation crop, the raising of non-food crops might be allowed if it is found to be absolutely necessary."

SRI A. KALESWARA RAO:—"May I know whether in each such case permission is given after careful consideration?"

THE HON. SRI H. SITARAMA REDDI:—"I take it that it is always examined. As I said, the purpose of the subsidy is to raise food crops. But in cases where raising of a non-food crop as a rotation crop is proved to be necessary, it is allowed."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I ask whether the budget provision for 1949-50 for well subsidy has been exhausted by the disbursements already made and whether the Government have any programme for 1950-51?"

THE HON. SRI H. SITARAMA REDDI:—"The period of disbursement for 1949-50 is already over. The programme for 1950-51 is under the consideration of the Government."

11-45 a.m. SRI A. VEDARATNAM PILLAI:—"May I know, Sir, whether the Government will consider the desirability of extending the scheme further?"

THE HON. SRI H. SITARAMA REDDI:—"It can only be done in consultation with the Government of India and their concurrence is necessary for any such extension, because 50 per cent of the subsidy is to be met by them."

SRI P. VENKATASUBBIAH:—"May I know, Sir, whether it has been brought to the notice of the Government that in some cases these subsidies have not been utilised for the sinking of wells, and if so, what action has been taken in such cases?"

THE HON. SRI H. SITARAMA REDDI:—"We recover the amount in such cases, Sir."

BEGUM SULTAN MIR AMIRUDDIN:—"Since the colossal amount of one crore of rupees which has been spent on the well-subsidy scheme has not produced the desired result, will the Government revise the whole scheme and will they themselves take up the digging of wells, instead of entrusting it to the ryots?"

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THE HON. SRI H. SITARAMA REDDI:—"Perhaps that is the opinion of the hon. lady Member. But there are other hon. Members who are of the opinion that our well-subsidy scheme is a very good scheme and I am sure the hon. lady Member is aware of the discussions that have taken place in this House some time back during which several hon. Members were urging upon the Government to continue the scheme for some more time."

Expenditure on the Food Department.

*477 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Food be pleased to place on the table of the House a statement showing the total expenditure on the Food Department of this State for the year 1948-49?

THE HON. SRI J. L. P. ROCHE VICTORIA:—"A statement showing the information is placed on the table of the House."

SRI A. VEDARATNAM PILLAI:—"May I know, Sir, whether the surcharge that is collected on the sale of rice is sufficient to cover the expenditure on the Food department; and if there is any deficit, what they are going to do to make up the deficit, and if there is any surplus, how they are dealing with the surplus?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"I would request for a fresh notice of this question, Sir."

JANAB MUHAMMAD RAZA KHAN:—"Is it a fact, Sir, that the Hon. Minister was so much pleased with the work of the Food Secretary that he thought it necessary to give extension of his services, even after his retirement?"

JANAB M. A. MUHAMMAD IBRAHIM:—"May I know, Sir, whether these figures exclude the expenditure incurred on Grow More Food schemes as well?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Yes, Sir."

JANAB M. S. ABDUL MAJID:—"May I know, Sir, whether this department will be made permanent as its temporary character is not helping towards the good administration of food?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"As long as there is deficit in the production of food in this State, this department will also have to be continued, in order to see to the effective procurement and equitable distribution of the available foodgrains, Sir."

SRI V. RAGHAVAYYA:—"Are the Government aware that the expenditure on this department and the overhead charges are so heavy and the control price of paddy in the various relief shops is so high, that the purchasers find it more profitable to go in for blackmarket paddy, which is much lower in price than the control price?"

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THE HON. SRI J. L. P. ROCHE VICTORIA :—“ According to the present arrangement, we have to carry on, with all this expenditure and with the huge overhead charges. But the aim of the Government is of course to reduce the expenditure on the middlemen as far as possible.”

Burial ghat at Vijayavada.

* 478 Q.—SRI A. KALESWARA RAO : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the burning and burial ghat for the Hindus in the bed of the Krishna river at Vijayavada has been encroached upon by certain persons and dwelling huts have been put up therein; and

(b) if so, what steps the Government have taken or propose to take in the matter?

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

“ (b) The Government called for a report on the request of the encroachers for assignment of the plots in the burial ground in Vijayavada town, Krishna district, and finally passed orders refusing their request. The District Authorities will take action to clear the site of the encroachments, if they have not already done so.”

SRI A. KALESWARA RAO :—“ May I know, Sir, whether the Government realise that that place is the only burning and burial ghat for the whole of the Hindu community in the Vijayavada city? ”

THE HON. SRI H. SITARAMA REDDI :—“ That is why, Sir, we are taking action to clear the site of those encroachments.”

Burma evacuees.

* 479 Q.—SRI G. NARASIMHA RAO : Will the Hon. the Minister for Education be pleased to state—

(a) whether there is any condition that all Indians now going to foreign countries should be in possession of valid national passports; and

(b) what special arrangements have been made by this Government to cope with the heavy demand for Indian passports from the evacuees of Burma, having regard to the limit of only three months now left behind for them to return?

THE HON. SRI K. MADHAVA MENON :—“ (a) Indians at present require passports for travel from India to all countries except Pakistan, French and Portuguese Establishments in India, Nepal, Bhutan and Tibet.

“ (b) The following special arrangements have been made so far :—

All Collectors and the Commissioner of Police, Madras, have been instructed to deal with applications from Burma

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Evacuees expeditiously in all stages and forward such applications to the Government within a fortnight of their receipt. They have also been empowered to appoint reasonable extra staff for this purpose. Additional staff has also been appointed in the Secretariat to deal with the expected rush.”

SRI G. NARASIMHA RAO :—“ May I know, Sir, whether any complaints have been received so far by the Government, with regard to the delay in dealing with such applications? ”

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

JANAB ABDUL HAMEED KHAN :—“ Is it not a fact, Sir, that the number of applications before the officers concerned is so colossal and the time allowed for the return of these evacuees to Burma is so short, that it would be impossible for them to issue the passports within that time, and if so, have the Madras Government drawn the attention of the Central Government to the great need for the extension of that time? ”

THE HON. SRI K. MADHAVA MENON :—“ No such complaint has yet reached the Government, Sir. If we find that an extension of time is necessary beyond 15th January 1951, which is the time that is allowed now, we shall certainly take necessary action in the matter, Sir.”

SRI R. V. SWAMINATHAN :—“ Are the Government aware of the fact that the Burma evacuees are experiencing very great difficulties in getting their passports and that they have to wait for months together to obtain their visa from the Burmese authorities in Madras, and if so, will they consider the desirability of addressing the Burmese authorities to issue the visas as quickly as possible? ”

THE HON. SRI K. MADHAVA MENON :—“ I have already answered Sir, that the Collectors and other officers have been directed to send up all applications within 15 days of their receipt. If there are any such difficulties as are mentioned by my hon. Friend, certainly every help that is possible will be rendered by the Government, Sir, even with regard to the issue of visas.”

South Indian Teachers' Union.

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

(a) whether it is a fact that the Hon. the Chief Minister received a deputation of the South Indian Teachers' Union led by Sri R. M. Alagappa Chettiyar, in the month of August 1950;

(b) if so, what the deputationists urged;

(c) what action the Government have taken in the matter so far; and

(d) if no action has been taken, the reasons therefor?

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

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“(b) The deputationists urged upon the Government for the redress of a number of grievances of teachers specified by the deputationists.

“(c) & (d) The requests are under the consideration of Government separately.”

SRI S. NAGAPPA :—“ Sir, arising out of the answer given by the Hon. Minister to clause (b) that a number of grievances were placed before the Government by the deputationists, may I know the number of grievances considered and the number of grievances which have actually been redressed? ”

THE HON. SRI K. MADHAVA MENON :—“ They placed before us a number of grievances and they did not think any of them unimportant. But their main grievances relate to the security of tenure, and increase in salaries and we are examining all of them and will try to redress as much of the grievances as possible, Sir.”

SRI B. S. MURTHI :—“ May I know, Sir, when this consideration will end and when some actual and speedy help will be given to these teachers, because these questions have been on the anvil for long? ”

THE HON. SRI K. MADHAVA MENON :—“ It is not correct, Sir, to say that these questions have been on the anvil for long. We are really examining all these questions and orders will be issued as quickly as possible.”

JANAB ABDUL HAMEED KHAN :—“ Is it not a fact, Sir, that the Government are unable to satisfy the various demands made by the teachers because of the chronic state of their finances? ”

THE HON. SRI K. MADHAVA MENON :—“ No doubt, Sir, the demands, as they are put forward by the teachers will affect the finances of the Government to some extent. But to the extent that it is possible, we are prepared to redress their grievances, Sir.”

JANAB MUHAMMAD ABDUL SALAM :—“ May I know, Sir, the number or the nature of any of the grievances of the teachers, which have been redressed since the Hon. Mr. Madhava Menon has been in charge of the portfolio of Education? ”

THE HON. SRI K. MADHAVA MENON :—“ Let the hon. Gentleman put a separate question and I shall see that it is answered, Sir.”

Scheme for distribution of sugar.

* 481 Q.—JANAB S. MUHAMMAD ISMAIL: Will the Hon. the Minister for Food be pleased to state—

(a) whether the Government have received any complaints from the public stating that the present system of distribution of sugar is bad and improper; and

(b) if so, whether the Government have taken any steps to remedy the defects pointed out in their complaints?

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THE HON. SRI J. L. P. ROCHE VICTORIA :—“(a) & (b) Some complaints were received from the public particularly from the rural areas about irregular and inadequate supply of sugar. They were forwarded to the Collectors concerned for necessary action. Even in normal times this State is deficit in sugar to the extent of more than 50 per cent of its requirements and the deficiency is met by imports from North India. Under the present controlled distribution only 75 per cent of the requirements of the State is allotted by the Government of India. The distribution of this limited quota is made as equitably as possible among the general public, confectioneries, hotels, Aerated Water manufacturers, etc. It is not possible to meet the requirements of all the classes of consumers in full. Apart from this, in the course of distribution due to unexpected bottlenecks in transport sugar may not arrive at the consuming areas in time now and then from the sources of supply allotted to them. A careful watch is always being kept and whenever such a situation develops all possible steps are taken for tiding it over by rushing supplies to the affected areas from alternative sources of supply.”

JANAB S. MUHAMMAD ISMAIL :—“ May I know, Sir, whether the distribution of sugar in the various districts in the State is made strictly on the basis of population or any other discriminatory basis? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ Only in the City of Madras, we have informal rationing; but with regard to the districts, it is left to the Collectors to adopt some method by which they could distribute whatever quota is allotted to them.”

SRI P. VENKATASUBBIAH :—“ Are the Government aware of the fact, Sir, that all those who have been classified as producers and for whom no food-ration cards have been issued, have not been supplied with sugar, and may I know what action the Government propose to take in such cases? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ I think that if they make a special representation to the Collectors concerned, they will also be given some supplies.”

Adult literacy schools.

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

(a) the number of adult literacy schools that were opened in 1949-50 and where;

(b) the number of persons trained for adult literary work, since Legislative Assembly Question No. 311 was answered on 11th January 1950; and

(c) whether any Rural Colleges were opened?

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THE HON. SRI K. MADHAVA MENON:—“(a) Four hundred and eighty-one adult literary schools were opened in 1949-50. The districtwar statement * showing the places where the schools were opened is placed on the Table of the House.

“(b) Nine hundred and forty teachers have been trained in adult education methods after the date mentioned by the hon. member,

“(c) Six Government Rural Colleges including three for women have been opened besides four aided Rural Colleges. A list * is placed on the table of the House.”

SRI S. NAGAPPA:—“Sir, from the statement placed on the table of the House, I find that there is only one adult literacy school opened in the Bellary district, three in West Godavari and only two in Mathurai, whereas in certain other districts there are fifty-four and forty-two schools. May I know the reasons why the Government have been so unkind to some of these districts in particular.”

THE HON. SRI K. MADHAVA MENON:—“It is not a question of being unkind to any particular district, Sir. The hon. Member will find that in Kurnool there are thirteen schools and in the case of Cuddapah, the number of schools opened is thirty. It is not a question of a particular liking or dislike, or of any favour being shown to one district as against another. It all depends upon the convenience and of the number of teachers available in certain areas, Sir.”

SRI D. V. RAMASWAMI:—“Sir, in the list placed on the table of the House, I find that a Government Rural College for Women has been opened in Waltair, and by the side of the word Waltair, the word ‘Srikakulam’ is put in brackets. May I know, Sir, whether it is the idea of the Government to shift it to Srikakulam or whether it will be continued in Visakhapatnam itself?”

THE HON. SRI K. MADHAVA MENON:—“Many of the offices and institutions of the Srikakulam district are now located in Waltair and perhaps the idea is that this College also is intended for Srikakulam.”

SRI K. T. KOSALRAM:—“May I know, Sir, what is meant by rural colleges?”

THE HON. SRI K. MADHAVA MENON:—“I invite the attention of the hon. Member to the Report of the University Commission, the Chairman of which was Dr. S. Radhakrishnan, wherein he will find the definition of what are called rural colleges.”

Millets exported from Rayalaseema.

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

(a) the total quantity of millets that was exported from the Rayalaseema districts during 1949-50, outside Rayalaseema districtwar; and

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(b) the quantity of rice imported into the districts of Rayalaseema during 1949-50, districtwar?

THE HON. SRI J. L. P. ROCHE VICTORIA:—“(a) & (b) The particulars are furnished in the statements * placed on the table of the House.”

SRI S. NAGAPPA:—“Sir, I find that about 30,000 tons of millets have been exported from Rayalaseema districts and only about 25,000 tons of rice have been imported into the Rayalaseema districts. May I know why Cuddapah and Kurnool have imported far less quantities of rice when they have exported so much of cholam?”

THE HON. SRI J. L. P. ROCHE VICTORIA:—“That is because probably the requirement of rice was only so much and that they had millets in those areas to meet the demand in other grains.”

Import of Burma Rice.

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

(a) whether it is a fact that he has made a statement at Ettayapuram in the first week of October 1950 while referring to the import of Burma rice into India by private traders, that the Government of Burma regulates trade through their Marketing Board;

(b) whether it is a fact that he also then said that broken rice in Burma was however not subject to control and that it was open to individuals to import it into India;

(c) if so, whether any such broken rice has been imported so far, into this State; and

(d) if so, who the party is, the quantity imported and its value?

THE HON. SRI J. L. P. ROCHE VICTORIA:—“(a) & (b) My statement to the Pressmen at Ettayapuram had reference only to the import of broken rice from Burma. I simply said that I saw a notification issued by the Government of Burma to the effect that broken rice did not come within the purview of the Burma Rice Marketing Board. I did not say that broken rice can be imported into our country on private account.

“(c) & (d) does not arise in view of the answer to clauses (a) & (b) above.”

SRI S. NAGAPPA:—“Sir, may I know whether the Government are aware that the Press has published that the Hon. the Minister stated that broken rice did not come under the purview of rice, and that private parties could import it?”

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MR. SPEAKER:—"The Hon. the Minister has already answered that question."

"Questions over. Next item on the agenda."

SRI K. T. KOSALRAM:—"Sir, I have given notice of an adjournment motion."

MR. SPEAKER:—"I have already told the hon. Member that his motion is out of order."

(The hon. Member Sri N. S. Varadachari rose to make a submission to the Chair.)

MR. SPEAKER:—"The hon. Member will please sit down. The hon. Member Mr. Viswanatham will now speak on clause 26 of the Hindu Religious Endowments Bill."

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

II.—GOVERNMENT BILL.

THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS BILL, 1949 (L.A. BILL NO. 10 OF 1949)—*cont.*

Clause 26.

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, there is no amendment to this clause. What I submit is that the discretion of the trustees should not be limited by the directions and orders of a competent authority. Statutory Rules for their guidance stand on a different footing. The whole point is that no authority can interfere with the discretion of the trustees in the management and administration of the funds and properties of the institutions. If my assumption that the management of properties vests in the trustees is correct, then the trustees should no longer be hampered by directions, lawful or otherwise, from other persons. In my opinion 'other persons' will not be competent to do so. The word 'lawful' will not help in any way. Our contention has all along been that the trustees must have full discretion in the matter, and they must take full responsibility for what they do in the discharge of their duties. The trustees cannot discharge their responsibilities properly if they are asked to obey all the orders given to them by a 'competent' authority. Either the trustees must manage the properties or the authorities must manage them. If the trustees are the proper persons to manage the properties, they shall not be hampered or restricted by the authorities. If their discretion is interfered, they cannot be held responsible."

MR. SPEAKER:—"Order, order."

SRI T. VISWANATHAM:—"Sir, I have just now been told by the hon. Member Mr. R. V. Swaminathan, who was watching the proceedings in the House of Commons for 13 days, that whenever there was noise in that House during a debate, Members did not require even to be told 'order, order', and that it was enough if the Speaker simply looked at that side from where the noise came! Coming to the subject to that extent, therefore, this clause

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is not in keeping with the spirit of the Constitution. I would ask the Government to remove the words 'and all lawful directions which a competent authority may issue in respect thereof'. It is the responsibility of the trustee to manage the affairs of the institution and take the consequences. Other authorities have nothing to do with the management of the affairs of the institution. I oppose the clause, Sir."

* SRI K. BHASHYAM:—"Mr. Speaker, Sir, I object to these words not on the ground of Constitution or law, for it is no use referring to law or Constitution here. I am speaking from a practical point of view and as one who has had something to do with these temples at least in my professional capacity. If we say that trustees are bound to manage the trusts with prudence and care, it is all right. But if we say at the same time that they must obey all lawful directions which a competent authority may issue, they will then lose the spirit of initiative, and they will think that they will be found fault with if they move this side or that side. They may not know whether certain things have been sanctioned by the Endowments Board or not. They will be afraid that the Inspector or the authorities will question them 'why did you do that; it costs so much money' and so on. Therefore, in all these matters it is very necessary that we should leave a large amount of local initiative and effort. If the trustees had been made to consult local opinion before initiating any new thing, I should have welcomed it. But the Government do not make them subject to local opinion, but to make them subject to lawful orders of a competent authority sitting somewhere in Madras. What happens then is that if even if the local people want to make a representation in the matter they cannot do so by speaking to the officer. They will have to go all the way to the Commissioner or the Deputy Commissioner who is away from the place of the institution. It is derogatory to the trustee to impose such restrictions on his discretion. There are so many clauses dealing with the rights of the trustees. There is no use to be reminding the trustees of their duties at every stage. Some one perhaps wants to be all too careful to see that nobody escapes these provisions. I would suggest that the words 'and all lawful directions which a competent authority may issue in respect thereof' be omitted. The Government may as well say instead in line 2, 'and subject to the local opinion in respect of this matter.' This will be very gracious on their part. Local effort is necessary and is desirable in all matters relating to temples and religious institutions."

* THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir, I am sorry for the remark of the hon. Member Mr. Bhashyam that he does not propose to speak anything about law or the Constitution because he is satisfied that it is no use referring to them here. I do not know whether it applied to me. He pointedly referred to me when he said this. If it is meant to refer to me I do not object to that. I do not profess nor can I pride myself in the knowledge of law as the hon. Member. But I certainly must resent if it refers

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to this House or to you, Mr. Speaker, because it is not fair to suggest that there is no use of talking anything about law or Constitution here."

MR. SPEAKER :—"The hon. Member Mr. Bhashyam is not right in saying that. He should not have said that."

THE HON. SRI K. MADHAVA MENON :—"I admit, Sir, that I do not know as much of law as the hon. Member knows."

SRI K. BHASHYAM :—"The Hon. the Minister is whipping up a dead horse, Sir."

* THE HON. SRI K. MADHAVA MENON :—"If the remark is made against me, I am not complaining. I concede my hon. Friend's superior knowledge of law in these matters. Regarding the clause, Sir, I have not been able to understand the points raised against it. If I say that I am unable to understand, the hon. Member Mr. Viswanatham will complain 'the Hon. the Minister says he is unable to understand'. But the real difficulty is that there is no amendment to this clause or any portion of this clause. All the clauses have been very carefully scanned, and amendments have been given notice of to almost every clause. It cannot be said that it is an omission to give notice of amendments to this clause. When I read this clause, I cannot find anything objectionable in it. The objection, it seems to me, is to the inclusions of the words 'all lawful directions which a competent authority may issue in respect thereof'. I do not see how these words are offensive to the trustees. The trustees must deal with the property of the trusts as carefully as men of ordinary prudence would deal with such affairs, funds and properties as if they were their own. I am not able to see what is the particular sentence in this clause that is objectionable. The hon. Member Mr. Viswanatham stated that the words 'all lawful directions which a competent authority may issue in respect thereof' should be removed. I do not at all see why the lawful directions of the competent authority should not be obeyed by a trustee. Sir, there is nothing for me to answer. The clause is self-explanatory, and there is nothing to be removed from it."

Clause 26 was put and carried.

Clause 27.

MR. SPEAKER :—"The motion is—
'That clause 27 do stand part of the Bill.'"

Sub-clause (1) (a).

* SRI K. BHASHYAM :—"Sir, I move—

'At the end of sub-clause (1) (a), add the words "or any provisions made by the founder for filling up vacancies in the office of the trustees."'

Sir, I think it is necessary, when we make a register of all these institutions, we must also have the information posted correctly

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in these registers. Whatever it was in the original Act, we have now come to a position where the Government themselves recognize that hereditary trustees and their rights should be respected to some extent at least. Therefore, I think it will be best if these words are added to sub-clause (1) (a), namely, 'or any provisions made by the founder for filling up vacancies in the office of the trustee'. I think that it would be very useful to have recorded information on the point. If any dispute arises, the information can be had from a reference to the pages of the register maintained under clause 27. That is the only reason why I have brought forward this amendment. I am sure this amendment will help the Government."

SRI T. VISWANATHAM :—"Sir, I second the amendment."

* THE HON. SRI K. MADHAVA MENON :—"Sir, I see no objection to the principle of the amendment. I was under the impression that the words 'the names of past and present trustees and particulars as to the custom' would satisfy. But, if the hon. Member Mr. Bhashyam would be satisfied, I have no objection to add the words 'usage or a provision or an arrangement in force' after the word 'custom'. (The hon. Member Mr. K. Bhashyam indicated dissent.) Sir, I am unable to accept the amendment. I oppose it."

* SRI K. BHASHYAM :—"Sir, the position is this. Where there are hereditary trustees, so many other additional persons are also appointed. But I would like that we must see how far the original founder has made provision in the matter of succession. My idea is, where the provisions of the founder are good and where they are calculated to be in support of the family or the persons round about, they ought to be there. That is the real object of my amendment. It is not as if we are concerned only with the custom and usage obtaining to-day. We know what is being done to-day. The Board appoints persons even though there are hereditary trustees and sometimes even more than the number of hereditary trustees so as to keep them a permanent minority. But I am not concerned with that now. What I want is we must see what provisions have been made by the founder and how far we have deviated from them, so that if possible, we may try to adhere to the founder's intentions."

* THE HON. SRI K. MADHAVA MENON :—"Sir, it is with the idea of accepting the principle advocated by my hon. Friend Sri Bhashyam that I agree to add the words 'usage or provision or any arrangement in force' after the word 'custom'. But if my hon. Friend does not want it, I cannot accept his amendment."

MR. SPEAKER :—"The question is—

"That at the end of sub-clause (1) (a), the words "or any provisions made by the founder for filling up vacancies in the office of the trustees" be added."

The amendment was lost.

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Sub-clauses (1) (b) to (1) (e).

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

' That item (b) be omitted, items (c) to (e) be relettered as items (b) to (d) and after item (d) as so re-lettered, the following item be inserted :—

(c) particulars of all other endowments of the institution and of all title-deeds and other documents.' "

This is only a drafting alteration, Sir.

MR. SPEAKER :—" The question is—

' That item (b) be omitted, items (c) to (e) be re-lettered as items (b) to (d) and after item (d) as so re-lettered, the following item be inserted :—

(e) particulars of all other endowments of the institution and of all title-deeds and other documents.' "

The amendment was carried.

Sub-clause (1) (f).

* SRI T. VISWANATHAM :—" Sir, I move—

' That in sub-clause (1)(f), after the word " images " in line 1, the words " or other valuable articles " be inserted. '

It is necessary not merely that these idols and other images should be listed out but also other valuable articles which are connected with the institution for being carried in processions. In some temples there are very valuable articles. It is good that the inventory takes note of all these things also."

SRI K. BHASHYAM :—" I second the amendment, Sir."

THE HON. SRI K. MADHAVA MENON :—" Sir, I submit what my hon. Friend wants is contained in sub-clause (e) which says—

' the jewels, gold, silver, precious stones, vessels and utensils, and other movables belonging to the institution, with their estimated value.'

' other movables ' include other articles also."

SRI T. VISWANATHAM :—" From that point of view it is not necessary to include ' idols and other images ' also."

MR. SPEAKER :—" ' Other movables ' would include other articles."

* SRI T. VISWANATHAM :—" The Government have made a distinction and rightly with regard to idols and images which are connected with the institution, whether intended for worship or for being carried in processions. They are not covered by other movables. They are of a special character and special sanctity. There is really that difference in temples. Similarly, other articles are not covered by other movables. Therefore, let him accept my amendment. There is no harm in accepting it."

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THE HON. SRI K. MADHAVA MENON :—" If my hon. Friend is so meticulous about it, I would have no objection to add in sub-clause (e) the words ' and articles ' after the word ' movables '."

MR. SPEAKER :—" The question is—

' That in sub-clause (1) (f), after the word " images " in line 1, the words " or other valuable articles " be inserted.' "

The amendment was lost.

Sub-clause (1) (g).

* SRI K. BHASHYAM :—" Sir, I move—

' That sub-clause (1) (g) be deleted.'

The question is whether it is necessary to have another provision saying, ' such other particulars as may be required by the Commissioner.' Unless there is a change in the clauses relating to list, there is no need for this clause. If this provision is there, the officers will go on asking for particulars. It will be a source of a number of pinpricks. Therefore, I suggest that this sub-clause may be omitted."

* SRI T. VISWANATHAM :—" I second the amendment, Sir. My hon. Friend is perfectly right in his suggestion. Just as we do not like any foreign matter in our body so also this sub-clause may be omitted."

SRI V. RAGHAVAYYA :—" Sir, I think this is a very harmless and innocent provision. What is the harm in having this sub-clause by way of abundant caution? Suppose a thing does not come under any of these things. Then we will require this provision. However, this is a provision against contingencies. I do not think there is any necessity to oppose this sub-clause."

* THE HON. SRI K. MADHAVA MENON :—" Sir, the idea is to have a register containing information for the present and for the future also. That register must be as complete as possible. My hon. Friends Sri Bhashyam and Sri Viswanatham say that the other provisions are sufficient to have a complete list. But if any further particular is required, we want to have power to get at it. After all, this is only to record as much information as possible. Section 38 (f) of the existing Act has a similar provision. Apart from that, the idea is that the register must contain as full information as possible. Therefore, this sub-clause is necessary. I cannot accept the amendment."

MR. SPEAKER :—" The question is—

' That sub-clause (1) (g) be deleted.' "

The amendment was lost.

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Sub-clause (2).

* THE HON. SRI K. MADHAVA MENON :—" Sir, I move—
'That the words "not exceeding three months" in sub-clause (2) be omitted.'

The sub-clause, as it is, says that any objection must be preferred by the affected parties within a period of three months. Three months may not be sufficient time. So, it is proposed that they may prefer the objections at any time. We do not want to limit the period."

* SRI N. S. VARADACHARI :—" Sir, while I agree with the object of the Government, I want to know whether they could make available to certain interested sections of the public a complete inventory of all the properties of the institution and all movables and valuables so that they may be able to prefer any objection. Otherwise, objections can be raised only by Members and Committees and the like. The register will perhaps be prepared under the supervision of some official or other. It is just possible that important items are omitted. Therefore, I want to know from the Hon. Minister whether it would be possible to publish or make available to those interested in the institutions a list of the properties."

* SRI T. VISWANATHAM :—" Sir, what is the matter about time-limit? What is the obligation on the part of the trustees to make out the lists within three months? "

* THE HON. SRI K. MADHAVA MENON :—" The register shall be prepared, signed and verified by the trustee of the institution concerned and submitted by him to the Commissioner within three months or within such further period not exceeding three months as may be allowed by the Commissioner, the Area Committee or the Assistant Commissioner. That is to say, the Commissioner or the Assistant Commissioner can extend the time only by three months. This time may not be quite sufficient. Therefore, it is proposed to omit the words 'not exceeding three months'."

" My hon. Friend Sri Varadachari wants to know whether the register would be published. Sub-clause (6) says—

'One copy of the register as approved by the Commissioner shall be furnished to the trustee and one to the Area Committee or the Assistant Commissioner concerned, if any.'

It will be sufficient for the purpose. The register will be there for any person to see."

MR. SPEAKER :—" The question is—

'That the words "not exceeding three months" in sub-clause (2) be omitted.' "

The amendment was carried.

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New sub-clause (7).

* SRI K. BHASHYAM :—" Sir, I move—
'That at the end of clause 27 a new sub-clause (7) be added as follows :—

" (7) In case any person or his right is prejudicially affected by such entry, he may bring a suit to establish the right which he claims.' "

The register is kept as required by the statute. Suppose the property of an individual is listed as a property belonging to the religious institution. Then that party should be given the right of suit."

SRI T. VISWANATHAM :—" I second the amendment, Sir."

MR. SPEAKER :—" Motion moved—

'That, at the end of clause 27, a new sub-clause (7) be added as follows :—

" (7) In case any person or his right is prejudicially affected by such entry, he may bring a suit to establish the right which he claims.' "

* THE HON. SRI K. MADHAVA MENON :—" Sir, my hon. Friend Sri Bhashyam wants in case the right of any person is prejudicially affected, a right of suit must lie. For that, we have said in clause 62 that, subject to the rights of suit or appeal, the Deputy Commissioner shall have power to inquire into and decide disputes."

* SRI K. BHASHYAM :—" Sir, the Government perhaps had intended to give a right of appeal but it is not clear at all. If we look at clause 62, we shall find that it deals with questions like (a) whether an institution is a religious institution, (b) whether a trustee holds or held office as a hereditary trustee, (c) whether any property or money is a religious endowment, (d) whether any property or money is a specific endowment and so on and so forth. None of these clauses show anything relating to entries required to be made under clause 27. It may well be said that the Government do intend to allow a right of suit. But it is not at all provided for. There are a good many matters connected with such entries. A property may be claimed by a certain person which may actually belong to the institution. Such a case has necessarily to be decided by a Court after verifying facts. The right of appeal to the Court must be statutorily recognized. For instance, there are certain vahanams—made of gold and silver—intended for the temple. But what happens is this. They are actually kept in the houses of certain private individuals—Nattucottai Chettians or any other persons—who exercise their discretion as to when they should be used and when they should not be used. There is the other side which claims that the vahanams belong to the temple and writes to the Board or tells its officers so. What should happen to this case? Again, there are other matters also. In the village temples, jewels are borrowed

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for adorning the deity on particular days from some of the wealthy residents of the locality and are returned after a few days when the festival is over. This is a practice obtaining for a long time and how are we to deal with disputes that may arise from such cases? There are persons who claim certain properties of the temple as theirs or who enjoy certain specific rights over them. For example, the custodian of a vahanam would allow it to be used by the temple only on a particular day when the mantakapudi may be his or that of his family or friends. On that day the deity may be taken out. Suppose, in such a case, the Board says: 'Give the vahanam to X, he wants to perform the utsavam and he will do it in a grander fashion'. Sir, it is quite possible that a difference of opinion may arise here. In fact, it did arise in a case which I had to do something with. After all, such records are not made year after year. Records are made for all time and it will be difficult, once they are made, to change the entries. There must be provision for filing a suit before the court. As soon as a record is made, as my hon. Friend, Sri N. S. Varadachari, has said, opportunity must be given to the public to know what is contained in the inventory so that they may know what are the things that have been included in it and what has been left out.

"I am sure that the Government intend to have a right of appeal and, therefore, will have no difficulty in accepting my amendment."

* SRI K. R. KARANTH :—" Mr. Speaker, Sir, I feel that the amendment suggested by my hon. Friend, Sri Bhashyam, has a good deal of substance in it. It is no doubt true that under clause 62 and those that follow it, suits are dealt with. Whether Sri Bhashyam's amendment should go under clause 27 or clause 62, I consider that right of suit is necessary. He has stated certain cases to explain the object of his amendment. There are other cases also which I wish to place before this House. Under clause 27, the Commissioner is the final authority to say, 'you shall enter this and you shall not enter that'. Suppose there is a case in which there is no article at all to be entered in the register as belonging to the math or the temple and yet the Commissioner says: 'you enter such and such a valuable article in it'. There must be some relief provided for the trustee or the matadhipathi to see that the order of the Commissioner is not final. This matter is of some importance. The Commissioner will order the matadhipathi to include a particular article and the matadhipathi may say, 'there is no such article'. I do not know who is to decide the issue in such cases. A thing may not exist and yet an order will be passed relating to that non-existing thing. Therefore, some right of appeal is necessary. The Government may well bring in an amendment themselves to suit Sri Bhashyam's case. Rights of suit are dealt with in clause 67. When that is taken up I myself mean giving in an amendment. But what I wish to tell the Government is that there are really hard cases

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which need special protection. On the information of some people, the Board may, for instance, say, 'it is understood that there is such and such an article; include it in the inventory'. The person concerned has to make an entry and he has no right of appeal against that order. Some relief must be provided for him and this may well be done under clause 67."

SRI V. RAGHAVAYYA :—" Sir, I suggest that the amendment may be accepted by the Government as it is or it may be withdrawn for the present if the Government give an assurance that they will make suitable provision under clause 62. Besides disputes that may arise out of entries to be made in the register, there are several other parties who are concerned with this matter. When a person makes an entry in the register, the public must have a right to bring it to the notice of the administration—with a view to correcting errors of omission and commission—before being obliged to go to a court of law. It is not easy to go to a court always as it is very expensive. It is not fair that one should take the initiative of going to a court and incur the odium of others. They must be given a chance to file objections before the Government to see that the omitted articles are entered in the register and the non-existing things that may find a place in the register are removed. If the Government give an assurance that suitable provision will be made under clause 62, I feel that my hon. Friend, Sri Bhashyam, may withdraw his amendment."

* SRI N. S. VARADACHARI :—" Sir, the Hon. the Minister for Law tried to assure me that the point I had raised was fully met. But let me draw his attention to one or two particulars. The object of this register is to keep an inventory of everything including dittam. The several items mentioned under this clause comprise not only the property but the routine of the administration. Now, Sir, I know—I want the Hon. the Minister's attention here—that in respect of (c) it is just possible that due to certain circumstances, the scale of dittam has been reduced. I may point out the case of the Tirupathi temple here where the daily offering to the deity has been reduced by reason of the fact that other circumstances have intervened and there is no supply necessary forthcoming for the purpose. Now, I want to know from the Hon. the Minister whether, in regard to these particulars, what obtained before these peculiar circumstances intervened would be noted in the register or the current practice would be mentioned. In fact, the latter has no place in the register and the circumstances intervening may absolutely cease to exist after, say, three or four years or five years at the most. I want to know whether in respect of particulars required under (c) those approved by usage and custom—that is, the longstanding practice of the administration—could be mentioned in the register. I know, there is a code called the Bruce Code. It is only a translation in English of the great Ramannuja's record of temple practice. The matter contained in it should not be mutilated when the registers

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are written up. I want the Hon. the Minister to give an assurance that whatever that is required to be mentioned in the register under item (c) will be what is observed by custom and practice for the last so many tens of years.

"The second point, I would like to make, is this. The register should be prepared by the trustee or by somebody else authorized by him and submitted to the Commissioner or the area committee. The register is asked to be made by the very person who is in charge of the temple at the time. Though there is a direction to this effect, there is no provision anywhere for other persons to be present—or for any interested parties to be present—to see that the register is properly made. Of course, I do not suggest that the register will be improperly made. But it is just possible that important omissions may occur. After it is prepared, what is it that the Government say? They say: 'The trustee shall carry out the corrections made by the Commissioner and send three copies of the register so corrected to him'. Correction can only be made on the suggestion of the area committee, I suppose. It cannot be on anybody else's suggestion. Then, the register will be furnished to the trustee and that is the final thing. I want, Sir, that, even if the area committees are made responsible for such work, even if they are made the authority to call upon the trustees to make the necessary entries, the Government should make provisions at least under the rules—not in all cases where frivolous applications may be made but only in certain important cases where persons interested or worshipping in the temples may put in applications—to permit them to scrutinize the register. The register when so demanded should be made available to them. Some people, at any rate those who are not Members of this House—may not be aware of the articles which the several devasthanams possess to-day. The articles were either presented by the Mahratta kings or by other ancient kings of Vijayanagaram. Some of the presents date back even to the Pallava regime. Once a register is written it will be very difficult to make additions to the list and make it up to date. Though corrections can be made under clause 28, what will happen to cases such as those that I shall presently place before the House? Suppose some jewel is melted. Some gold is melted. Naturally that item will have to go out and some other article made out of that gold has to be substituted in its place. Suppose there are loose diamonds. The list would say that there is such and such a number of loose diamonds. And suppose those diamonds are made into a kritam for the deity. These are very important matters and some provision has to be made to permit persons who are really interested in the temple to have access to the registers. For instance, the people next door or those who perform services in the temple may be allowed to scrutinize the register."

* SRI T. VISWANATHAM :—"Sir, the amendment seems to be very necessary as the items mentioned under clause 62 are not the same as those mentioned in the clause under discussion. For

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instance, an entry should be made with regard to custom. An entry should be made with regard to succession to the office of trustee. This is a very important and valuable right. The entries in the register would be more or less ex-parte opinions. There is no special provision mentioned in this clause regarding the evidentiary value of these entries though of course it is not said that the entries in the register shall be a conclusive evidence. I agree that the register is not a conclusive evidence because the entries therein are not made after public notification to all parties concerned. However, it is a statement maintained by the institution and scrutinized by the officers appointed by the Government. Therefore, it acquires a particular value. Year after year it goes on, and though the entries are not made after notice to the third parties concerned in the matter, at the end it acquires a particular value. I am not referring merely to these jewels and other articles. I am referring to the custom regarding succession. Those are rights which should not be concluded by a mere entry in the register. Therefore, it is necessary that a person who is aggrieved by an entry in this register should be given similar right, just as a person aggrieved by an entry in the municipal rent rolls or the survey register has a right if he is aggrieved to take the case to a court of law, within the time-limit prescribed by the Survey Act, and get a declaration that the entry is wrong and set right the same. It may be said that it is a record of only such things as jewels and others and the entries are not very important because they are only varying things. This year they may be there, next year they may not be there. I do not think it is not so. It is a complete record made only on one-sided information and where rights of third parties are included it should not be made final in any way or given an air of finality unless the persons aggrieved prejudicially are given an opportunity to question it in a court of law. I, therefore, submit that the amendment is very necessary."

* SRI V. M. RAMASWAMI MUDALIYAR :—"Sir, I have listened to the remarks of the hon. Friends who spoke in favour of the amendment. I believe that under this clause they want to give this register an importance which the Government did not claim for the register. As a matter of fact, this register, so far as I can see, is only a catalogue or an inventory of certain things. No doubt under sub-clause (1) (a) the register should show 'the names of past and present trustees and particulars as to the custom, if any, regarding succession to the office of the trustee', etc. But in fact the register is only a list. Suppose a French traveller who might have come some centuries back has recorded in his book some impressions of the customs and manners prevailing at that time, it does not mean that it gets very important than the customs and manners now prevailing. It is simply a record, according to him, of the customs and manners that prevailed when he visited the country. I am trying to persuade my hon. Friend to realize that this is only a register or an inventory and that this is not a 'record of rights' whereby vested interests

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are created or divested. As a matter of fact, if it were a question of record of such valuable rights, the Government could have stated: 'It is unalterable, once the trustees, the area committee and the Commissioner after scrutiny have approved the list'. It is no such thing. The register is only an inventory in the larger sense of the term. After all the Government is as much a party where rights are concerned as any private property. If the Commissioner says that a certain property belongs to a particular temple, it is always open to the party aggrieved to go to the court and say it does not belong to the temple, though included in the list, and obtain a declaration from the court. The right is there and nobody can take away such a right. As my hon. Friend said, there are certain Acts under which after the lapse of some specified time such rights are taken away, as in the case of land rights where a survey is made and if no objection is made to the Survey Officer, within a specified time, the inclusion of the land in the register confers a right. In the case under discussion it is not so. The register referred to is nothing more than a mere inventory with regard to customs, names of trustees and so on. It is always open to the person aggrieved to claim that the custom mentioned in the register is not the proper custom and go before the public forum and show that the record is not right and proper. I submit, Sir, that these rights, so to speak, vested rights, rights regarding property, regarding succession are rights vested in the citizen of the Union and it is always open to him to agitate and go to a court of law whenever he feels these rights are affected. I see also as the Hon. Minister in charge of the Bill pointed out, that this register as approved by the Commissioner and furnished to the trustee or the Area Committee is to be put up in the notice board of the office of the Trustee or the Assistant Commissioner as the case may be for inspection by those worshippers interested in the matter. That will be ample and sufficient to safeguard the rights of the public, the worshippers, 'Kattalaidars' of the temple. After the publication of this list it is always open to anybody to write to the Commissioner to have the register corrected, or added to or delete certain of the items to which the claimant is entitled to, under clause 28. Therefore, Sir, I am unable to support the suggestion of my hon. Friend Sri Bhashyam in this matter."

SRI A. KALESWARA RAO:—"Mr. Speaker, Sir, this clause makes it obligatory on the part of the trustee to prepare an inventory. He is also asked to enter many important things in the register with regard to the usages, customs and rights of certain families and individuals, etc. This register is very important as it gives a lot of information. The omission of an entry in this register of the properties of the temples, rights with regard to precedence in receiving honours, in regard to custom thus becomes such an important piece of evidence that it will be difficult for anybody to rebut. It is a case where a presumptive piece of evidence becomes a sort of a conclusive evidence. When such is the case there must be some right to those who are interested to make representations to correct the entries in the register, and we must

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see that the interests of the temples or the religious institutions are safeguarded and that the properties that really ought to belong to the temples are entered there and in no other and the rights of the third parties are not jeopardised by the entries in the register. Therefore, the register is a comprehensive register, a basic register as it were and when the legislature is passing this Bill, things begin afresh and new records are made of the various items and rights are created. Therefore the public generally interested in the welfare of the temple should not only have the right to put in petitions to the Commissioner or to the Board or to the Area Committee in proper time but also if they find that things are not properly done in the final stage they should have a right to go to a court of law and get a declaration from the court. It is a very valuable right. Individuals who are aggrieved cannot be shut out. Of course, there is much force in what the hon. Member Sri Ramaswami Mudaliyar has said that the third party interests are not affected by this. That is a different thing. When we have a special list and when there are certain other clauses which give the right of suit the presumption would be that there is no right of suit in regard to clauses where such words are not used and where it is merely stated that the Commissioner's orders are final. That means that no right of suit exists under this clause. In order to see that such doubts do not occur, the acceptance of my hon. Friend Sri Bhashyam's amendment is quite necessary. Therefore, I support the amendment."

*THE HON. SRI K. MADHAVA MENON:—"I oppose the amendment for two reasons, Sir. In the first place I entirely agree with my hon. Friend Sri Ramaswami Mudaliyar that we are giving undue importance to this register as establishing any rights for anybody. Even the entries in the 'A' Register maintained in the Revenue Department are not conclusive evidence. A suit can be filed to set aside the entries in the 'A' Register. What is contained in the sub-clause is merely a direction that a register shall be kept of the properties and particulars in respect of a math or an endowment. The entries in the register cannot create any right for anybody particularly so in the case of the third party interests. It is not a record of rights at all. My hon. Friend Sri Kaleswara Rao said that when the Commissioner's orders are considered final there ought to be a right of suit. We have not stated anywhere in the clause that the orders of the Commissioner would be final. No judicial enquiry is mentioned except in sub-clause (4). But this is not an enquiry of a judicial nature and no final orders could be passed on such an enquiry. The clause simply says that a record of the properties shall be maintained. The wording used is an identical reproduction of the words in the existing Act. Wherever in this Bill it has been mentioned that the orders of the Commissioner shall be final it is subject to the provision that the right of suit against the orders will lie. Under no circumstance can it be argued that an order under this clause cannot be tested in a court of law, as the entries in the register do not confer any rights. It is open to any person whose interests are prejudicially affected by the entries in the

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1 p.m. register, to file a suit. No particular promise is necessary for that. It is open to one to file a suit. No permission is necessary because there is no prevention. When there is no specific prevention to file a suit, it is clear that the orders of the Commissioner are not final and therefore the right of suit is automatically there if a right of suit is necessary at all.

"Secondly, if a particular person has a right over a particular property, he can bring it to the notice of the Commissioner under clause 62. I therefore feel that it has been covered by this clause and that no amendment is necessary.

"Hon. Sri N. S. Varadachari referred to sub-clause (c) about *dittams*. There is no arguments in saying that this is the final register. Clause 28 says: 'The trustee or his authorized agent shall scrutinize the entries in the register every year and submit to the Commissioner for his approval, a verified statement showing the alterations, omissions or additions required in the register.....'. There is no purpose in saying that this register is final. Any person can go through the register at any time. It specifically provides for trustees. I do not think that the Commissioner will refuse anybody to see the register. If anybody wants and if it is necessary to issue specific instructions, they may be done and any alterations or omissions or additions can be made. I therefore feel, Sir, that the amendment is not necessary."

* SRI K. BHASHYAM :—"Sir, the contention of the Hon. Minister that it is really unnecessary is wrong. For example, the provisions of the Act are so ambiguous in their wording that I am not sure what is and what is not affected. For example, look at section 95 (1). I really point out the ambiguity in the wording and that suits will really be not coming and they will be barred.

'95. (1) No suit or other legal proceeding in respect of the administration of a religious institution, or in respect of any other matter or dispute for determining or deciding which provision is made in this Act, shall be instituted in any court of law, except under, and in conformity with, the provisions of this Act.'

Sir, when we go to section 95, I will have to say something about this. Section 95 as it stands is wide in its scope. I venture to suggest that it is absolutely necessary that suits in respect of properties which are really private properties not belonging to the temple or institution or are subject to certain conditions, must be allowed. Therefore, Sir, if the Government agree that a suit can be filed, there is no harm in accepting this amendment.

"Sir, this will be much more important in regard to succession. There is no succession to a particular institution unless we know what a particular institution is and for that we have got to go deep into the records of the institution. Therefore, Sir, in my opinion the succession rule may be decided *ex parte*.

"Hon. Mr. V. M. Ramaswami Mudaliyar said that this register is an unimportant record. I would like to say that this is a very important register in which nearly every item is entered. It is not unimportant. What happens is this. When an article

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is being repeatedly shown year after year in a particular register for a number of years, it acquires a value in the eyes of the law courts. That is what I want him to note. Are we not seeing a karnam showing a revenue register and saying 'this is the register we have been keeping for a number of years' and this is accepted as such. So, you may say that a register may be of no value and it does not acquire value at all. I hope Mr. Ramaswami Mudaliyar will agree with me, that, if a false statement is being perpetuated year after year in a register like this, it is dangerous to do so, it may be the person affected does not know it at all. So, what I say is it is not unimportant. That is what I want to impress on the hon. Members of the House who argued against the amendment.

"Hon. Sri N. S. Varadachari said that the details of the *dittam* which were in practice previously and which are now reduced, should also be included. I think he is right and it would be better if they are also included.

"The Government say 'we agree with you, but we won't accept the amendment'. That is not the way to do it. If there are difficulties and if we point out some way to meet those difficulties, the Government should accept them. That is the reason why I move my amendment."

MR. SPEAKER :—"The question is—

'That at the end of clause 27 (a) new sub-clause (7) be added as follows :—

"(7) In case any person or his right is prejudicially affected by such entry, he may bring a suit to establish the right which he claims." "

The amendment was lost.

Clause 27 as amended was put and carried.

Clause 28 was put and carried.

Clause 29.

MR. SPEAKER :—"The motion is—

'That clause 29 do stand part of the Bill'."

* SRI T. VISWANATHAM :—"Mr. Speaker, Sir. I beg to move—

'In sub-clause (1) after the word "religious" in line 1, insert the words "and charitable".'

The word 'charitable' must be added to this."

MR. SPEAKER :—"The Hon. Member has given two amendments. Will he move both?"

* SRI T. VISWANATHAM :—"Only one by one, Sir."

MR. SPEAKER :—"I have no objection."

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THE HON. SRI K. MADHAVA MENON:—"Sir, the first amendment is out of order."

MR. SPEAKER:—"Let me hear him."

* SRI T. VISWANATHAM:—"Sir, I want the words 'and charitable' to be inserted. I want the Hon. Minister also to be a little charitable. If he refers to clause 5 (3), there are certain Acts which will cease to have force in this State after this Bill comes into force:

(a) The Madras Endowments and Escheats Regulation, 1817;

(b) The Religious Endowments Act, 1863;

(c) The Charitable Endowments Act, 1890;

(d) The Charitable and Religious Trusts Act, 1920; and

(e) Sections 92 and 93 of the Code of Civil Procedure, 1908."

All these will cease to have effect so far as the Hindu Religious Endowment Institutions and Charities are concerned. So, the present Bill will be the entire Bible for us hereafter to deal with the religious institutions. Then, what will happen to the other charitable institutions which are not religious institutions?"

MR. SPEAKER:—"That has nothing to do with this."

* SRI T. VISWANATHAM:—"It has got some connection, Sir. The word 'religious institutions' does not include other charitable trusts at all. It is not as if there are other legislations. If this legislation confines itself to maths, temples and specific endowments, it would be a different matter. But, this legislation includes all religious institutions. So, all the existing Acts in respect of all charitable institutions and trusts will cease to have effect in this State. I understand that Clause 5 has already been passed. If so, what will happen to charitable institutions and trusts which are not covered by the definition 'religious institution'? The wording 'religious institution' covers only maths, temples and specific endowments. Therefore, unless you make some provision for other charitable trusts and endowments, we will go without law altogether. Hitherto there were 5 pieces of legislation and they will cease to have effect after we pass this Bill."

SRI K. BHASHYAM:—"Sir, I second it."

* THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir. This amendment is out of order. Some clauses of this Bill when it comes into force will become applicable to the charitable endowments also. Clause 3 which we have already passed, says:

'The Government may, by notification in the Fort St. George Gazette, extend to any Hindu or Jain public charitable endowment all or any of the provisions of this Act and of any rules made thereunder and thereupon the provisions so extended shall apply to such charitable endowment as if it were a specific endowment.'

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Provided that before issuing such a notification, the Government shall publish in the Fort St. George Gazette, a notice of their intention to do so, fix a period which shall not be less than two months from the date of publication of the notice, for the persons interested in the endowment concerned to show cause against the issue of the notification, and consider their objections, if any.'

Any section can be made applicable by notification in the Fort St. George Gazette and so it is out of order."

MR. SPEAKER:—"Yes, I rule it out of order."

Clause 29 was put and carried.

Clause 30.

MR. SPEAKER:—"The motion is—

'That clause 30 do stand part of the Bill.'"

Sub-clause (1).

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir. I beg to move—

'In sub-clause (1), delete the words "or any officer or other person deputed by the Commissioner in this behalf".'

I can understand the Commissioner getting the power to inspect all movable and immovable properties belonging to any religious institution and referring to any records, plans and other important documents. But, this power should not be given to every person on his behalf because this right of inspection is an important right. I therefore submit, Sir, that, if we are to give such power, we must give only to the highest officer who will exhibit a certain sense of responsibility in these matters."

SRI V. RAGHAVAYYA:—"Sir, I second it."

* SRI K. BHASHYAM:—"Sir, I support it. I am not repeating myself again. The title deeds of properties belonging to the temples are confidential documents. If every person is deputed for this purpose, it may even injure the interests of the temple itself. So, it is much better if this inspection is left to the Commissioner only. It is therefore necessary."

* THE HON. SRI K. MADHAVA MENON:—"Sir, there are thousands of temples and maths. You cannot expect the Commissioner sitting in Madras to go and inspect all the properties from Visakhapatnam to South Kanara. It is not physically and humanly possible for the Commissioner to personally inspect all the properties. He has to depute somebody and it is necessary that this power of deputation should be retained."

SRI V. RAGHAVAYYA:—"On a point of information, Sir. I can understand the Commissioner being empowered to depute any officer to inspect all movable property, etc. But how can we authorize him to depute 'any other person' or anybody going along the street? May I know what this means?"

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* THE HON. SRI K. MADHAVA MENON :—" Sir, does my friend think that the Commissioner would be an irresponsible person? The Commissioner must be expected to use his sense of responsibility in deputing persons for this sort of work."

* SRI T. VISWANATHAM :—" Sir, I am unable to understand this argument. We are passing a statute and cannot therefore afford to leave everything to the sense of responsibility of this or that officer and legislate in vague terms. We are not objecting to what is contained in the clause, but we cannot approve of 'any person deputed by the Commissioner' to visit any of the 30,000 temples and religious institutions and do things which may lead to costly litigation. In a matter of this kind, we should not be asked to depend on the sense of responsibility of the Commissioner. It is wrong in principle to give him such a wide discretion to depute 'any' person."

The amendment was put and lost.

Clause 30 was put and carried.

Clause 31.

MR. SPEAKER :—" The motion is—

'That clause 31 do stand part of the Bill.'

Sub-clause (1).

* SRI L. N. GOPALASWAMI :—" Sir, I move—

'In sub-clause (1) in line 5, after the word "Commissioner" insert the words "on the recommendation of the trustees or the Area Committee concerned".'

The clause as it stands enables the Commissioner to sanction any exchange, sale or mortgage of property belonging to any religious institution, provided that before such sanction is accorded, the particulars relating to the proposed transaction shall be published It only means that the Commissioner can give his sanction to any sale or exchange or mortgage of any valuable temple property at his sweet will and pleasure. In my own village this power has been misused and the Commissioner has given sanction for the exchange of a very valuable property to one which does not cost even a tenth part of it. I want that there should be a safeguard. The trustee should first allow these exchanges or mortgages of valuable properties of temples. The Commissioner sitting in Madras would not know the nature of the property situated hundreds of miles away and therefore should not accord sanction for sale or exchange of his own accord. I therefore want that this recommendation should pass through the trustees of the temples or the Area Committee. Only when both of them agree should such a transaction be given effect to. If either the trustee or the Area Committee does not agree, the transaction should not go through."

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SRI A. KALESWARA RAO :—" I second the amendment of Sri L. N. Gopalaswami. The reasons are very obvious. This is a very important right which the Commissioner will have to exercise and we should see to it that his decisions do not reflect his prejudices. Therefore it is necessary that the whole matter should start with the trustees and the Area Committee and finally go to the Commissioner."

* THE HON. SRI K. MADHAVA MENON :—" Sir, I cannot understand the need for the addition of the words 'on the recommendation of the trustees or the Area Committee concerned,' when it is the trustee that initiates the lease proposals."

(An hon. Member: 'Please see the proviso.')

SRI T. VISWANATHAM :—" The trustee does not initiate the proceedings."

* THE HON. SRI K. MADHAVA MENON :—" It is possible that where there are executive officers, they may initiate proceedings. But in cases where there are no executive officers, the leases will be in the name of the trustees. Again, there may be cases where if the executive officers want a thing to be done, the trustee may object. So, all things considered, the Government have come to the conclusion that this amendment should be resisted."

* SRI L. N. GOPALASWAMI :—" My point has not been answered. I want that if the executive officer initiates such proceedings, the sanction of the trustee or the Area Committee should be obtained before the Commissioner accords permission and, if the trustee or the Area Committee initiates these moves, the trustee should be consulted by the Commissioner. In any case valuable properties should not be exchanged on the sole authority of the Commissioner on the recommendation of the executive officer on his own initiative. An instance of this kind happened in Lalgudi where on the recommendation of the executive officer land worth Rs. 10,000 per acre were permitted to be exchanged for land worth Rs. 1,000 per acre. It is to put a stop to such practices and safeguard public properties that I have suggested in this amendment that people who know the value of the properties should be given power to exercise their discretion and not the Commissioner. I request the Hon. Minister to appreciate my viewpoint and agree to this amendment which aims at securing the temple properties against exchange at the whims and fancies of the Commissioner without the sanction of the trustee or the Area Committee."

The amendment (of Sri Gopalaswami) was put and lost.

SRI K. T. KOSALRAM :—" Mr. Speaker, Sir, I move—

'Insert the following as sub-clause 31 (1) (b), renumbering existing sub-clause (1) as sub-clause (1) (a):—

"(b) In the case of cultivable lands the Government shall form co-operative societies of the actual tillers of the lands and lease out the same to the societies so formed on a perpetual lease basis."

[Sri K. T. Kosalram] [21st November 1950]

"Sir, இந்தத் திருத்தம் மிக மிக முக்கியமானது. இன்று சர்க்கார் பெரிய land improvement, அதாவது நில சீர்திருத்தம் செய்யப்போகிறோம் என்று சொல்லுகிறார்கள். இந்த மடங்களிலும், தேவஸ்தானங்களிலும் மிருந்த நிலங்கள் இப்பொழுது எந்த நிலையிலிருக்கின்றனவென்றால் அவைகளுக்குள்ள நூற்றுக்கணக்கான ஏக்கர் நிலங்களை யெல்லாம் தனிப்பட்ட மனிதர்களுக்கு கட்டுக் குத்தகைக்கு, அதாவது lease-க்குக் கொடுக்கப்பட்டிருக்கின்றன. அவைகளை யெல்லாம் இவர்கள் மற்றவர்களுக்கு கொடுத்துவிடுகிறார்கள். அவ்விதம் நூற்றுக்கணக்கான ஏக்கர் நிலங்களை இந்தத் தனிப்பட்டவர்கள் தாங்களே குத்தகைக்கு வாங்கிக்கொண்டு அவர் மெட்ரஸ் சிட்டி முதலிய பெரிய நகரங்களிலிருந்துகொண்டு கிராமங்களிலுள்ள மற்றவர்களுக்கு sub-lease செய்து கொடுத்துவிடுகிறார்கள். இவ்விதம் sub-lease வாங்குபவர், பலபேர்களுக்கு அதை மற்றும் sub-lease செய்துவிடுகிறார். இவ்விதம் கடைசியில் போவதற்குள் 5, 6 பேர்களுக்கு பிரித்துக்கொடுத்தாகி விடுகிறது. இந்த நிலைமையில் கடைசியில் நிலத்தை உழப்பவன் கைக்குப் போகும்பொழுது சுமார் 10, 15 பேர்களை தாண்டிக் கொண்டு கடைசியில் உழப்பவனுக்குப் போகிறது. இதற்கு பதிலாக நாம் இப்பொழுது பெரிய நில சீர்திருத்தம் செய்யவேண்டுமென்கின்ற பொழுது இவ்விதம் செய்யாமல் சொசைட்டிகள் ஏற்படுத்தி உழப்பவனுக்கே நேரடியாகக் கொடுக்கும்படி செய்யவேண்டும். அவ்விதம் செய்தால் அரசாங்கத்திற்கு கஷ்டம் என்று சொல்லலாம். கஷ்டமும் நஷ்டமும் ஏற்படப்போவதில்லை. மடாதிபதிகளுக்கும், கோவில்களுக்கும் கூட நஷ்டம் ஏற்படப்போவதில்லை. இந்த திருத்தத்தை ஒப்புக்கொண்டால் இப்பொழுது வரும் வருமானத்தை விட இரட்டிப்பு வருமானம் வருவதற்கு ஹேதுவாக இருக்கும். உண்மையில் அவர்களுக்கு கூட்டுறவு முறையில் lease-க்கு விட்டால் அவைகளிலிருந்து அவர்களுக்கும் அதிகமான வருமானம் கிடைக்கலாம். இதனால் மடத்திற்கும் தேவஸ்தானங்களுக்கும் கூட அதிகமான வருவாய் கிடைப்பதற்கு ஹேதுவாயிருக்கிறது. பிற்பட்ட ஒரு பெரிய நில சீர்திருத்தத்தைக் கொண்டுவருவதற்கு இந்த மாதிரியான ஒரு திருத்தத்தை அரசாங்கம் இப்பொழுது ஒப்புக்கொண்டால் நம் மாகாணத்திற்கு ஒரு பெரிய காரியத்தைச் செய்ததாகும். மற்ற தேசத்திற்கும் இது ஒரு வழிகாட்டியாக இருக்கமுடியும் என்று நம்புகிறேன். ஆகவே இந்த திருத்தத்தை அரசாங்கம் ஒப்புக்கொள்ளும்படியாகவும் கேட்டுக்கொள்ளுகிறேன்."

* SRI V. I. MUNISWAMI PILLAY:—"Mr. Speaker, I heartily second the amendment moved by hon. Sri Kosalram. I have personal knowledge of the fact that most of the lands that belong to temples have been leased out to intermediaries. These people have not given them to the tillers of the soil, but have sub-leased them and this sort of sub-letting has gone on indefinitely. This amendment is a very useful one, in that it will give an economic position to the tillers of the land. The applications of these people for lands on lease to the various trustees are now mercilessly turned down. An amendment of this kind should be made to this clause in the Bill before us. I support the amendment."

1-30
p.m.

* SRI K. R. KARANTH:—"Sir, I am rather surprised at the support which the amendment has received from hon. Sri Muniswami Pillay. One can understand and sympathize with him when he says that the temple lands are being auctioned in Tamil Nad and that middlemen are coming in and making a profit. But the remedy for it must be found in a land tenure legislation. The lands belong to the temple. I can understand Mr. Kosalram when he says that in regard to cultivable lands the Government should form co-operative societies. The Government have got ample funds and

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they can spend upon anything. But how can the Government lease out the lands to societies so formed? The lands are the property of the temple. Unless the Government confiscate the lands, what right have they to lease them out to others? The right of leasing belongs to the temple trustees, whoever they are. How can the Government come on the scene unless they take possession of the lands under some provision? Sir, this may be nice propaganda outside and but it is out of place here."

MR. SPEAKER:—"The Hon. Minister will now reply."

SRI K. BHASHYAM:—"I want to say a few words, Sir."

MR. SPEAKER:—"I have allowed enough discussion on this amendment. The Hon. Minister will now reply."

* THE HON. SRI K. MADHAVA MENON:—"Sir, I am sorry I cannot accept the amendment. An identical amendment was moved by hon. Sri Kosalram in the Select Committee and when the difficulties of attaining the object he has in view were pointed out to him, he did not press it."

MR. SPEAKER:—"He is not going to press it now also!"

* THE HON. SRI K. MADHAVA MENON:—"Apart from that, as hon. Sri K. R. Karanth has pointed out, the Government have no right to lease out other people's lands. With regard to the formation of co-operative societies, with the best will in the world, the Government may not be able to form these societies. It is for the people themselves to decide on forming co-operative societies. With regard to leasing out the lands on a perpetual lease basis, I entirely agree with the principle underlying it, not only with regard to these lands but with regard to every available land. If it is possible to cultivate every piece of available land on a co-operative basis in the best interests of the country, it will be good. But it is not practicable and it is not possible to do anything for it in the present Bill. So I request the hon. Member Sri Kosalram to withdraw the amendment."

SRI K. T. KOSALRAM:—"I beg leave to withdraw the amendment."

The amendment was, by leave, withdrawn.

MR. SPEAKER:—"I wish to remind the House that, as suggested by hon. Sri K. Bhashyam and other hon. Members, we may sit till 7 p.m. to-day."

SRI K. R. KARANTH:—"We shall wait and see what progress we make up to 5 p.m. and then decide, Sir."

SRI K. BHASHYAM:—"On such an important amendment as that of hon. Sri Kosalram, I wanted to say a few words. If I am not allowed to say a few words on such matters, how can we

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MR. SPEAKER :—“ In my opinion there has been sufficient discussion on the amendment. It is entirely for the Chair to decide whether there has been sufficient discussion of a matter; and if the Chair thinks that sufficient discussion has been allowed, it is final.”

The House then rose for lunch and to reassemble at 2-30 p.m.

(After lunch—2-30 p.m.)

Clause 31.

Sub-clause (3).

* SRI L. N. GOPALASWAMI :—“ Sir, I move the following amendment :—

‘ In sub-clause (3), add at the end the words “ and published by tom-tom in the village or villages where the property is situate and affixed in the notice board of the temple.” ’

Sir, we are dealing with very valuable properties of temples that are going to be given over in sale, exchange or otherwise. The Government themselves are anxious that the order of the Commissioner should be published and anybody who has got any objection to the transaction should be heard. But the method of publication is this :

‘ A copy of the order made by the Commissioner under this section shall be communicated to the Government and to the trustee.’

I want to add, Sir, that this communication should be made not only to the trustee and the Government, but the order should be published locally by tom-tom in the places where the properties are situate and, it should be affixed to the notice-board of the temple so that any person who comes to know that these temple properties have been trifled with or exchanged for less valuable properties may make an application to modify or set aside the order as provided for in sub-clause (4) which says that the trustee or any person having interest may within three months from the date of receipt of the order by the trustee, appeal to the Government to modify or set aside an order under sub-section (1) or sub-section (2). Otherwise how is ‘ any person having interest ’ to know of the order if it is a matter only between the trustee, the Government and the Commissioner and if it is all found only in the files of these persons? I therefore want that these things should be published not only in the place where the temple is situate but also in the places where the property is situate so that the people around may know how the valuable properties of the religious institution are going to be dealt with.”

SRI K. BHASHYAM :—“ Sir, I second the amendment. I have always been saying that the register is a very important document prepared for the safety of the temple property. If the register

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is to be prepared by the trustee, if at least he does it in the presence of two respectable persons in the village, there will be certainty or guarantee that it will be all right. But if it is merely prepared by the trustee and sent to the Commissioner or the Assistant Commissioner or the Area Committee, there must be somebody to check it. That is why it is necessary to give an opportunity to persons having interest to see that the thing is properly done.”

SRI K. VARADACHARI :—“ Sir, I support the amendment. If the Government think that it is not necessary to add all the words in Sri Gopalaswami’s amendment, I think it would be enough if we say that ‘ a copy of the order made by the Commissioner under this section shall be communicated to the Government and to the trustee and shall be published in such manner as may be prescribed ’. The last few words are also found in the proviso to sub-clause (1).”

SRI A. KALESWARA RAO :—“ Sir, I also support the amendment of Sri L. N. Gopalaswami. Publication of the order is quite necessary. In a temple in a village all the people of the village are interested and in order that things may not go on in secret, for party purposes and all that, it is necessary that there should be as wide publication as possible of not only the things entered in the register but also particularly of the exchanges and other dealings with the immovable properties of the temple.”

* THE HON. SRI K. MADHAVA MENON :—“ Sir, I agree with the principle mentioned by my hon. Friend. As a matter of fact there is not so much danger as is feared, because the proviso to sub-clause (1) says:—

‘ Provided that before such sanction is accorded, the particulars relating to the proposed transaction shall be published in such manner as may be prescribed ’

I have, therefore, no objection to the addition of the words ‘ and shall be published in such manner as may be prescribed ’ at the end of sub-clause (3) as suggested by Sri K. Varadachari. We need not specify the nature of the publication. It may be by tom-tom or by affixing notices or both. If my hon. Friend the mover of the amendment will be satisfied I have no objection to the addition of the words mentioned.”

SRI L. N. GOPALASWAMI :—“ I quite agree to the amendment proposed, Sir.”

MR. SPEAKER :—“ The amendment is—

‘ At the end of sub-clause (3) of clause 31, add the following words : “ and shall be published in such manner as may be prescribed ”.’ ”

SRI T. VISWANATHAM :—“ Sir, while I agree with the amendment, I have to point out that in several cases where the property happens to be merely land, the rules provide that the order shall be affixed on some spot on the land. The land does

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not have a spot where the notice could be affixed. I am not speaking of the amendment itself; I am only speaking of the general implications of the provision if it is accepted by the Government. I wish to point out that in framing the rules, the Government should take care to see that this publication is made not only in the temple and in the village where the temple is situated but also in the place where the land is situate, wherever the land has got anything on which the notice could be put up prominently. Otherwise, if there is only a plain piece of land, there will be difficulty and it has happened in several cases, where exchanges and sales of sites in municipal areas have taken place."

* THE HON. SRI K. MADHAVA MENON :—" Sir, the hon. Member Sri Gopalaswami wanted publication of the notice by tom-tom. This will certainly be included in the rules."

MR. SPEAKER :—" The question is—

'That at the end of sub-clause (3) of clause 31, the words "and shall be published in such manner as may be prescribed" shall be inserted.'

The amendment was carried.

Sub-clause (4).

* SRI L. N. GOPALASWAMI :—" Sir, I move the following amendment :—

'In sub-clause (4), after the word "trustee" in line 3, add the words "and publication thereof as per sub-section (3) "'.

This is only a consequential amendment and I hope there will be no difficulty about accepting it."

SRI T. VISWANATHAM :—" I second it."

THE HON. SRI K. MADHAVA MENON :—" Sub-clause (4) only gives permission to the trustee to file an appeal to the Government. It is only a permissive clause. Why should the permission be published? "

SRI L. N. GOPALASWAMI :—" 'Any person having interest' also may file an appeal. I want to provide that the time for filing an appeal should begin from the date of the receipt of the order by the trustee in the case of the trustee and from the date of publication in the case of 'any person having an interest'."

SRI V. M. RAMASWAMI MUDALIYAR :—" The sub-clause says :

'The trustee or any person having interest may within three months from the date of the receipt of the order by the trustee, appeal to the Govern-

ment How is 'any person having interest' to know when the trustee received the order? "

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THE HON. SRI K. MADHAVA MENON :—" I suggest then, that instead of the words used in the amendment of Sri Gopalaswami the following words may be inserted namely, 'or of its publication under sub-section (3) as the case may be'."

SRI L. N. GOPALASWAMI :—" I accept the amendment, Sir."

MR. SPEAKER :—" Amendment moved—

'In sub-clause (4), after the word "trustee" in line 3, add the words "or of its publication under sub-section (3) as the case may be "'.

SRI T. VISWANATHAM :—" To whom does the period apply, Sir? To the trustee or to the person having interest? "

THE HON. SRI K. MADHAVA MENON :—" To the trustee, it is three months from the receipt of the order by him and to the person having interest it is three months from the date of the publication. There are the words 'as the case may be'."

MR. SPEAKER :—" The amendment of Sri L. N. Gopalaswami as now proposed will read as follows :—

'In sub-clause (4) after the words "trustee" in line 3, insert the words "or of its publication under sub-section (3) as the case may be "'.

The amendment was put and carried.

New sub-clause (6).

SRI K. BHASHYAM :—" Sir, I move—

'Add at the end, a new sub-clause (6) as follows :—

"(6) Nothing contained in this section shall apply to exchange, sale, mortgage or lease executed before the commencement of this Act, which by law or usage or custom is binding on the institution or which by the law of limitation or otherwise has become binding on the institution."

This is intended for the purpose of saving properties which have been alienated or sold away by previous trustees long ago. The clause as it is wide in its terms and nullifies all transactions which have been made long before the commencement of this Act. According to the law as it stands, if the trustee makes any exchange, sale or mortgage of property for purposes connected with the necessities of the institution they have been held to be good, that is to say, if in the course of administration, he finds it necessary that a certain property should be sold or leased for a long time and that otherwise he cannot make any money out of it, in such cases the transactions have been held to be valid and binding on the trust itself. Again, when a trustee has sold away the property

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and the person has been in possession of it for over twelve years, he has acquired title over it by virtue of the law of limitation. Section 31 (1) says :

'Any exchange, sale or mortgage and any lease for a term exceeding five years of any immovable property belonging to, or given or endowed for the purposes of, any religious institution shall be null and void unless it is sanctioned by the Commissioner as being necessary or beneficial to the institution.'

It applies only to cases that are to come hereafter. But in the case of transactions that have taken place long ago, where the transferee has been in possession either because he has been assured that the necessities of the case required such transfer, and he has paid the sale amount to the trustee or because he has been in possession for a period of twelve years, I am anxious that this provision should not affect such transactions. They are all third-party transactions; and if they have acquired a title to the property, I submit this clause should not apply to them. Already, the Government have recognized that in certain cases, where a person had become the owner of the property prior to the commencement of this Act, these provisions shall not apply. For instance, clause 6 (14), proviso, says :

'Provided that this Explanation shall not be deemed to apply in respect of any property which vested in any person before the 2nd day of April 1946, by the operation of the law of limitation.'

There, the Government have recognized the justice of excluding it from the property belonging to the endowment. My question is: are you going to say that transactions which have taken place long ago and transactions whereby persons have become owners of the property long ago are going to be null and void? So far as the future is concerned, I quite agree with the provision that the Commissioner's sanction is necessary for the exchange, sale or mortgage of the property. But my submission is that so far as the past transactions are concerned, they must be definitely excluded and should not in any way be affected by this clause. That is my amendment, Sir."

SRI T. VISWANATHAM :—"I second it."

SRI A. KALESWARA RAO :—"Sir, this is a very important clause, and the amendment is very necessary for the reason that it refers to properties already vested in third parties. The trustees might have alienated properties to some strangers who were third-parties long ago and the third parties might have acquired absolute title over them. Of course if the title is not there already established, then the Commissioner or the Executive Officer or whoever may be empowered under the Act, may file a suit that the alienation is void for so many reasons, such as made in collusion, not made for beneficial purposes, etc. But to say, as you do here, that all alienations become *ipso facto* void, whatever may be the period of alienation is wrong; it affects third parties and therefore such a provision should not be in a Bill like this."

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* SRI V. M. RAMASWAMI MUDALIYAR :—"Sir, my complaint is just the other way; under the rules of construction unless made specially retrospective, all legislation is only prospective. They cannot apply to past transactions, unless they are made to apply to them, in so many clear words. Clause 31 (1) as it is supports that position. It says :

'Any exchange, sale or mortgage and any lease for a term exceeding five years of any immovable property belonging to, or given or endowed for the purposes of, any religious institution shall be null and void unless it is sanctioned by the Commissioner as being necessary or beneficial to the institution.'

This provision cannot have effect from a date prior to that on which the Act comes into force. As a matter of fact, I know that during the time between the date of introduction of this Bill and now, some matadlipathis and heads of religious institutions have taken advantage of the transition period and entered into many transactions of a doubtful nature and alienated the properties to some one or other. My complaint is that there is no provision here to cover such cases. So far as interest acquired by the law of limitation is concerned, there can be no going back, I agree; but in the cases such as I have referred to where during the past about twenty months, transactions of a doubtful nature have taken place, I submit this clause does not give the Commissioner or any other authority to scrutinize them. I want to know how Government are going to rectify this defect. Therefore, my complaint is, Sir, that this is not wide enough to cover all transactions because under the ordinary rules of construction, legislation can only be prospective and not retrospective unless specifically stated to be so, and I should therefore like to know the intention of Government in this matter."

SRI V. RAGHAVAYYA :—"Perhaps the reason is that if it is made to cover prior transactions there may be created a lot of discontent and trouble. I am in favour of stating that this provision should apply to all transactions which have been entered into within the past two or three years ever since this Bill has been in the air, so that these people might not succeed in defrauding the Government or the temples of their just dues. This Bill has been in the air for the past nearly three years; people knew that some reform was attempted to be brought in and it was pretty certain that the whole law was going to be changed. I know there have been cases where trustees have taken advantage to enter into spurious transactions. I know of a case in the Nellore district where land of about 250 acres was given away for Rs. 1,000 to a person who took it *benami*; but suddenly anticipating this Bill and thinking that the Government would sit tight over him, he quietly sent for the previous lessees and gave a registered lease deed for Rs. 3,000. But on petitions filed by several people, Government went into the question, cleverly sent for the lessees and managed things in such a way that they agreed to give away the land. When the property was re-auctioned, it brought in Rs. 8,000—I am referring to the Meykottai affair. The land was

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fetching about Rs. 1,000 for the past nearly fifty years, but all of a sudden it went up to Rs. 8,000, because Government were on the alert and interfered at the instance of people who had the temple's interests at heart. Such things do happen and have happened. I do not want that Government should bind themselves to something by which these defrauders can take advantage. As it is, clause 31 does not provide for such contingencies; it only says that future transactions shall be sanctioned by the Commissioner. It is deplorable that the Government have not made ample provision for covering transactions that have been entered into during the past three years. Some such provision must now be made."

* THE HON. SRI K. MADHAVA MENON :—" I cannot accept this amendment, Sir, for various reasons. The amendment says :

' Nothing contained in this section shall apply to exchange, sale, mortgage or lease executed before the commencement of this Act, which by law or usage or custom

What law my friend means is not clear; it is so vague here. Apart from being vague, I may say the very idea of the Government is that notwithstanding usage or custom, no property should be misappropriated, and if there is a law or custom allowing that, this clause must apply. The idea of the Government is that even if there is a custom or usage allowing the taking away of trust property and giving it to somebody else, that custom is bad and should not be allowed to continue. Again, Mr. Bhashyam's amendment says 'before the commencement of this Act', i.e., that it shall not apply to transactions entered into before the commencement of the Act. That will go against the existing section 76. The present provision in the Bill is an exact reproduction of the existing section 76 which says :

' No exchange, sale or mortgage and no lease for a term exceeding five years of any immovable property belonging to any math or temple shall be valid or operative unless it is necessary or beneficial to the math or temple and is sanctioned by the Board in the case of maths and excepted temples and by the committee in the case of other temples.'

So, all such things are invalid even according to the present Act. Mr. Bhashyam, it appears, wants to make these things valid now by his amendment. He says : " before the commencement of this Act ". When there is already a law prohibiting that, we cannot take it away. These provisos to clause 31 were not there in the original Bill, but they were introduced in the Select Committee, so that we can safeguard the temple properties as much as possible. So, either on its merits or having regard to the existing law, I am sorry, Sir, I cannot agree to accept Mr. Bhashyam's amendment."

* SRI K. BHASHYAM :—" I am afraid, Sir, there has been misconception as to what my amendment implies. My amendment only tries to save from the operation of this clause such transactions which were allowed by law or usage or custom and were binding on the institutions. The Hon. Minister referred to section 76 of the existing Act; but it does not mean that I want

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section 76 to be taken away altogether. If there is any transaction which is covered by section 76 of the Act, then my amendment will not have any effect at all. I am careful enough to say 'Before the commencement of the Act' because I know there are institutions which have not yet been taken over by the Board. If in such cases, the trustee for the purpose of the necessity of the institution leased out the property, what is to become of that? If you say that section 76 of the present Act applies, I say there are cases where the Board has not taken possession of the institutions. That is why I say, while giving effect to the provisions of section 76 of the existing Act, let there be this additional provision which will safeguard the interests of third parties in cases which have been mentioned by me. Of course, some questions were raised as to whether we are going to give retrospective effect or not. It is a matter neither for me, nor for Mr. Ramaswami 3 p.m. Mudaliyar to be definite about and it is for the court to say whether any prior transaction shall apply to this or not. The section as it is worded, does not in terms refer to transactions made before the commencement of the Act. Therefore, I would rather be safe and make some provision as not to give it retrospective effect. As I said, I only want those transactions which are binding on the institution by custom or law or usage to be saved. For instance, in South Kanara there is no question of auctioning out leases. I think that there are certain kinds of tenants who are continued year after year and you cannot change the tenants at all. Such cases are there and therefore it depends upon the custom obtaining in a particular locality. Then take the case of kanams. Twelve years leases there are. Suppose the kanams are for not more than five years. What is to be done in respect of those transactions? There are also mixed transactions; kanam and also lease. In all such cases, what I want is, that these things should be in conformity with usage or custom of the place. If it is expected it is not going to affect honest and bona fide persons selling for the benefit of the institution and not cases of breach of trust or alienation of property with selfish or personal benefit of the trustee I can understand."

* THE HON. SRI K. MADHAVA MENON :—" My answer is, Government do not want anything more to be saved than what is exactly saved under section 76 of the existing Act. I do not accept the amendment."

The amendment was put and lost.

Clause 31, as amended, was put and carried.

Clause 32.

MR. SPEAKER :—" The motion is—

'That clause 32 do stand part of the Bill.' "

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* THE HON. SRI K. MADHAVA MENON :—" Sir, the words 'after satisfying adequately for the purposes of the institution' practically nullify section 75 (2) altogether. Section 75 (2) says :

' (1) The trustee of every religious institution shall, before the end of March in each year, submit, in such form as may be fixed by the Commissioner, a budget showing the probable receipts and disbursements of the institution during the following fasli year—

(a) to the Area Committee if the institution is subject to the jurisdiction of such a Committee ; and

(b) to the Commissioner in other cases.

(2) Every such budget shall make adequate provision for—

(a) the dittam or scale of expenditure for the time being in force,

(b) the due discharge of all liabilities binding on the institution,

(c) the repair and renovation of the buildings connected with the institution, the provision made under this clause not being less than ten per centum of its income in the case of an institution assessed to the contribution under section 81 for the previous fasli year on an income not exceeding three thousand rupees and not being less than twenty-five per centum of its income or ten per centum of its income up to three thousand rupees and the whole of the excess of its income over that amount whichever is less in the case of any other institution.

Provided that any institution the income of which does not exceed or does not sufficiently exceed the expenditure referred to in clauses (a) and (b) may be exempted by the Commissioner, in whole or in part as the case may be, from the requirement of this clause ;

(d) the maintenance of a working balance.'

" So, Sir, all the necessary available expenditure has been defined in section 75 (2). When that is so, to simply say 'after satisfying adequately the purposes of the institution' will be very vague. Moreover, any expenditure may be said to be for the purpose of satisfying adequately the purposes of the institution. The Government have made adequate provision for the purposes referred to in section 75. In sub-clauses (a) and (b) of clause 32, we have also provided for arrangements for securing health, safety or convenience of disciples, pilgrims or worshippers and also for the training of archakas, adhyapakas, vedaparayanikas and othuvans. That is, Sir, we do not want to put anything vague so that any expenditure can be said to be for the purposes of the institution. That is the idea with which this amendment has been proposed. Since the purpose has to be defined here regarding the surplus, it has been provided here, so that it may not be said afterwards that that is not the purpose or this is not the purpose and that a dispute might arise. In order that such vagueness should not be there, it has been put in here and that is also the object with which hon. Mr. Bhashyam wants to bring back the provisions of the original clause. So, Sir, the amendment of my hon. Friend cannot be accepted."

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* SRI K. BHASHYAM :—" Mr. Speaker, Sir, I do not understand the obstinacy of the Government. I have raised a specific point as to what is to be done in case a devotee offers Rs. 50,000 for the temple for the construction of a mantapam for the general purposes of the institution, the other half of Rs. 50,000 coming from the temple funds. There is provision for repair and renovation under clause 75, but there is no provision for new construction

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at all; if such a situation arises, they cannot under the scheme of the budget laid down do anything. So, Sir, the clause as it stood 'making adequate provision for the purposes of the institution' is all right. Having specified certain purposes under clause 75 for certain items of expenditure the thing not being elastic, you will find it very difficult, if not impossible to put through various things that may crop up now and then. I am anxious that there should be a surplus while the Government are equally anxious, but my purpose is that the purposes of the institution, the like of which I have mentioned, must really be met. In that connexion, I would like a definite answer from the Hon. Minister as to how there is a chance of the thing being put through if an offer is made by a worshipper for a donation of Rs. 50,000, the other half of Rs. 50,000 being met by the temple. The Select Committee said that the general purposes of the institution must be provided for. The original section was quite all right. It was elastic and gave a little latitude for the trustee and also to the Commissioner regarding the utilization of the funds of the temple for the benefit and glorification of the temple. Now, his hands are tied and he cannot do anything more than what is laid down in clause 75. I suggest that the Government may think over the matter and come to a decision."

* THE HON. SRI K. MADHAVA MENON :—" Mr. Speaker, Sir, I do not see how in the case put forward by my hon. Friend Sri Bhashyam there can be any difficulty and how it will be impossible for the temple to come forward with Rs. 50,000 from its funds when an equal amount is donated for some purpose by Sri Bhashyam or some other devotee. Clause 75 (2) says that the budget shall make provision for certain purposes and it does not at all say that it shall not make a provision for anything else. In other matters, if they make a provision and if it is approved by the Commissioner, certainly it can be done. Provision for dittam, repairs and renovations and the discharge of liabilities binding on the institution have all been made obligatory but there is nothing to prevent the case mentioned by hon. Friend being taken up. Provision may be made for it in the budget; it is not prevented."

MR. SPEAKER :—" The question is that—

'For the words "referred to in section 75, sub-section (2)" of the Government amendment, substitute "for the purposes relating to the religious institution".'

The amendment was lost.

Sub-clause (2).

* SRI T. VISWANATHAM :—" Mr. Speaker, Sir, I beg to move that—

'Sub-clause (2) of clause 32 shall be omitted.'

It is very necessary, Sir, and I have indicated the reasons while seconding the amendment moved by my hon. Friend Sri Bhashyam. Here, Sir, we are coming to the fundamental principles of

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the management of the religious institution and once again the Government will have to say which is the body of persons to administer the religious institution; the trustees have been recognized for some purposes and my point is that I want them to be recognized for every purpose. They may be removed by a proper proceedings before a tribunal but so long as they remain the trustees representing the particular denominations in charge of the religious institutions, they should have full responsibility to do what they like and should take the consequences and they should not be interfered in the discharge of their duties by officers every now and then in the name of superior authority or control or general superintendence. The argument that we can sustain the *intra vires* nature of the Bill by mentioning that trustees are given ample powers with regard to the full range of their activities, will not hold good in the face of sub-clause (2) of clause 32. In sub-clause (1) you have given them certain powers and they are given initiative to do certain things and to that extent it is all right. But in sub-clause (2), the Government have put the Commissioner over their heads and he can issue general instructions or special instructions and not only that, there is the Area Committee which is not an elected committee but a committee appointed by the Government and they can also give such instructions in the case of institutions which are under their jurisdiction. Therefore, Sir, I wish to point out that the responsibility of the trustees is taken away and their powers are taken away: it is not the trustees that exercises powers but it is the Commissioner or the Area Committee that exercises all their functions carry on the management under the Bill. If the Government say that they want the trustees to discharge their responsibilities and take the consequences, it is absolutely necessary that this overriding power of the Commissioner should be taken away. Therefore, Sir, I move for the deletion of the sub-clause."

* SRI K. R. KARANTH :—" Mr. Speaker, Sir, I beg to second the amendment. The Hon. Minister was pleased to state that they should keep proper accounts and they should be audited. It is one thing to say that trustees and matadhipathis should not misappropriate the funds of the institution and if they do so, they would be brought to book. I have not the least objection to sub-clause (1) in which it is said that after providing for the purposes of the institution so much, they shall incur expenditure for certain other purposes. But sub-clause (2) is really a mischievous clause according to which the trustees and matadhipathis are reduced to mere non-entities and for every item of expenditure the Commissioner or his Inspector can go and tell them not to spend money on certain things but on something else. That sort of thing takes away all initiative from them. If my hon. Friends want an instance I will give a very simple case which will go to what extent things can go. It occurred in 1945 and so nobody at the present time need be hurt by what I am going to say. One Swamiji of Udipi was asked to state whether the sanction of the Board had been obtained by him to present a japamala to a

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devotee. It is common knowledge that a japamala ordinarily costs from Rs. 1-8-0, Rs. 2 or Rs. 3 and it may not exceed Rs. 10 at the most. Being a Madwa institution, they prize it very much especially tulsi malas. In this particular case, I understand it was a doctor who had treated the Swamiji for asthma for nearly one year without taking even a single pie and in return for this he gave a japamala to him. The order was issued to him and the order of the Board is dated 1st October 1945. That is the extent to which interference with their actions can go. As I said, Sir, sub-clause (1) is all right but to say under sub-clause (2) that in incurring expenditure the trustees shall be guided by the 'general or special instructions which may be given by the Commissioner' is to reduce the whole thing to an absurdity and to dictate at every step that such and such a thing should be done and such and such an expenditure shall not be incurred goes against the fundamental rights accorded under Articles 25 and 26 of the Constitution. I say, Sir, for Heaven's sake remove this sort of interference. By all means if a trustee commits breach of trust, punish him; I have the least mercy for such people. But do not go on dictating to them at every step; that is not fair nor proper."

* SRI K. VARADACHARI :—" Mr. Speaker, Sir, I am obliged to support this amendment because what is given by one hand under sub-clause (1) is taken away by the other under sub-clause (2). Apart from infringing the Constitution, a positive right like this vested in the Commissioner will cause too many pin-pricks in the course of the administration of religious institutions. While on the one hand the Government are very liberal in saying that they should spend so much of the surplus amount for beneficial purposes under sub-clause (1), the power is entrusted to the Commissioner to say: So much shall be spent for this purpose and not for that purpose and I am going to give you special and general instructions how it should be spent on health, safety and convenience of pilgrims, whether to spend on the one rather than on the other. Not only would it be in the nature of pin-pricks to the trustees but there would be delay in regard to the carrying out of useful purposes by the trustees under sub-clause (1). Why should the Government unnecessarily load themselves with a responsibility of this kind? A general provision that any illegal act would be taken serious notice of will be quite all right. To have framed sub-clause (1) of clause 32 in a very wise manner but to take it away by the subsequent clause is a very unwise step; I submit it is a very wrong thing to do. I submit nothing is lost by omitting it. The power of the Government to catch hold of offending trustees will always be there and this sub-clause is not going to add to that power or to minimise that power. So, I suggest that it might be omitted."

* SRI N. S. VARADACHARI :—" Mr. Speaker, Sir, I would urge on the Government to delete sub-clause (2) in its entirety; if not, it might be made applicable to (a) and not to (b). My reasons

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are these, Sir. The Act contemplates that every temple or religious institution shall have a budget and it will provide for the running expenses and also for renovation of the buildings if necessary. All the main purposes of the institution will first be served and then there are subsidiary purposes. I submit there should be a sphere of activity earmarked for the trustees as such without interference by the Commissioner. We should not assume that all trustees are bad people and liable to do wrong things. In fact, our assumption ought to be that trustees would be men of responsibility and would act in a reasonable manner and would be prudent enough to spend money only on purposes closely allied to the main objects of the institution. Now Sir, if we take away by sub-clause (2) what is given by sub-clause (1)—for that is what it amounts to in effect, for look at the wording of the sub-clause which runs thus :

“ in incurring such expenditure the trustee shall be guided by such general or special instructions given by the Commissioner or an area committee ”

—this would lead to a lot of misunderstanding and confusion in the administration of all temples and religious institutions. Sir, the trustee should not merely be expected to act as a mere trustee, but should be given a certain amount of initiative, and he should be expected to command the respect of the worshipping public. Of course, in selecting trustees, great care will have to be taken, provided they are not trustees, who are called hereditary trustees: they have to be men of proper disposition and proper understanding of things. We should not at once tell them that they will frame budgets and submit them to the Commissioner, and afterwards they would not be given even an iota of discretion in their discharge of duties.

“ Now, what is clause 32? It takes precedence over clause 64, which is based on the Cypres doctrine. Clause 64 says, where there is a surplus of funds after meeting the regular expenditure of the religious institutions, it should be appropriated to all or any of certain purposes, which are stated in that clause. So this clause 32 is a provision which applies even before the surplus is declared. Under clause 75 the trustee is expected to provide for all expenditure which he considers necessary to incur in connexion with the institution or for allied purposes or for purposes akin to the purpose of the religious institution to which the trust applies.

“ Then, Sir, one more point. If we apply the principle of sub-clause (2) to the provision contained in sub-clause (1) (b), that is, for the training of archakas, adhyapakas, vedaparayanikas—I welcome this matter of detail—I ask, what knowledge will the Commissioners have in these religious observances. Often Commissioners do not know Sanskrit, they are not well-versed scholars even in Tamil. Of course they are men of reputation; they are men who are expected to rule very properly in regard to secular matters. And so it is rightly expected of them not to interfere in

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matters solely pertaining to religious observances as otherwise they would cause great disappointment to the worshippers in general. In fact it is better to allow the trustee complete freedom in this, even if he commits mistakes; for if he commits mistakes he will have to face the fire of public criticism. So it is better to do that than allow the Commissioner power to do a thing, in which he is liable to commit mistakes, which he never intends to commit. So, if we retain the sub-clause (2) in clause 32, we would be putting him in an unfortunate position. So, I tell Government through you, Sir, that they are suggesting by sub-clause (2) to carve out a certain amount of discretion over a sphere of activity, from the trustee which he should rightly have, even though he may sometimes do wrong there. If he does wrong he will be taken to task; that risk is there. In respect of the sphere contemplated in sub-clause (b) the Commissioner is a perfect stranger, an absolute stranger and so he should not be given any power in that sphere. So I would request Government to drop this sub-clause (2) to clause 32; or if they are not prepared to do that at least it should not be made to apply to sub-clause (1) (b).”

* SRI V. M. RAMASWAMI MUDALIYAR :—“ Sir, clause 32 deals with the authority of a trustee to incur certain expenditure and it has been rightly linked with clause 75 which deals with budget, accounts and audit. If a trustee has to deal with trust money, there must be some idea as to how that money is to be spent, and that is dealt with in clause 75, which deals with the minimum necessary expenditure to be spent in connexion with the trust, like *dittam*, due discharge of liability, repair and renovation of buildings and the maintenance of a working balance. Now, after incurring such expenditure, the surplus left may be very great, probably much greater in some institutions. I know in some cases it will run to a large figure. So there must be some control as to how this surplus money should be spent. In sub-clause (1) of this clause 32, it is said as to how this surplus money should be spent, and in sub-clause (2) it is said that in incurring such expenditure the trustee shall be guided by the general or special instructions of the Commissioner or the area committee. So, if the amendment to delete this sub-clause (2) is agreed to there will be no check by the Commissioner over the expenditure of the surplus money that stands after meeting the expenditure mentioned in clause 75. So some check is necessary over the expenditure contemplated in sub-clause (1); that thing sub-clause (2) provides.

“ Sir, if anyone reads the clauses together he will understand what I mean. Clause 32 (1) states that after making adequate provision for the purposes referred to in clause 75 (2), the trustee may incur expenditure on other things such as measures of health, safety or convenience of disciples, for the training of archakas, adhyapakas, vedaparayanikas and othuvans. I must here congratulate Government for introducing a provision for incurring expenditure on the training of archakas, etc. Now if sub-clause (2)

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is deleted there will be no check over the expenditure incurred under sub-clause (1). Mr. Karanth quoted one extreme example of interference by the Commissioner. Now I will quote another example resulting from lack of control over expenditure. Suppose there is a trustee, and he says that out of the surplus money, 'I am going to build a hospital of two thousand beds, because I have a surplus of two crores', a hospital for the disciples. I say there must be some checking authority to say whether that is necessary or not. Or suppose the trustee says, 'I am going to open a college for archakas' or 'I am going to have an university for archakas' there should be somebody who should decide whether it is necessary or not. That power must vest with the Commissioner, and it is that which is contained in sub-clause (2). So sub-clause (2) should stand, and not be deleted."

SRI D. V. RAMASWAMI :—" Mr. Speaker, Sir, after passing clauses 20 and 21 and the following clauses thereto, I am a little surprised that there should be objection to sub-clause (2) of the present clause. After passing a clause like clause 22, under which we have said that it shall be the duty of the Commissioner to see to the proper management of the affairs of religious institutions and he may do all things which are necessary and reasonable to ensure that religious institutions and endowments are properly administered, I fail to see why members should take objection to the Commissioner issuing general or special instructions. Once we accept that the position of Commissioner involves high qualifications and a sense of awareness of his duties vested in him and the responsibility he owes to the public at large and to the trustees and the matadhipathis, I feel sure that in trying to clothe him with the power to issue general or special instructions there is nothing unhealthy or wrong, unless this guidance means practically to throttle the trustee himself, which I fail to think it is the object of Government. I therefore fail to see the soundness of the argument to delete this sub-clause."

SRI A. KALESWARA RAO :—" Mr. Speaker, Sir, I am not in sympathy with the amendment of hon. Mr. Viswanatham. The trustees are men of local reputation and local standing. We know how these men will be appointed. Various influences will come to play upon the Commissioner; communalism will come in to appoint a Komati or a lawyer or a Reddi. Really the choice of trustees will not be made on the ground of learning or any such thing. So I am not in favour of giving entire discretion to the trustees; I think discretion should be given to the Commissioner, who is a high official, who belongs to the Hindu faith: of course they will not be very pious, etc., but from the point of view of office they must be men of great responsibility. Therefore I agree with the clause as it is, namely, that the trustees should be guided by the general and special instructions to be given by the Commissioner. In clause 75 the budget is sanctioned by a higher authority, as the trustee should not have absolute authority in

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incurring everyday expenditure. Even so, with regard to the expenditure of the surplus also there should be a control. So, I think the provision, as it stands, is reasonable."

SRI V. RAGHAVAYYA :—" Mr. Speaker, Sir, I take it that sub-clause (2) seeks to give power to the Commissioner only over matters dealt with in sub-clause (1) (a). I do not think it is sought to give him power to control over expenditure incurred on subjects dealt with in sub-clause (1) (b), which are purely religious matters. So I take it that the object of Government is to give the Commissioner power over measures to secure the health, safety or convenience of disciples, pilgrims or worshippers."

SRI T. VISWANATHAM :—" Sir, he is dealing the whole clause and not with the amendment now under consideration."

SRI V. RAGHAVAYYA :—" If it is the intention of the Government to extend the power of control of the Commissioner over the training of archakas and so on, I protest against it. For they have rightly or wrongly in their original commitment charitable enough and good enough to permit the trustee to deal with the expenditure on major items. What is mentioned in this clause is all minor items, sanitary arrangements, health and safety of pilgrims and so on. When in the previous clauses we have allowed the trustee to incur expenditure on major items, I do not see why he should not be given power to incur on minor items of sanitary conveniences and other health measures."

* THE HON. SRI K. MADHAVA MENON :—" Sir, I do not 3-45
accept the amendment. p.m.

" Hon. Sri V. Raghavayya was perfectly right in saying that 'such expenditure' occurring in sub-clause (2) meant only the expenditure referred to in sub-clause (1).

" Sub-clause (1) says that—

'the trustee of a religious institution may, out of the funds in his charge, after satisfying adequately the purposes of the institution, incur expenditure .

Firstly, adequate provision must be made for the day-to-day needs of the institution. Making provision for the purposes mentioned in clause 75 (2) is obligatory. Only the surplus that may remain after making such provision can be spent on the purposes mentioned in this clause. Sri V. M. Ramaswami Mudaliyar was perfectly right in making out this point. If all the excess money is spent on arrangements for securing the health or other conveniences of disciples and worshippers and for the training of archakas, etc., clause 64 cannot come into operation and application of cypres doctrine does not arise. To use Sri V. Raghavayya's language, in the name of arrangements for the sanitary convenience or other convenience of disciples and worshippers and the training of archakas, etc., a trustee may spend any amount.

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The Government certainly cannot agree to such a position. A general or special instruction or guidance may be necessary under one or other of the several clauses of the Bill. Under the proviso to section 66 of the existing Act, it is said :

Provided that the Board . . . for reasons to be set forth in writing, restrict and place under such control as they may think fit the exercise by the trustee of his discretion

The Board can even completely veto the discretion of the trustee. That is the position under the existing Act.

"An order of the Board passed in 1945 about the gift of a japamala was referred to. I do not know under what circumstances the order was issued. I am sorry I was not very correctly reported in the Press. I found in this morning's newspaper a report to the effect that the Minister admitted that some of the orders read out by Sri Karanth were improper. I did not say that the orders were improper. I only said that even assuming for arguments sake that the orders were improper. I cannot get at the explanation now. But I was told that there was an explanation for every one of those orders. My point was that some of the orders could be justified. If the Board simply asked the trustee why he gave the japamala without its sanction, it looks very awkward on the face of it. A *tulasi* japamala may cost one rupee, one hundred rupees or one thousand rupees. A *tulasi* or *rudraksha* japamala with 108 beads studded with diamonds and strung in a gold chain may cost ten thousand rupees. We have not been given any idea about the cost of the japamala. (Interruption by Sri K. R. Karanth.) Sri Karanth is not sure about the cost. He says that its cost might not have been more than ten rupees and that he will inform me about the exact cost later. Suppose a *matadhipati* is ill and is attended by a doctor. The doctor's fee depends upon the reputation of the doctor and the nature of the disease. If the doctor is a disciple or devotee, he may not take any fee at all. Suppose for a month's or two months' treatment, ten thousand rupees is given. I do not think the Board will find fault. Instead of paying ten thousand rupees in cash, he gives a japamala with a gold chain costing ten thousand rupees. Certainly the Board can ask why so much was spent on the japamala. Ordinarily the Board will not object to the doctor's fee unless it is abnormally high. Under the existing Act, the discretion of the trustee is absolutely controlled."

SRI K. BHASHYAM :—"Is it better now?"

* THE HON. SRI K. MADHAVA MENON :—"It is certainly better. If the hon. Member asserts with all the vehemence and anger that he can command, I also can assert and say that it is better."

"In the name of securing the health of visitors, suppose a trustee or board of trustees distributes *vada payasam* or Vitamin B tablets to every visitor. Distribution of Vitamin B tablets can be justified on the ground of securing the health of visitors. Cannot

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the Board say that it is a matter of luxury and that the trustees should not spend on that item? There is nothing wrong in controlling cases of outrageous expenses like that by a general or special order. If the expenses are normal, ordinarily it should be acceptable to anybody. We are stretching things to a ridiculous extent and thinking only about the ridiculous aspect; we are not thinking of that aspect which is capable of a favourable or right construction. There must be a soft corner for the trustees. Why should not there be the same soft corner for the trust itself? Should not the trust property be conserved and properly looked after? Spending money for various purposes must be guided by certain general principles and there may arise certain occasions when special orders may become necessary. All that is asked for in this clause is the power for issuing a general or special order.

"Hon. Sri N. S. Varadachari felt that for incurring expenditure for the training of archakas, adhyapakas, vedaparayanikas and othuvans, the discretion of the trustee should not be fettered. We cannot say definitely that so much money will do and that only this much expenditure can be incurred. It depends upon the nature of the adhyapakas employed. Some may teach for nothing and others may demand more money or less money. Training of archakas, etc., is very necessary for the maintenance of the people. Because it is not easy to find out the exact amount that may be necessary, we cannot say that there should be no control at all in any case. To say that there should be absolute, unfettered discretion for the trustee to do anything he likes is an easy way of getting over the cypres doctrine altogether."

* SRI T. VISWANATHAM :—"Sir, unfortunately I am obliged to contradict almost every argument of the Hon. Law Minister, however much I want to sympathize with what he said. I will begin from the end of his speech. He said that hon. Mr. Karanth quoted a very ridiculous instance."

* THE HON. SRI K. MADHAVA MENON :—"I did not say that. The word 'ridiculous' I used was not with reference to the case cited by Mr. Karanth. I said that we were stretching things to a ridiculous extent and thinking only about the ridiculous aspect and not the good aspect of things."

* SRI T. VISWANATHAM :—"The Hon. Minister said that hon. Mr. Karanth quoted an instance of a ridiculous nature."

* THE HON. SRI K. MADHAVA MENON :—"My hon. Friend may say what he understood to be my statement. But let him not say that I said so."

* SRI T. VISWANATHAM :—"An instance which has got a ridiculous aspect about it, has been cited here to canvass the position of one of the Members. That is the idea of the Hon. Sri Madhava Menon."

THE HON. SRI K. MADHAVA MENON :—"No."

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Mr. SPEAKER :—" Let not the hon. Member repeat that."

* SRI T. VISWANATHAM :—" Well, Sir, it is all right to say that it is a ridiculous thing. Why did it look ridiculous? Because the existing Board gave an order with regard to a trifling thing. When an order comes from Madras with regard to a trifling thing, it looks ridiculous to those who see and understand and there is nothing very wrong in saying it is ridiculous. On the other hand, it is not ridiculous that the Commissioner should have absolute powers to dictate to the trustees? Suppose the Commissioner says: 'I looked into all the tenders. Stop giving contract to the lowest tenderer and give it to this particular tenderer.' Do not cases like that arise? Therefore this ridiculousness applies either way, to things of a trifling as well as a serious nature. All this happens because persons who should not have any control are being invested with control."

"The Hon. Minister pointed out to the existing provision. The provisions of the existing Act were enacted long before the Constitution. Our complaint is also against several provisions of the existing Acts. There are many provisions in the existing Acts which will not stand the test of the new Constitution. To defend this clause by the provision in the existing Act is not very helpful."

"The Hon. Sri K. Madhava Menon agrees with hon. Sri V. Raghavayya in that this clause related only to expenditure out of the surplus funds left over after making adequate provision for the essential purposes of the temple. I am unable to agree with both of them. The clause reads :

"The trustee of a religious institution may, out of the funds in his charge, after satisfying adequately the purposes of the institution, incur expenditure

For giving a decision whether an expenditure under this clause is worthwhile incurring or not, the Commissioner has got to see whether adequate provision has been made for the purposes mentioned in clause 75 (2). He has actually to go into and scrutinize every item of the entire original budget, because he has got to satisfy himself as to the adequacy of the provision made for the purposes mentioned in clause 75 (2).

4 p.m. "Therefore the whole thing will go to the Commissioner, and the Commissioner who is a respectable man, with no local bias and no local feelings will judge the case impartially and pass orders. That was the line of his argument. He says that the trustees come from local areas with local feelings and local colourings. That was the argument which he was stressing at every point. But, Sir, in public life we cannot avoid such things. People are bound to have local feelings and local affinities. But I submit, Sir, that as enlightenment comes and as we develop our culture and our spirit of public service, local feelings will not affect the ordinary day-to-day work or the smooth administration of public institutions. I am only sorry that such an argument should have been advanced for the retention of this sub-clause."

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"On the other hand, Sir, it can be equally argued that the Commissioner and Assistant Commissioners may have to hear all those persons who have got local feelings and local prejudices. But who are these Commissioners after all? They are only the appointees of the Government and therefore they are bound to carry out their orders and instructions. They cannot use their independent judgment always. Sir, only this morning we have seen a judgment of the High Court, published in the 'Hindu' of to-day's issue. It was stated therein that though the head of a department was delegated certain powers and allowed to exercise his discretion in certain matters, but the Government seemed to have called for the file to the Secretariat and sent a demi-official communication to that officer directing him to issue orders superseding a certain panchayat and appointing such and such a person to be in charge of it. (Sri K. Bhashhyam: The name of the person was also mentioned therein.) Therefore, it cannot be said that the Commissioners will not be without local feelings or that they will not be under the influence of the Government. I submit, Sir, it is the local feelings and local colourings and local affinities that are carried into the Fort St. George and it is the same separatist feelings that exist in the Fort St. George that spread into the remotest villages and create local feelings. I therefore submit, Sir, that it is rather unfortunate that such an argument about local feelings should have been brought in this connexion."

"Sir, it has also been argued that there must be somebody to check these trustees and their actions and that this is merely a provision to check them. But in order to check these trustees, there are other provisions and other laws. The trustees are responsible people representing certain particular religious denominations and therefore their discretion in such matters should be unfettered because they will take the consequences in a civil or criminal court if they abuse their discretion. They have got certain duties and responsibilities imposed on them, not only by this Act, but also by the general law of trusts and if they do not carry out their duties properly, action can be taken against them under those laws and they can be sent out or changed or dismissed or punished in so many other ways. Therefore, the proper procedure is, to frame certain rules under the rule-making provisions of this Act for the conduct of the trustees and ask them to follow those rules, and if they fail to follow them, then action may be taken against them. But it is not right and proper on the part of the Commissioner to issue orders or directions to the trustees to do certain things. Orders are different from rules. If you refer to clause 100 of this Bill, which gives powers to make rules under this Act, you will find that about 29 or 30 purposes are mentioned for which rules can be made to cover the entire administration of these endowments. Now the Government can make certain general additional rules for the guidance of these trustees under the rule-making clause, and if any trustee does not follow those rules, he can be removed. But to say that the Commissioner can issue orders directing a trustee to do such and such a thing, is totally different

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and repugnant to the spirit of good administration. It means that you want to make inroads into his sphere of activities and fetter his discretion on certain matters and yet hold him responsible and say that the trustee is 'managing' the institution. I want the Government to be clear about this distinction. I do not know whether I have made myself clear. The power to frame rules and regulations for the general conduct of the various trustees is totally different from issuing Government orders or orders by an officer appointed by the Government from time to time. The Government have got perfect right to frame rules under clause 100 to regulate the conduct of the trustees, but they need not have further right to issue orders directing them to do certain things. The trustees can be removed from their office if they misappropriate or mismanage the affairs of the trust and the money recovered from them.

"Then Sir, there are two kinds of instructions indicated in the sub-clause, namely, general and special, which may be given by the Commissioner for the incurring of expenditure by the trustees. The Hon. Minister for Law tried to soften the significance of these two by saying that there might be some occasions when special instructions will have to be given. I say, Sir, that the very principle itself is a wrong and a vicious one. The very idea of the power that he has to issue special orders will induce the Commissioner to issue orders far in excess of his powers and it will deflect him from carrying out his duties impartially and without fear or favour and uninfluenced by any political pressure. At the same time, it would also tempt other persons to come to him and try to influence him to pass special orders on certain matters, by appealing to his local and other sentiments. Such powers to issue special orders and instructions will certainly lead to demoralization in the administration of religious institutions. I therefore appeal to him to consider these things seriously and accept my amendment for the deletion of sub-clause (2) of clause 32.

"Sir, what will be the consequence, if this Bill is passed with this clause as is now sought to be moved? It may be that some time hence, being a man of the locality and a man of age and having some local knowledge, experience and influence, I may be asked to give my impression about the affairs of such and such a temple or of the trustee of that temple, or perhaps one day, I may even be asked by the people of my locality, 'Why don't you be the trustee of this temple?' Even now, there are some people in my place urging me to take up the trusteeship of a temple there, in spite of my political activities. But I do submit, Sir, that with a clause like this in this Act, it would be impossible for me to accept such a post. Even to be the Chairman of a municipality, as a self-respecting man. I am finding it difficult to carry on under existing conditions. It would be impossible for a man of some self-respect to be a trustee of a religious institution, with the powers now sought to be given to the Commissioner, he would become almost a servant of the Commissioner. Perhaps, it may be in some very

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rare cases, some people may have some attraction to become trustees, but on the whole, I do not think that any man with a certain amount of self-respect and independence would ever come and accept the position of a trustee of any temple or religious institution in these circumstances. Therefore, Sir, taking all these things into consideration, I submit that this clause must go and must go without any compunction."

* THE HON. SRI K. MADHAVA MENON :—"Sir, I have nothing more to say on this amendment and I have already explained that there is a fundamental difference between the view of the hon. Member and that of the Government. He wants that we must leave everything to the discretion of the trustee and not question his actions. But, on the other hand, we say that the Commissioner must have the powers to issue general and special instructions to the trustees for their guidance in the proper administration of the funds of religious endowments. I cannot therefore accept the amendment of my hon. Friend Sri T. Viswanatham for the deletion of sub-clause (2) of clause 32."

MR. SPEAKER :—"The amendment of hon. Sri T. Viswanatham is—

'Delete sub-clause (2) of clause 32.'

The amendment was lost.

MR. SPEAKER :—"The Government amendment is—

'For clause 32, substitute the following clause :—

"32. (1) The trustee of a religious institution may, out of the funds in his charge, after making adequate provision for the purposes referred to in section 75, sub-section (2), incur expenditure—

(a) on arrangements for securing the health, safety or convenience of disciples, pilgrims or worshippers resorting to the institution; and

(b) for the training of archakas, adhyapakas, vedaparanikas and othuvans.

(2) In incurring such expenditure, the trustee shall be guided by such general or special instructions as may be given by the Commissioner or in the case of an institution over which an Area Committee has jurisdiction, also by such Committee."

The amendment was carried.

Clause 32 as amended was put and carried.

New clause 32-A.

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

'After clause 32, insert the following clause :—

"32-A. (1) If after making adequate provision for the purposes referred to in section 75, sub-section (2), and also for the arrangements and the training referred to in

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section 32, sub-section (1), there is a surplus in the income of the institution, the trustee thereof may, with the previous sanction in writing of the Deputy Commissioner, appropriate such surplus or any portion thereof for all or any of the purposes specified in section 64, sub-section (1):

Provided that before according such sanction, the Deputy Commissioner shall publish the particulars relating to the proposal of the trustee in such manner as may be prescribed, invite objections and suggestions with respect thereto and consider all objections and suggestions received from persons having interest:

Provided further that the sanction aforesaid shall be published in such manner as may be prescribed.

(2) Any person having interest may, within such time as may be prescribed, appeal to the Commissioner against the sanction accorded by the Deputy Commissioner under sub-section (1)."

"Sir, clause 64 as it emerged from the Select Committee says:

"The Deputy Commissioner may, on being satisfied that the purpose of a religious institution has from the beginning been, or has subsequently become, impossible of realization, or that the machinery for effectuating such purpose has failed or no longer exists; or that after providing adequately for the purposes of the institution and after setting apart a sufficient sum for the repair and renovation of the buildings connected therewith, there is a surplus, by order direct that the endowments of the institution or such surplus as is declared to be available, as the case may be, be appropriated to all or any of the following purposes, namely—"

"We have examined this clause further in detail and we found that the adoption of the cypres doctrine by the Deputy Commissioner of the surplus funds of religious endowments is likely to conflict with the fundamental rights conferred under Article 26 of the Constitution. We therefore want to be on the safe side and therefore we have said that even in the case of trustees, they can with the previous sanction in writing of the Deputy Commissioner, appropriate such surplus or such portion thereof for any of the purposes specified in clause 64 (1) of this Bill. My hon. Friend Sri K. Bhashyam says: 'how clever it is that we are trying to introduce a new clause here to get over that difficulty in clause 64, and still retain the words "with the previous sanction in writing of the Deputy Commissioner" with a view to control the trustees and compel them to do the things that the Commissioner or the Government wants.' Sir, I cannot be as clever as my hon. Friend Sri K. Bhashyam, because he might raise the same objection to the revised clause 64 later on, and so to the extent it is possible for me I must try to be clever and see that the surplus amount available is spent for the good of the institution and be in conformity with the wishes of the original donors, and not be squandered away by the trustees in whatever way they like. So, if I can possibly do so, even with a little bit of cleverness on my part, it is but just and proper that I should do it. But it is stated

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again and again that we are compelling the trustees to do certain things. Sir, the words 'with the previous permission' do not mean that compulsion is sought to be enforced. There is no compulsion at all here. Perhaps in the original clause 64 at least, the Deputy Commissioner may compel the trustees to use the surplus funds on a particular object, but now we have said that the trustees may use their discretion for spending the surplus on any of the purposes mentioned under that clause. Then where is the compulsion?

"Sir, we are also amending clause 64 of the Bill as it emerged from the Select Committee, as mentioned by me already, for this purpose, retaining only such purposes for which the surplus can be spent. We have also amended the proviso in clause 64, stating that in the case of a religious institution founded and maintained by a religious denomination or any section thereof, the endowments shall, as far as possible, be utilized for the benefit of the denomination or section concerned for the purposes mentioned therein. That is to say, we have also satisfied the provisions of the Constitution guaranteeing certain fundamental rights to religious denominations.

"Sir, we have also made a provision in this new clause that any person having interest may, within such time as may be prescribed, appeal to the Commissioner against the sanction accorded by the Deputy Commissioner under sub-clause (1). I hope, Sir, the House will accept this amendment."

* SRI K. BHASHYAM :—"Sir, the amendment that I moved to clause 32 moved by the Government was voted down. I expect the same result for my amendment to new clause 32-A. Therefore, Sir, I am not moving my amendment." 4-15 p.m.

* SRI T. VISWANATHAM :—"Sir, I move—

"For the words "with the previous sanction . . . sub-section (1)" occurring in sub-clause (1) of new clause 32-A, substitute the words "apply to the court for framing a scheme for the utilization of such surplus. The scheme may provide for the method of utilization of future surpluses."

Sir, I really wish that the question of surplus should have been dealt with at one place. Already we have dealt with it in one place. Now we are again dealing with it, and we are going to deal with it still again at a later stage, namely, clause 64. Will it be possible for the Government to take this clause along with clause 64? If so, can we now pass over this clause now? I want to know this from the Hon. the Minister."

THE HON. SRI K. MADHAVA MENON :—"The amendment is to clause 32-A (1). It has to be moved now alone."

* SRI T. VISWANATHAM :—"Sir, if the Government say that it must be taken up now because it refers to clause 32-A, I say, that it refers also to clause 64, and so it should be taken up then. (Laughter.) Apart from the reasoning, the Hon. the Minister

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stated that it might be *ultra vires* to say that the Deputy Commissioner or the Commissioner should utilize the surplus, and therefore, he had changed the language in a clever manner according to the hon. Member Mr. Bhashyam. The trustee has now the power to spend the surplus. What is the kind of trustee that is envisaged? the trustee is one who awaits the orders of the Deputy Commissioner or the Commissioner for spending the surplus. To escape from the provisions of the Constitution, the clause is worded in this clever manner. I am reminded here of the story of a *sanyasi*. A particular person was trying to kill a tortoise, and he did not know how to kill it as its shell was too strong. The *sanyasi* who saw this did not like to help him to kill it for fear of sin and he could not also ask the other man directly to kill it. He simply said as he passed by his side saying 'would it not be killed if it is turned on its back?' The man did so and killed it, and the *sanyasi* cried out 'Rama, Rama' and passed away quickly. (Laughter.) The Hon. the Minister says that it will be *ultra vires* if we say that the Deputy Commissioner or the Commissioner shall utilize the surplus, and so the word 'trustee' is used. The trustee is a mere instrument in the hands of the Commissioner and the Deputy Commissioner. This is not so cleverly put as the hon. Member Mr. Bhashyam stated. Even an ordinary person like myself can easily find this out. There is no doubt that this cleverness will be seen through by courts. It is wrong to circumvent the Constitution. Surplus funds are always utilized according to the decision of the courts. Whenever there is surplus, there is the application of the Cypres doctrine. That has been always the exclusive domain of civil courts either in England or in India. I submit, therefore, that instead of leaving it to the Commissioner or Deputy Commissioner or even the Government, the trustee must apply to the court for the framing of a scheme for the utilization of surplus funds. That scheme may provide for the utilization of future surpluses also. It is necessary that the trustee must and should take the matter to the court. It is absolutely necessary that this amendment should be accepted if the Government really want this clause to be *intra vires*. This amendment embodies the freedom principle also, and it is also good that it has come as an amendment to the new clause where the trustee is given the initiative."

* SRI K. BHASHYAM :—" Sir, in the first instance I should like you not to hurry us over this amendment, because this question of Cypres has been agitating the minds of the people for a very long time, at any rate from the time the Bill has been published. There has been an outcry that, as a matter of fact, surpluses of institutions are being diverted for purposes other than those for which the founders intended them, and that they are being utilized for purposes which many people may not care to subscribe to. It is necessary that we take stock of the situation and also decide what is the best to be done in respect of the surplus. We can come to a decision only after deep consideration."

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SRI V. M. RAMASWAMI MUDALIYAR :—" On a point of order, Sir. I see that only in clause 64 the doctrine of Cypres will arise. We are not in clause 64 now. The discussion regarding Cypres doctrine will be relevant when we discuss clause 64. What clause 32-A says is that after making provision for the purposes referred to in clause 75, the surplus is to be appropriated by the trustee, with the sanction of the Deputy Commissioner, for the purposes specified in clause 64. Therefore, the application of the Cypres doctrine in this clause 32-A, is not relevant."

MR. SPEAKER :—" The hon. Member Mr. Bhashyam is speaking on the amendment moved by the hon. Member Mr. T. Viswanatham to clause 32-A."

* SRI K. BHASHYAM :—" Sir, I am sorry that the hon. Member Mr. Ramaswami Mudaliyar has not been careful enough. The Government are going to amend clause 64 so as to restrict it to cases where the original intentions have become impossible of fulfilment. Therefore, clause 64 will not apply to what is stated in clause 32 to the extent to which it is not applicable. Religious institution according to the definition given in this Bill includes temples and charities. The question really relates to the surplus funds of temples, maths and institutions. Under clause 75 the budget of the institution must be presented to the Commissioner. Three or four items of expenditure are stated in that clause. Clause 32 gives certain items of expenditure to be met after meeting the expenditure specified in clause 75. Even after meeting all the expenditure mentioned in clauses 75 and 32, if there is still a surplus, the Government want to control the expenditure of that surplus. That is the position we are in now. I speak specially about the maths, because they are more of a denomination in character. Suppose there is surplus in a math after meeting all the expenditure mentioned in clauses 75 and 32. How is that to be utilized? Originally the Government wanted it to be spent on public health, education, etc. Subsequently they found out that it was against the provisions of the Constitution. So, they are now leaving it to the trustee. If the trustee is given that power absolutely, it may be all right. But that is not so; he must get the previous sanction of the Deputy Commissioner. He is tightly bound down by the Commissioner. At every stage he has to get the sanction of the Commissioner. He cannot freely move this side or that side. Therefore, I say that the Government are clever. I do not mean to say that any particular Minister is clever. I say the departments are clever. The Government say that the trustee is the man to spend the funds, but the person who really pulls him from behind is the Commissioner and the Government. Therefore, just to satisfy the Constitution this has been done."

(At this stage Mr. Speaker sounded the bell.)

" As I told you, Sir, at the outset, I require a little more time. This is a very important matter. You know I am not wasting the time of the House. I have spent long hours in studying this Bill, which time, had I spent on some other thing, would have been

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more advantageous to me. But I did not do so. Please give us a little more time, Sir. Let us not be hurried over this. After all, it is not a matter of a few thousands of rupees. It is going to affect the trust properties in the whole of this State amounting to crores of rupees. Therefore, I am appealing to you for some more time. If I appeal for more time it is with all sincerity and not with a view to delay the proceedings."

MR. SPEAKER:—"The hon. Member will continue his speech."

* SRI K. BHASHYAM :—"I make the position of the Government absolutely clear. The trustee has no freedom. He is really controlled at every stage by the authorities. When that is so, I ask who really runs the administration of the institutions? Is it the trustee or the Government? Why is this camouflage and pretention? The trustee is only an instrument in the hands of the Commissioner. It is the Commissioner who really does the things. That is why I stated that the Government were clever. Instead of doing it in an open manner, they want to do it in a roundabout way, and do it in a form which cannot be easily seen through by anybody else. This control at every stage is wrong. The position taken by the hon. Member Mr. Viswanatham is correct. The trustee must go to the court for the purpose of utilizing the surplus funds. He has stated the legal point correctly. Under this clause where is the religious denomination coming in for being consulted? The disciples will require to be consulted as to the utilization of the surplus. When the matter is taken to the court, the disciples will put in their objections. The enquiry that is contemplated in the Bill is not a judicial enquiry. The Government are instituting only a departmental enquiry, and the Commissioner is the final authority in the matter. I submit that this is not the correct procedure. It looks as though the Government are proceeding according to the Constitution in letter but not in spirit. The *sishyas* of the religious denomination must have a controlling voice in the matter. I should say that finality must vest in them, and not in the Commissioner or the Government. I say that the religious denominational institutions must be administered according to law. It does not mean that we should make a law to take the administration altogether from the religious denomination into the Government's hands. If the Government say that the Commissioner or the Deputy Commissioner is there to ascertain the wishes, and that he will follow the majority wish, I shall not have any objection. The position is, even though the majority of the disciples and worshippers are against him, the Commissioner will still have his own way. This I cannot accept either as correct or as moral. I respectfully submit to the Government that they should accept this amendment and thus allay the apprehensions of the people who are interested in the temples. I want the Government to get the approval of all persons interested in temples and all those who still have faith in maths,

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temples and religious institutions. It is only their voice which should count and not the voice of the people who are out to destroy all these institutions."

* SRI L. N. GOPALASWAMI :—"Sir, in wholeheartedly supporting the amendment, I want to point out only one aspect of the matter. The whole of this Bill takes protection under Article 25 of the Constitution where the right to make a law to regulate the financial or secular aspect of a temple is not taken away. Under that guise this legislation is being enacted. On the other hand, there are various other aspects that are mentioned in Article 26 where every religious denomination is given the entire right to establish, maintain and propagate religion." 4-30 p.m.

MR. SPEAKER:—"That point has already been answered by the Hon. Minister. It is a repetition."

SRI L. N. GOPALASWAMI :—"Sir, every religious denomination is entitled to establish and maintain religious institutions for the propagation of that religion. Under this clause we give him no scope at all for this purpose. All the moneys of the temple are earmarked for X, Y or Z, firstly for dittams, secondly under clause 75 and then under clause 64 and lastly under this clause 32-A. It is not proper on the part of the Government, under the pretext of regulating the religious practice of a religious institution, to lay its hands on all the properties and incomes of the temples and bind the hands of the trustees in all these matters and not give him scope to propagate his religion which, according to the Constitution, is his sole right. I, therefore, request that at least so far as this matter is concerned, they may not put it to the scrutiny of the Commissioner but may give the trustee some scope to propagate the tenets of his religion."

* SRI N. S. VARADACHARI :—"Sir, I little thought that time was so soon coming to contradict what the Hon. Minister said while discussing the last clause. This clause 32-A bears out what I said last. The question of surplus arises only after clause 75, sub-clause (2), and this clause 32 are satisfied. The Hon. Minister spoke just the other way. He said that clause 32, sub-clauses (1) and (2), would give him the right to dispose of the surplus, being led away by the false argument of my hon. Friend Sri Ramaswami Mudaliyar. I will draw the attention of the Hon. Minister to the importance of what I said. Clause 75, sub-clause (2), prescribes the necessary expenditure of the temple. Clause 32 (1) prescribes what I called the ancillary expenditure, i.e., expenditure ancillary to the prime object of the institution, for instance, construction of choultries for pilgrims, training of archakas and the like. These are very important objects. That is why I urge that we should give full discretion to the trustees at least with regard to the training of archakas, adhyapakas, vedaparayanikas and othuvans. That training in the practice of religion is necessary for the promotion of the objects of the

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institution. Now, there may be a surplus only after this is met. What is proposed with the surplus is that the trustee may, in accordance with clause 64 which will come up later, with the sanction in writing of the Deputy Commissioner, say, 'I appropriate the surplus in such and such a manner'. When clause 64 comes up for discussion, I will have to say something about the order of priority. There may be only a small surplus with certain temples and a heavy surplus with certain other temples. It should not be left to the discretion of the Deputy Commissioner to say 'I won't go in that order, I would take up a particular subject which is most dear to my heart'. The initiative should be left to the trustee in these matters. There should be some order of priority so as to save small surpluses being deliberately misused under orders of a higher authority. That I will deal with when I come to my own amendment to clause 64. But this amendment only says that he will publish the scheme, call for objections, and then if necessary an appeal to the Commissioner will lie. But as my predecessor has pointed out, there is nowhere any opportunity given to any section of worshippers or persons having an interest to be consulted on the matter. They can only write their objections and keep quiet. There is no opportunity for ascertainment of their opinion. At least let me get an assurance from the Hon. Minister. He has given me already some assurances. One is in respect of service-holders that there will be no other control excepting the one control that he may be dispossessed of the inams if he discontinues his services. The second is in respect of the previous clause that the Commissioner will be expected to be very liberal and not to issue all kinds of special instructions in regard to the training of archakas and the like. The Hon. Minister felt the reasonableness of my suggestion. In regard to this clause also, I want him to say that in the rules there will be some machinery provided for consultation and ascertainment of the majority opinion, or if not of the majority opinion, of the enlightened opinion either of the denomination or the worshippers in a particular temple, at any rate of those who are interested in it."

SRI V. M. RAMASWAMI MUDALIYAR:—"Sir, I would not have intervened in the debate but for the fact that my hon. Friend Sri Varadachari referred to my speech. While discussing the previous clause, what I said was this. After making the necessary provision for expenditure under clause 75 (2), the balance will be controlled to some extent by clause 32. After satisfying the requirement of clause 32, the trustee may say that there is no surplus. Then there may be no scope for the application of *cypres* doctrine. This is what I said. Let there be no misrepresentation of what I said. I must say that the Government have gone some way in providing for consultation, though not in a very direct way. Clause 32-A says that the Deputy Commissioner shall publish the particulars relating to the proposal of the trustee in such manner as may be prescribed, invite

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objections and suggestions with respect thereto and consider all objections and suggestions received from persons having interest. So, some machinery has been provided. Persons having interest have got scope to make their views known to the trustee or to the Commissioner.

"Sir, even under the existing Act, section 77 gives power to the trustee to incur expenditure. Practically the same wording is repeated here. Whether it offends the Constitution or not is a different matter. So far as the power of the Deputy Commissioner with regard to the application of *cypres* doctrine is concerned, there has been a change in the provision as framed in the original Bill. The Deputy Commissioner is only a directing authority. Whether it is a camouflage or not, I am not much concerned with at this stage. All that I say is this. The rights are there in the Constitution. The Government, having taken the advice of their Law Officers, think that this will overcome all possible objections. Therefore, there is nothing wrong in the Government proposing to do this."

* THE HON. SRI K. MADHAVA MENON:—"Sir, my hon. Friend Sri Viswanatham's amendment is in tune with the amendment which he originally moved. He moved that the business of the Commissioner or Deputy Commissioner should only be to initiate proceedings in a Civil Court for misconduct or any such thing. If there is any surplus, then the trustee or the Commissioner may inform the Court and ask them to frame a scheme to use the surplus. Sir, if we could avoid spending of trust money in wasteful litigation, we want to avoid it. It is not because of hatred of Courts or because I do not want members of my profession to have more work. It would certainly be advantageous for the Commissioner or the trustee concerned, wherever there is a surplus, to refer the matter to the Court and decide it. Even in this particular amendment, we have said that only the trustee, if he wants to use the surplus for anything, must get the sanction of the Deputy Commissioner. So, the discretion of the trustee to use it is there. The only thing is the Deputy Commissioner is expected to see whether the money is invested for any purpose other than those mentioned in the various sub-clauses of clause 64.

"Sir, the amendment of hon. Sri Viswanatham also is against the Constitution if the Government amendment is also against it according to his argument. He says that articles 26 gives the right to the trustee to administer the property according to law. Instead of allowing the trustee to administer the property, he wants the Court to administer the property. That will be equally wrong if the hon. Members argument is to be accepted.

"My hon. Friend Sri Viswanatham gave us the pleasant example of the Sanyasi. It is quite common in Malayalam also. That means, if you want to kill a tortoise, put it upside down. If a surplus property of a trust is there, it should be used in a

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proper way. If the advice of the Sanyasi was the correct one, then I am prepared to say that the Government is the Sanyasi in this case, because the Sanyasi has given the right advice as to how to kill the tortoise."

SRI K. BHASHYAM:—"I am no Sanyasi."

* THE HON. SRI K. MADHAVA MENON:—"Sir, my hon. Friend Sri Bhashyam said that he was particularly concerned with maths. Both he and hon. Sri Viswanatham said that the trustee was only a creature of the Commissioner or of the Government."

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"There are hereditary trustees; there are nominated trustees. It is not always that the Commissioner appoints the trustees. It is not a case here of the Government giving instructions beforehand. If we read the clause once again, we shall find the words 'if after making adequate provision for the purposes referred to in section 75'. It means it is obligatory on the part of the trustee to provide for these. If after providing for such things, there is a surplus, even then it need not be spent for the purposes mentioned in clause 64. Provision must be made for the arrangements and training referred to in clause 32. If after making even this provision, there is a surplus, the trustee may, with the previous sanction of the Deputy Commissioner appropriate it for any of the purposes mentioned in clause 64. The trustee can appropriate it but he should do so in such a way as it is not improperly done and this is the reason why the sanction of the Deputy Commissioner is required. In order that the sanction of the Deputy Commissioner may not be arbitrary, there is a proviso to the effect that the Deputy Commissioner before according sanction publish the proposals, invite objections, etc."

"Then, Sir, my hon. Friend, Sri L. N. Gopalaswami said that he wholeheartedly supported this clause particularly. I do not think that wherever he supported the Government previously he did so otherwise than wholeheartedly. He, however, said one thing. He was sorry that we had not done anything to help the trustee to propagate the tenets of the Hindu religion. Let me tell him, Sir, that what we are exactly doing is what he said we were not doing. Item (a) of clause 64 says: 'propagation of the religious tenets of the institution' and this is one of the purposes for which the surplus funds can be used. It is open to the trustee to spend all the money for the propagation of the religious tenets of the institution. This clause is there only to permit him to do so and not to prevent him from doing so. (Sri K. Bhashyam: Sanction may be refused.) If sanction can be given for other purposes why not for this also? It is to give sanction and not to refuse sanction that this provision is there. My Friends find a thief in every bush and I cannot answer their criticisms. My feeling is that sanction will be given and must be given. That is why the provision is there and not for refusing sanction. If

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the clause should be interpreted in the manner in which it has been interpreted by my hon. Friends, Sri Bhashyam and others, then I cannot help it. Let me once again assure my hon. Friend Sri Gopalaswami that there is ample provision for the propagation of the religious tenets of the institution."

"Then, Sir, my hon. Friend, Sri N. S. Varadachari wanted an assurance about consultation. I am afraid, I cannot give more assurances than what is mentioned in the clause. My hon. Friend, Sri Viswanatham, on the other hand, is not for consultation with anybody. He wants the whole thing to be placed before the Court, which does not consult anybody but decides the issue itself and is costly. There is scope for as much, if not more, consultation, in the clause in the Deputy Commissioner publishing the proposals, inviting objections, hearing parties, etc., as may result from the matter being taken to the Court. No more assurance is necessary and I cannot accept the amendment."

* SRI T. VISWANATHAM:—"Sir, the Hon. the Minister closed his speech by saying that I wanted the matter to be placed before the Court, that the Court did not invite objections and that it was a costly affair. (The Hon. Sri K. Madhava Menon: 'I meant that the Deputy Commissioner would invite as many objections as the Court would.') He has modified his statement. He admits that the Court will invite as many objections as the Hon. the Minister may invite or the Deputy Commissioner may. As regards Courts being a costly affair, I submit that this assumption is wrong. Where public interest is involved, the costs are not high. Where the people have a beneficent interest, the fee is very very little. The maximum itself is about fifty rupees or so for the City and for the mufassal, it will be something less. (Sri K. Bhashyam: 'Even this may be excused in this case.') Yes, even this fee may be excused, if the Government so choose. I, therefore, think that the question of cost should not have been brought in here. It is only a red herring across the path. The next herring is even more red than the previous herring. He said that the Court did not invite objections. Does he not know that the Court publishes in all newspapers, in English and regional languages particulars relating to suits of this nature? How can it be said that the public will not have as much notice of Court proceedings? Not only this. Persons who are interested in the matter can appear before the Court either in person or through an advocate who can understand the legal implications of a suit, who can quote precedents and who can help the Court to arrive at proper decisions. Therefore, the foundation upon which the Hon. the Minister based his arguments is very weak."

"Then, Sir, I would go to the other points raised by him. The Hon. the Minister referred to the cypres doctrine. Sir, the doctrine of utilization of surplus funds is an ancient legal concept. The fundamental principle underlying the cypres doctrine is that

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where the original intention of the donor is not known, the Court can find it out by inference from the long practice associated with the institutions founded by him and take it as the intention of the founder. It is not for any and every case that we are going to apply this doctrine. We are now trying to create a position whereby all surplus funds may be utilized for other purposes than for which they were endowed. What kind of funds are we utilizing for such purposes? Funds given by what kind of persons? We are taking the surplus funds of institutions which are based on certain philosophical concepts and on certain religious traditions deriving from certain philosophical doctrines. And when the people gave this money at the time of the foundation of the trust what they had in their minds we cannot know. But there are those who still make contributions to those trusts and we can know their intentions. What is the intention of a Madhwa when he makes donations or gifts to the temple at Udipi? What would be the intention of the persons who make donations to the Mylapore temple? What would be the intention of the persons who make contributions to the Parthasarathi temple at Triplicane? They are all different but ascertainable. Sir, in the inner recesses of the heart of the Hindu, there is a religious sub-stratum of feeling. Hindu life is built upon religious traditions which are themselves based on certain philosophical concepts. Therefore the intention of those that give money is not expressed day to day in writing. It need not be written either. As people having some knowledge and culture, we know their intentions. To ascertain them Court is the most appropriate authority. In England, whose jurisprudence we have borrowed largely, in America which has borrowed much of English jurisprudence and in fact everywhere else, utilization of surplus funds is the general care of the Courts. I feel, Sir, that the Hon. the Minister over did a little when he said that going to the Court would be ultra vires of the Constitution. Evidently he thought by saying so he was giving me a fitting retort. It is astounding that such a statement should come from a Law Minister even, if it was just meant as a joke, for, these things are reported and in the report jocular remarks are not differentiated from the rest in different kinds of types. I do not think that such a statement should be made by a Law Minister. I do not believe that he really believed in what he said.

"Finally, I submit, Sir, that the only authority for the proper utilization of surplus funds is the Court. If this view is accepted by the Government, then it will be in accord with the purposes of the founders, with the purposes of the donors, and the Court will investigate and judge whether the original intentions and the objects of the trust have been properly fulfilled or not. I suggest that the Hon. the Minister do accept my amendment and discard the view that it is wrong to entrust the Courts with such matters."

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* THE HON. SRI K. MADHAVA MENON :—" Sir, I want to clear the wrong impression which my hon. Friend, Sri Viswanatham, seems to be under. He said that my statement would go into the reports as was made by me and, therefore, I should be careful. Sir, what I said was this. Sri Viswanatham said that the Government amendment was ultra vires. I replied that if that was so, his amendment to the Government amendment would be as much ultra vires as the Government amendment itself. I used the term ultra vires in the limited sense in which he employed it. Let me make it clearer. I said that if the Commissioner or the Deputy Commissioner administering a certain thing was to be considered ultra vires of the Constitution then the court also could not have any power to administer it but to leave it to the trustee himself to do the job. Therefore, the question of my statement being recorded does not arise at all here. In fact, my safety is that whatever I say is recorded here—and correctly recorded—and I know I shall not be wrongly reported in this case also. I did not say that the courts would not publish anything. I said that provision existed in the new clause now proposed for giving as much publicity as would be given by a court. I did not say either that the courts would not invite objections. Sir, it is not right nor is it fair to interpret my statements in this manner."

MR. SPEAKER :—" The question is—

'For the words "with the previous sanction . . . sub-section (1)" occurring in sub-clause (1) of new clause 32-A, substitute the words "apply to the court for framing a scheme for the utilization of such surplus. The scheme may provide for the method of utilization of future surpluses".'

The amendment was lost.

The new clause 32-A was put and carried.

MR. SPEAKER :—" It is now five of the clock. As agreed to yesterday, I shall now adjourn the House for half an hour."

SRI T. VISWANATHAM :—" Although, Sir, the suggestion was made by a person to whom we could not say 'No' . . ."

MR. SPEAKER :—" But the progress has been very slow."

SRI V. RAGHAVAYYA :—" The Hon. Sri Madhava Menon looks jaded."

THE HON. SRI K. MADHAVA MENON :—" In spite of my feeling jaded I will sit late and work. I have no objection to sitting till seven."

* SRI T. VISWANATHAM :—" Sir, the Bill has been pending for a very long time and a delay of one or two days will not matter much. After all, it has to go to the other House

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after being passed here. Then it has to receive the President's Assent and become law. So it will not matter if we adjourn now to meet again to-morrow."

MR. SPEAKER:—"Let us sit till seven of the clock at least to-day. Yesterday we came to the decision . . ."

* SRI T. VISWANATHAM:—"Although it was suggested yesterday and agreed to by the House, I did not record my protest because I did not want to oppose such an elderly gentleman like hon. Sri Bhashyam."

5 p.m. SRI R. V. SWAMINATHAN:—"Sir, yesterday we agreed that we would adjourn at 5 and resume at 5-30 and continue till 7 p.m. With that idea I have come prepared. I want to make another suggestion, Sir. From to-morrow let us have night session. We may adjourn either at 4 p.m. or even earlier in the evening, if necessary, and if the hon. Members agree, resume at 8 in the night and continue till 11 p.m. in the night. It will be very convenient." (Hon. Members: 'Like the House of Commons.')

* SRI K. BHASHYAM:—"Sir, one word about the suggestion of my hon. Friend, Sri Swaminathan. As things are, we are sleepy except one or two and if we are to assemble at 8 p.m. and continue till 11 p.m. you will perhaps hear the snorings of hon. Members, Sir."

MR. SPEAKER:—"The hon. Member said that we were all sleeping. It will look awkward if it is published. I am going to adjourn the House till 5-30 p.m."

* SRI N. S. VARADACHARI:—"Sir, I was not here yesterday. I saw the decision of the House to sit to-day till 7 p.m. only in the papers. Certainly I have every reason to believe that there would be discussion of a character which might perhaps require a little more attention than on the later clauses of the Bill. Most of the things that come under the later clauses of the Bill have been more or less disposed of during the discussion of the clauses that we have so far finished. Some of us who have given amendments to the later clauses find it would be very inconvenient to attend night sessions. In fact we are trying to progress as fast as we can reasonably expect and the progress in future will be faster. I think no case has been made out to sit at nights. Why should we sit at night? Am I to be told by the Hon. Speaker that I should not do any other work except to attend the Assembly from 10 o'clock in the morning to 7 o'clock in the night. I may tell you, Sir, I have just returned after four days' service on a Government Committee. I have lost four days and have still to lose five days more. What am I to do for my other work? It is very inadvisable to have night sessions unless there is a strong case made out by the Government, or the Government wish to rush through not looking into the amendments at all. I can give

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you this assurance, Sir, on my part and on behalf of one or two other hon. Members—I cannot answer for the other side of the House—that there will be no unnecessary delay introduced in this matter. In view of what I have said, I request you, Sir, to adjourn the House even now."

* SRI K. R. KARANTH:—"Sir, the remedy lies in our own hands. From to-morrow I would appeal to all hon. Members not to press amendments which are not very material. At the same time I must say that we feel quite fatigued sitting here from 11 o'clock in the morning. As it is we cannot give an intelligent interest to it if we sit for late hours. If it is a question of mere passing we can pass all the amendments—all the clauses even. They may even be guillotined."

* SRI K. R. KARANTH:—"You will be pleased to see, Sir, how ill attended or well attended just now this House is. Most of the hon. Members have gone. It would not be fair to the subject if we continue when the House is so thin. At the same time, I would say, it is open to us from to-morrow to have only important amendments and not to press all the amendments that have been given notice of. That is the understanding to which we must come. It will be better if we meet daily from 11 o'clock in the morning till 5 o'clock in the evening."

MR. SPEAKER:—"The suggestion has to be accepted by the other hon. Members. Let me know what the Hon. Minister has to say."

* THE HON. SRI K. MADHAVA MENON:—"I entirely agree with what the hon. Member Sri Karanth has said that the hon. Members should press only important amendments. Unfortunately it is the hon. Members that have to decide whether the amendments given notice of by them are important or not. It has been my experience till now that all the amendments were considered very important."

"It is not right on the part of the hon. Member, Sri Varadachari, to say that we have been rushing through the Bill."

SRI N. S. VARADACHARI:—"I did not say so, Sir."

* THE HON. SRI K. MADHAVA MENON:—"The hon. Member said so, Sir. It is not a case where we wish to rush through. The Bill is before the House for the past twenty months. Nobody can say that we have rushed through nor are we rushing through the Bill. To-day we have done only two or three clauses. That is the position. There are very important things yet to be gone through, viz., the maths and all that. You have announced, Sir, at the request of the hon. Member, Sri Bhashyam, and after the consent of all the hon. Members that to-day we would sit from 5-30 p.m. to 7 p.m. We are prepared to sit every day from 8 o'clock to 11 o'clock in the night if it is so desired. But to-day at least we shall sit till 7 p.m."

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MR. SPEAKER :—" I adjourn the House to meet again at 5-30 p.m."

The House then adjourned to meet again at 5-30 p.m.

Clause 33.

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p.m.

MR. SPEAKER :—" The motion is—

' That clause 33 do stand part of the Bill.'

Sub-clause (1).

* SRI K. BHASHYAM :—" Mr. Speaker, Sir, I beg to move—

' In sub-clause (1), omit the words " math or " wherever they occur.'

Because, in my scheme of things, a special chapter should be devoted to ' maths ' instead of the present chapter. The present provisions of the Bill are almost inapplicable to ' maths '. Therefore, Sir, the words ' math or ' may be omitted from the clause wherever they occur."

SRI T. VISWANATHAM :—" Sir, I second it."

THE HON. SRI K. MADHAVA MENON :—" Sir, clause 33 refers to specific endowments attached to a math or temple. So, if we omit ' maths ' in this clause, the specific endowments attached to maths also will be excluded. Hon. Sri K. Bhashyam's idea is that ' maths ' may be deleted. In any case the Government cannot accept the amendment. More so, we cannot agree to the specific endowments attached to a math or temple being excluded."

The amendment was put and lost.

Sub-clause (5).

SRI K. BHASHYAM :—" Mr. Speaker, Sir, I beg to move—

' Add at the end a new sub-clause (5) as follows :—

" Any person prejudicially affected by any order made or declaration given under this section may bring a suit to establish his rights which he claims."

This is very near the same which I said before as regards *cypres doctrine*. A person interested in the temple or religious institution ought to be given an opportunity to go to a court of law. In fact, under clause 67, clause 33 is not mentioned. Otherwise, I would not have moved this amendment."

SRI T. VISWANATHAM :—" Sir, I second it."

* THE HON. SRI K. MADHAVA MENON :—" Sir, the very purpose of clause 33 is for a quick enforcement of a remedy. If there is a service holder and the property is in the hands of somebody else and if he does not get the service properly out of the

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property, there must be some quick way of realizing the money and paying it to him. The idea is that, where specific endowments attached to a math or temple are concerned, ' the trustee of the math or temple concerned may require the person in possession of the property on which the endowment is a charge, to pay the expenses incurred or likely to be incurred in causing the service or charity to be performed otherwise . . . ' The service has to be done properly and the trustee must set the money and pay it to the service holder. The very essence of the clause is that it should be done quickly."

SRI K. BHASHYAM :—" Sir, I beg to withdraw my amendment."

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

Clause 33 was put and carried.

Clause 34.

MR. SPEAKER :—" The motion is—

' That clause 34 do stand part of the Bill.' "

* SRI K. BHASHYAM :—" Mr. Speaker, Sir, I beg to move—

' That the words " math or " may be omitted wherever they occur.'

If the Government do not accept this, they can vote it down."

SRI T. VISWANATHAM :—" I second it."

THE HON. SRI K. MADHAVA MENON :—" Sir, the Government cannot accept the amendment."

The amendment was put and lost.

Clause 34 was put and carried.

Clause 35.

MR. SPEAKER :—" The motion is—

' That clause 35 do stand part of the Bill.' "

* SRI T. VISWANATHAM :—" Mr. Speaker, Sir, I beg to move—

' Clause 35 may be deleted.'

This is foreign to the subject of the Bill and what is to be done? There is also a separate Act for various inams and this gives another kind of procedure. I therefore submit, Sir, that this clause may be omitted in this place altogether. If the Government really want to amend any provisions, they can amend the existing Act. Therefore, Sir, I submit that this may be deleted as it is foreign to the purposes of the Bill."

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* SRI K. BHASHYAM :—“ Mr. Speaker, Sir. I think we are too much in a hurry. After all what is the nature of things laid down in this clause? It is clear that the Government want to enfranchise the inams. I do not see why this clause should be brought in for this purpose. If it is for the purpose of anything, it is a matter which could be done under the Inam legislation or under Devadasi legislation. It has been provided for already and I respectfully submit that it is wholly foreign to the scheme of this Bill. It may perhaps lead to difficulties in the way of reconciliation between the old Act and the present Act. I therefore second the amendment, Sir.”

* SRI R. V. SWAMINATHAN :—“ Mr. Speaker, Sir, while opposing this amendment, I wish to say a few words. This clause is absolutely necessary. According to the Devadasi Act, devadasis might have been given these inams which are enjoyed by them. But, in a separate clause we have to decide, if a person who has been given charitable inam has not performed her duty, whether that should be taken away from that person and transferred to another who is doing that duty. So, unless we are sure that this will be replaced by some other clause, this clause is absolutely necessary. I therefore oppose the amendment, Sir.”

* THE HON. SRI K. MADHAVA MENON :—“ Sir, hon. Mr. Swaminathan has already explained the difficulty. We have said that, in the case of service inams where service is not performed, their inams would be resumed. When an inam is given to a devadasi for service, whatever may be the service that is accepted, she will be relieved of those services. The inam will be hers and the imposition of proper rent only is now sought and nothing more, Sir. This is exactly section 44 of the old Act except sub-clause (9) which is now added. It is therefore necessary that this clause is retained.”

* SRI T. VISWANATHAM :—“ Mr. Speaker, Sir, I do not know why Mr. Swaminathan is so hard upon devadasies. Almost simultaneously during the same period when the Hindu Religious Endowments Act was originally passed, there was other legislation dealing with this and there are no such inams. This is only a survival of an anachronism and it does not fit in here. If the Hon. Minister thinks that this will fit in here, he can certainly do it.”

THE HON. SRI K. MADHAVA MENON :—“ Sir, I have nothing to add.”

The amendment was put and lost.

Clause 35 was put and carried.

Clause 36.

MR. SPEAKER :—“ The motion is—

‘ That clause 36 do stand part of the Bill.’ ”

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Sub-clause (1).

* SRI L. N. GOPALASWAMI :—“ Mr. Speaker, Sir, I beg to move—

‘ That, after the word “ sale ” in the first line, the words “ other than a court sale ” may be inserted.’

“ I do not want to repeat the same old arguments which have been negatived by the Government. Here I want the Government to consider two aspects. Firstly, I have purposely said that only court sales should be excluded. There may be cases where people have advanced money *bona fide* to the temples not only to draw interest from them, but also with a view to help the institutions to run their day-to-day administration. It is not as if our temples are in possession of large funds and that they can command money as they please. There are temples with poor income and which will be without any money at the very beginning of the year before harvest. Therefore, by necessity some of these institutions have to borrow money from persons either for interest or low interest or no interest at all. It is not fair to dispose of these persons without any compensation at all. I have given only an extreme case where these persons *bona fide* give money to these institutions to enable them to carry on their day-to-day administration. Now, if the Government say that, irrespective of the fact that a person has given money, irrespective of the fact that the temples have used the money for the performance of pujas, etc., irrespective of the fact that a person has established his claim in a court of law and that the court has given a decree, and that a person has got possession of properties of temple, all sales will become null and void, it is a thing hardly fair nor will it be for the proper working of the temple themselves. It may be very difficult for these temples hereafter to get money from others for the conduct of their daily rituals. No man will lend money hereafter to carry on the business in the temples if he has not the right to bring the temple property for sale and get his money back. In the circumstances I hope the Government will accept my amendment.”

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SRI M. S. PATTABHIRAMIAH :—“ I second the amendment. I do not want to speak at length on this question. It is only in the interests of the proper discharge of the duties of the trustees that this has been moved. It may therefore be accepted.”

* SRI T. VISWANATHAM :—“ Sir, I have a doubt whether the language employed in lines 5 to 7 of sub-clause (1) is correct. The language employed is this : ‘ or service connected therewith or of any other religious charity and made, confirmed or recognized by the Government shall be null and void ’. Are there such things? It does not apply to other inams.”

* THE HON. SRI K. MADHAVA MENON :—“ I oppose the amendment of hon. Mr. Gopalaswami not only for the reason that this is only a reproduction of the existing provision in 44-B (1), but also for other reasons. There will be very few court

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sales prior to 1934. Regarding the future court sales if we accept this amendment we will be only creating room for much greater fraud. I do not see any reason why Sri Gopalaswami should be particularly partial to court sales as against private sales. The execution of court sales will lead to tremendous fraud. You have only to file a collusive document and get a decree. Why should court sales brought about by this method should have an advantage over private sales, I cannot understand. There will be greater room for fraud if court sale is exempted from this clause."

* SRI L. N. GOPALASWAMI :—" I only wanted the court sale to be brought under this clause for the simple reason that the Government have alleged that there may be collusive transactions entered into by the trustees and private owners. If it is a court sale all these points would have been enquired into. The court could be expected to look into the question whether the transaction was entered into to cheat the temple of its money. If the Hon. Minister will take other sales as well into consideration and exempt them I would be glad. As I said already, if the court sales are not exempted, the sufferers will be the temples. There may be at times nobody to lend anything even when it is required for the daily poojas."

THE HON. SRI K. MADHAVA MENON :—" Sir, may I say that my feeling in this matter is just the reverse of what the hon. Member feels? I cannot accept his plea to exempt the court sales."

The amendment (of Mr. Gopalaswami) was put and lost.

* SRI K. BHASHYAM :—" Sir, my amendment to this sub-clause runs thus—

'Add at the end of sub-clause (1) (and before the proviso), the words "unless it is found that such exchange, gift, sale, mortgage or lease has been made prior to the commencement of this Act and for the purposes beneficial to and binding upon the religious institution or charity".'

" This I have argued already and got defeated. I move it again to get a second defeat."

* SRI T. VISWANATHAM :—" I second the amendment. The Hon. Minister was not quite fair to himself when he opposed the earlier amendment. He would not be fair to himself in this case also if he does not accept the principle of the amendment even if he does not approve of the language of it. There is no point in always arguing that there are some collusive and fraudulent sales and therefore declaring every sale is invalid. It is a wrong way of looking at things. Superior tribunals are there to enquire whether a sale is fraudulent or collusive. There are well-known means of finding out fraudulent practices and therefore there is no meaning in saying that all fraudulent sales will be affected if this amendment is accepted. On the contrary *bona fide* transactions will be prejudicially affected. No fraudulent action

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is ever protected under any law and no member of this House will be so bad as to bring in amendment to protect fraudulent or collusive sales. I am sure Mr. Bhashyam's amendment is only intended to see that you do not tar everybody with the same brush. There may be genuine transactions and there may also be non-genuine transactions. Therefore you should declare null and void only transactions which are fraudulent. It is no use saying this will provide a loophole and therefore should not be accepted. Let the Hon. Minister reconsider the question and accept this amendment."

THE HON. SRI K. MADHAVA MENON :—" I have considered the question very well."

The amendment was put and lost.

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

'In the proviso, omit the words "where the inam is held by the religious institution or the trustee thereof".'

" This is intended to give power to the Government to sanction an exchange or gift if it is necessary or beneficial to the institution. The proviso as it stands says: 'Provided that where the inam is held by the religious institution or the trustee thereof, any transaction of the nature aforesaid (not being a gift) may be sanctioned by the Government as being necessary or beneficial to the institution.' It is felt that when the Government is given power to sanction any particular exchange or gift, as being necessary or beneficial to the institution, we need not give that benefit only to inams held by trustees thereof. We can extend that benefit to all service inams. That is why this amendment."

* SRI T. VISWANATHAM :—" Sir, having said categorically that he has considered the question and still wants that all these classes of transactions should be declared null and void, I do not understand why the Hon. Minister wants reservation in favour of the Government. I want them to stick to their declaration, Sir."

* THE HON. SRI K. MADHAVA MENON :—" Consistency is good and that is why this amendment. Reservation is there already in the case of inams held by a religious institution or the trustee thereof. Consistently with that provision this is extended to inams held by trustees. We are sticking to our declaration."

The amendment was carried.

* SRI K. BHASHYAM :—" I move—

'Add at the end of sub-clause (1), the following further provisos :—

" Provided also that where any property is charged or burdened for any of the purposes mentioned in clause (1)

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an exchange, gift, mortgage or lease of such property shall be legal and valid provided proper provisions are made for the execution of the purposes mentioned in the section :

' Provided also that the section shall not apply in respect of any properties which have vested in any person before April 1946 by the operation of the Law of Limitation.'

" This, Sir, is an important amendment. In consideration of the fact that I have not taken any time over the other amendments moved by me, you must give me more time to speak on this amendment."

" There are properties given away to a charitable or religious institution, but still the property is not actually transferred. There is, for instance, a property given to A who is bound to perform a charity in a particular temple. Such properties are technically known as ' properties burdened with a trust '. This A is bound to carry on some service in a temple like mandagappadi or thanneer pandal. Such cases there are where properties are not vested in any institution, but in a trustee individually and that individual is bound to do some service in a temple. In such a case the law says, so long as the man gets the service performed, neither the institution nor the Government is interested in seeing who is in possession of the property. I will give an instance. A person is bound to contribute Rs. 100 a year for the purpose of performing the Garuda Servai in Parthasarathi temple. The property endowed for this purpose is in the hands of A. A may sell it to B and B will say ' I take the burden of contributing Rs. 100 for the Garuda Servai.' Here, the institution does not suffer. The transaction goes on. Even if B transfers the property to C, C is bound to carry this burden. All that I want is that such transactions should be saved and the properties left undisturbed. Persons who receive such properties with the burden of performing the charity should be saved. There is no provision in the clause to meet such cases. You have not thought about a case where a gift is made and an inam granted not the institution as such, but to a particular person and that person is bound to do the *kaingkaryam* (கைங்கரியம்). In such cases, so long as the performance of the service in the temple either by contribution of money or otherwise continues, the mere transfer of the property by an individual should be recognized and saved. The old law as laid down in Indian Law Reports (Calcutta) is this. A property burdened like this is liable to be sold, exchanged or mortgaged and sold in court auction, but the purchaser would be bound to do the stipulated service. In regard to such cases the Government amendment makes no provision. The cases of properties not given to a temple but to an individual but burdened with the performance of some sort of *kaingkaryam* must be distinguished and dealt with separately."

SRI T. VISWANATHAM :—" I second it."

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* THE HON. SRI K. MADHAVA MENON :—" Sir, I take it that Mr. Bhashyam has moved his last amendment to sub-clause (1). I cannot accept it. It goes against the existing laws. We have merely copied section 44 (b) (1) here. This has so far worked without any difficulty. The amendment cannot be accepted."

SRI K. BHASHYAM :—" Sir, the existence of properties of the kind I have mentioned is a wellknown fact. If they are not treated separately, a large number of people will be hit by a provision of the kind Government have made."

The amendment was put and lost.

Clause 36 as amended was put and carried.

6 p.m.

Clause 37.

MR. SPEAKER :—" The motion is—

' That clause 37 do stand part of the Bill. ' "

* SRI T. VISWANATHAM :—" Mr. Speaker, Sir, this again is one of those clauses which attracts the operation of the Constitution and I request you not to mind it if I bring in the Constitution again. This Constitution, like the *paramathma*, has spread itself into so many clauses."

MR. SPEAKER :—" It is omnipresent! "

SRI T. VISWANATHAM :—" Clause 37 says :

' Notwithstanding anything contained in any scheme settled or deemed to be settled under this Act or in any decree or order of a court, or any custom or usage to the contrary . . . '

Sir, I ask you to mark the words ' notwithstanding anything '. That is, you wipe out everything that has happened up to 6 o'clock on 21st November 1950. (An hon. Member : From the date of the passing of the Act). The clause proceeds—

' . . . no office-holder or servant of a religious institution shall have the right to be in possession of the jewels or other valuables belonging to the religious institution except under such conditions and safeguards as the Commissioner may, by general or special order, direct.'

I submit, Sir, that this is to practically declare that all the properties belong to the Commissioner and not to the institution, and not to those who by the Constitution are entitled to be in charge and have the right to possess and manage and administer the institution. The court decrees are wiped out. It may be a court decree which might have been passed after a litigation about who is to be in possession of the jewels and where they are to be kept. Notwithstanding all these things, to-day the Bill seeks to give the right, not to the trustee, not to the religious denomination, but the whole thing is put entirely in the hands of the Commissioner who may pass special or general orders with regard to these things. The particular religious denomination is completely wiped out. If I do not have the right to hold my jewels in custody and somebody else has it, how can it be said that I am enjoying my property?

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If the trustee or the hereditary trustee who is otherwise entitled to the custody of these valuable jewels under a scheme framed by a court after proper investigation and after hearing all the parties interested has not got the right to have the custody of the jewels and other valuables pertaining to the institution then I submit that the Constitution is given the go-by. This clause is entirely *ultra vires* and therefore in the interest of the preservation of the Bill, I want to be omitted. I move, Sir, the following amendment:—

‘Substitute the following for the existing clause 37:—

“Trustees, managers or other office-holders according to usage, directions of the founders or directions of a Civil Court issued either in a scheme or otherwise, and in other cases other persons, who come into the possession or custody of jewels, valuable and other properties shall be responsible for their safe custody and maintenance, for the proper collection of income and the incurring of expenditure, and shall be liable to reimburse the institution for any loss or damage except when such loss or damage was due to reasons beyond their control.”

SRI K. R. KARANTH:—“I second it, Sir.”

SRI K. BHASHYAM:—“May I support it with a few illustrations, Sir.”

MR. SPEAKER:—“I have no objection.”

* SRI K. BHASHYAM:—“I feel somewhat diffident, Sir. There is a feeling, there is an atmosphere created here that there is something wrong in our speaking here. This provision will specially hit the matadhipathis. Sir, matadhipathis are sometimes presented with some personal gifts. As I said before, the matadhipathi is the God in the math. Sometimes he is presented with a silver tumbler for drinking milk from or given some sort of a bangle or pathakkam for decorating himself.”

MR. SPEAKER:—“The clause only speaks of valuables belonging to the religious institution.”

SRI K. BHASHYAM:—“Sir, a religious institution includes a math also. We have been crying hoarse that the definition of religious institution should not include maths but it was not accepted. Therefore it is I am saying all this. The words ‘religious institution’ come in at every stage and wherever they come they will refer to maths as well. Suppose, Sir, a gold plate is presented to a matadhipathi, then it becomes a jewel or valuable belonging to the math. It must be kept not with him but in the safe deposit vault of the Imperial Bank. But if he wants to keep it, he must give a security for it. Or he must keep it under three locks, one lock by him, one by the Executive Officer and the third by the Commissioner. The matadhipathi can take it out only on application made to the Commissioner and he can

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take it out only on particular occasions like the ‘Karthigai’ coming on Friday next. All these difficulties will be there. I can understand it if it is said that these valuables may be kept in accordance with the custom and usage of the institution but there should be sufficient safeguards made for their safety. But the clause says, ‘notwithstanding the custom, notwithstanding the scheme, notwithstanding any decree of court and so on. The only thing that matters is the whim and fancy of the Commissioner who gives the directions. It all comes to nothing more than this, that the persons who are now in charge of these things are dishonest people and that the only persons who are honest, straight and pure and angelic in their character are the Government officers. Sir, that is an assumption which is too much to make. It is hardly fair and hardly charitable to say that. I am not saying that there are not persons who are bad but that does not mean that for the sake of the badness of a few people you must brand all good people as bad and take action against them. That is the real trouble. We have been reared on British traditions according to which even though thousand guilty persons escape punishment we must be careful to see that one innocent person did not suffer. But what is happening now is, we start with the presumption that all are guilty men and make provisions saying that they should not do this thing or that thing. They are all put in straight jackets so that they may not move this way or that. Under these conditions if a person wants to be there let him be content with the restrictions made. If he does not want to be there let him get out of it. Then to-morrow a gentleman like Sri Kosalam will be a matadhipathi. That is not the way of looking at things. I feel it is a very very irksome thing and it ought not to be done.”

SRI R. V. SWAMINATHAN:—“Sir, I have listened to the speech of Sri K Bhashyam describing a matadhipathi and saying that bangles and ornaments and jewels are presented to him. Sir, our conception of a matadhipathi is different. We want that the matadhipathi must be a sanyasin and he must be respected as a sanyasin. Our conception of a sanyasin is one who has no personal belongings—(முற்றும் சுற்றதவர்). That is why we have been insisting in connexion with many provisions in this Bill that the control should be tightened, that the Government should have more powers in regard to these worldly things. After hearing Sri K. Bhashyam and his description of a matadhipathi or a pandarasannadhi I am opposed to this particular amendment. I agree with the main provision in the Bill.”

SRI P. KANDASWAMI PILLAI:—“Sir, I strongly oppose this amendment. By this clause we make the matadhipathi a real matadhipathi with absolute detachment to worldly possessions. Matadhipathis should not have attachment to property. If a man has attachment to property and if he is a family man he ceases to be a matadhipathi, a spiritual teacher. A spiritual teacher must have no attachment of any kind. Now some

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matadhipathis are getting into wrong ways. Just to prevent them from doing that and direct them on the right spiritual path, we think this clause is very essential. At least in the interest of the matadhipathis themselves, I request my hon. Friends Sri Bhashyam and Viswanatham to withdraw the amendment. If matadhipathis give up all worldly pleasures, attachment to jewels, women, lands and everything, if they become sanyasins, they will be competent to guide us on the true spiritual path. But so long as they have feelings of attachment and desire for jewels, gold plate, silver plate, silver cup and so on they cannot elevate themselves and they cannot elevate other people. Therefore, Sir, in the interests of the matadhipathis and the maths and in the interests of our nation we must have this clause so that these matadhipathis may become real sanyasins and real ascetics. I request the hon. Member to withdraw the amendment and allow the original clause to stand as it is in the Bill."

* SRI K. BHASHYAM :—" Sir, may I remove one misconception? The whole of the remarks of Sri Kandaswami Pillai seems to be based on the misconception that because in certain maths the matadhipathis are sanyasins, persons who do not marry, so all matadhipathis are sanyasins. There are any number of maths where grahasthas are heads of maths. They marry and they have children and the head-ship of the maths is hereditary. Therefore it is wrong to say that in all cases the matadhipathis are sanyasins. There are what you call Vellai Vettikara sanyasi. When such a person is given the property"

MR. SPEAKER :—" Is it a personal explanation? It is very long."

SRI K. BHASHYAM :—" It is a misconception that I really want to remove, Sir, with regard to all matadhipathis being sanyasins. The hon. Member Sri Kandaswami Pillai wants to be an acharya of acharyas and he wants to teach them how to tread the spiritual path. I suggest, Sir, that Sri Kandaswami Pillai's speech must be printed and circulated to all matadhipathis."

SRI P. KANDASWAMI PILLAI :—" Yes, Sir." (Laughter.)

* THE HON. SRI K. MADHAVA MENON :—" Sir, I want the House to understand what exactly the implication of the clause is. No matadhipathi is involved in this. Let us not confuse the issues. The clause says:

'Notwithstanding anything contained in any scheme settled or deemed to be settled no office-holder or servant of a religious institution'

A matadhipathi is not an office-holder or a servant of a religious institution. The clause is intended to cover executive officers, archakas, clerks and other servants of the temple. Various costly jewels are there in the temple. The only object of this clause is to see that the servants of these religious institutions are not put in possession of valuable jewels unless there are sufficient safeguards for their safety and security. The necessary orders and

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rules should be passed for that purposes. That is the only thing that is intended. My hon. Friend might say that it might be my intention but that is not the wording there. The wording can only mean that and nothing more. I would ask Sri Bhashyam to look at Sri Viswanatham's amendment.

"That amendment is worse than the disease. It reads:

'Trustees, managers or other office-holders according to usage, directions of the founders or directions of a civil Court issued either in a scheme or otherwise, and in other cases other persons, who come into the possession or custody of jewels, valuable and other properties shall be responsible for their safe custody'

What is the use of saying that a servant of a temple who keeps valuable properties of the temple shall be responsible for their safety? There is no use of merely saying that he must be made responsible but necessary safeguards must be provided. Office bearers and servants of a temple in possession of valuable jewels must have possession of them only under proper safeguards."

MR. SPEAKER :—" Is Mr. Viswanatham withdrawing his amendment? " 6-15 p.m.

* SRI T. VISWANATHAM :—" Sir, it involves a very important principle. Apparently, I was not very clear. The Hon. Minister thinks there is no harm in saying how the office-bearers or servants should have custody of jewels, etc. If that is the simple object, I really cannot understand why he says 'notwithstanding anything contained in any scheme settled or deemed to be settled under this Act or in any decree or order of a court'. If the Hon. Minister can explain it, this House will be very glad. On the other hand, what I have stated in my amendment is: 'Trustees, managers or other office-holders according to usage, directions of the founders or directions of a Civil Court issued either in a scheme or otherwise, and in other cases other persons, who come into the possession or custody of jewels, valuable and other properties shall be responsible for their safe custody and maintenance and shall be liable to reimburse the institution for any loss or damage'. So, I go further than the Government. I have made a provision to see that the cost should be recovered for the benefit of the institution. Again, my amendment is not restricted to office-holders; I am extending it to trustees, managers and anybody who is in possession of the jewels who by law or otherwise have come into possession of the jewels and I have made them accountable for any loss. The Commissioner shall not say the jewels should be kept here or there, but the Government may make general rules for the custody of jewels which may be applicable to all the institutions. The Commissioner or the Government cannot make one rule for one temple and another rule for a second temple; and subject to such rules, anybody whether an office-holder or trustee or manager shall manage and be liable in a court of law, both criminally and civilly—they can be prosecuted if they misappropriate—for any loss caused by them, and the institution shall have the right to have

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the loss reimbursed. I submit, Sir, this is a very good amendment; it is conceived in good spirit and therefore I request the Government may accept this, without seeing something wrong in it."

* THE HON. SRI K. MADHAVA MENON :—" Sir, my hon. Friend said I did not understand the implications of his amendment. He is right; I find it really difficult to understand it. My hon. Friend says: 'other persons who come into possession or custody of jewels, valuable and other properties shall be responsible for their safe custody and maintenance, for the proper collection of income and the incurring of expenditure'—I agree with all that—and shall be liable to reimburse the institution for any loss or damage'. There is no use asking a man to reimburse the loss unless he has property. Suppose the person is a servant of the temple, how is the money to be collected? My friend after all wants the responsibility for the loss or damage and he says they shall not be in possession except under conditions and safeguards, and he also wants Commissioner to make necessary provision for the purpose. All that is already contained in the clause as it is, and there is no necessity for this amendment. I am sorry, Sir, I cannot accept the amendment."

MR. SPEAKER :—" I shall now put the amendment to the vote of the house."

The amendment was put and lost.

Clauses 37, 38 and 39 were then put and carried.

Clause 40.

MR. SPEAKER :—" The motion is—

'That clause 40 do stand part of the Bill.' "

SRI T. VISWANATHAM :—" Sir, in the printed list, there is an amendment which is printed under clause 39 but it really belongs to clause 40."

MR. SPEAKER :—" The Government have given notice of an amendment to omit the clause. If that amendment is accepted, none of the other amendments given notice of by the Members to the clause can be moved."

THE HON. SRI K. MADHAVA MENON :—" Sir, I move—
'That clause 40 be omitted.' "

SRI V. M. RAMASWAMI MUDALIYAR :—" Sir, the reason for the omission of this clause should be given to the House. I see there is some principle involved there. The clause as it is, allows the appointment of a salaried executive officer 'notwithstanding that the institution has a hereditary trustee or trustees'. I want to know the reasons which prompted the Government to delete this clause."

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SRI R. V. SWAMINATHAN :—" The Members of the House and some of us who have been members of the Select Committee cannot understand why this clause should be deleted from the Bill now. The idea is that if there is a hereditary trustee and if we find something wrong is going on, and he is mismanaging, there should be some sort of check and we must have power to appoint an executive officer. We want to know why just now the Government want to delete this clause. Will the Hon. Minister kindly explain to us the reason? "

* THE HON. SRI K. MADHAVA MENON :—" Sir, the reason is this: In drafting certain amendments to be moved on behalf of the Government, we had certain provisions of the Bill examined in detail. Moreover, we had also general discussions on the Bill after the Select Committee report was made available to us. Clause 40 says:

'For every religious institution included in the list, published under section 39, the Commissioner shall constitute a Board of Trustees and appoint a salaried Executive Officer, notwithstanding that the institution has a hereditary trustee or trustees or that the scheme settled or deemed to be settled for the institution under this Act contains provision to the contrary.'

On further examination, we had reason to doubt that clause 40, as it empowers the appointment of non-hereditary trustees in cases where there are hereditary trustees and also the appointment of salaried executive officers, may offend Article 26 (d) of the Constitution. In cases where there are hereditary trustees, to impose non-hereditary trustees, might offend that Article and so we wanted to be on the safe side, when there was a doubt. That is the reason for our omitting the clause now. So far as executive officers are concerned, there is already a provision empowering the appointment of executive officers in respect of temples and institutions, and so it is not necessary that this provision in clause 40 should remain. And that is the reason, Sir, for the omission of this clause."

The amendment that clause 40 be omitted was put and carried.

Clause 41.

MR. SPEAKER :—" The motion is—

'That clause 41 do stand part of the Bill.' "

* THE HON. SRI K. MADHAVA MENON :—" Sir, I move—
'That for clause 41, the following clause be substituted:—

" 41. (1) Where a religious institution including in the list published under section 39 or over which no Area Committee has jurisdiction, has no hereditary trustee, the Commissioner shall constitute a Board of Trustees, consisting of not less than three and not more than five persons appointed by him.

(2) Where any such institution has, at the commencement of this Act, both a hereditary trustee or trustees

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and a non-hereditary trustee or trustees, the Commissioner shall have power to appoint the non-hereditary trustee or trustees as and when vacancies arise in their number.

(3) *Every trustee appointed under sub-section (1) or sub-section (2) shall hold office for a term of five years, unless in the meanwhile the trustee is removed or dismissed or his resignation is accepted by the Commissioner or he otherwise ceases to be a trustee."*

This is only consequential to our omitting clause 40. The reasons which prompted us to omit clause 40 have necessitated this change in clause 41 and power is taken to appoint a trustee only in cases where there is no hereditary trustee, or where there is a combination of both hereditary and non-hereditary trustees even now. This is only intended to bring the clause in consonance with the Articles of the Constitution."

MR. SPEAKER:—"Hon. Members, Mr. Viswanatham and Mr. Karanth have given notice of amendments to clause 41. But they cannot move them now; they can only move amendments to the Government amendment."

* SRI K. BHASHYAM:—"Sir, I move the following amendment:—

'At the end of sub-clause (2), add the following proviso:—

"Provided however that a non-hereditary trustee who has been appointed to a religious institution having originally hereditary trustees only, after November 1942 by the Hindu Religious Endowments Board under the provisions of the Hindu Religious Endowments Act, such trustees shall not be treated as non-hereditary trustees for the purpose of this sub-section."

Sir, I am glad the Government have at least at this distance of time come to recognize the claims of the hereditary trustees. True, it is not on the grounds I have mentioned—that they are a useful set of people for the governance of the religious institutions,—but under threat of the provision being unconstitutional. In giving effect to it, however, what will happen is this: Up till now, in all cases where there were hereditary trustees, the Board has interfered; and just to see that the hereditary trustees were put out of action altogether, non-hereditary trustees, larger in number, have been appointed and yoked along with hereditary trustees. In certain cases, however, some hereditary trustees have been dismissed or a scheme has been framed for the institution, or some other arrangement has been made and other people have come in their place. By my amendment I suggest that a non-hereditary trustee who has been appointed in such cases, after November 1942 should not be treated as such. The reason why I put in that date is that at that time we had the Advisers' Government and some committee was appointed at the time which took a retrograde view in respect of these matters. What I submit is:

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if you want to give some consideration to the hereditary trustees, give it with a full heart. As I said, there has been a crusade against these hereditary trustees and they have been practically sent out or put out of action by the appointment of non-hereditary trustees. So, I move this amendment, so that hereditary trustees may be fully recognized and their help and guidance in the scheme of administration of our temples may continue to be taken."

THE HON. SRI K. MADHAVA MENON:—"Sir, I cannot accept the amendment for two reasons. I have already said that where there are hereditary trustees, no non-hereditary trustee can be appointed. It is only in cases where both of them exist, in the vacancies of non-hereditary trustees, others can be appointed. Mr. Bhashyam wants that:

'no person shall be appointed as a member of the Board of Trustees or as a salaried Executive Officer who does not belong to the category of persons entitled to hold'

SRI K. BHASHYAM:—"Sir, I may point out that the Hon. Minister is reading some other amendment. My amendment reads as follows:—

'Provided however that a non-hereditary trustee who has been appointed to a religious institution having originally hereditary trustees only, after November 1942' etc.

"That comes under clause 41, Sir."

THE HON. SRI K. MADHAVA MENON:—"I am sorry, Sir. I definitely oppose the amendment. Sir, I definitely oppose it, because Mr. Bhashyam's object is any trustee appointed after November 1942 shall not be treated as a non-hereditary trustee. This in effect would nullify the Government amendment. The Government amendment says, 'Where any such institution has, at the commencement of this Act, both a hereditary trustee or trustees and a non-hereditary trustee, or trustees, the Commissioner shall have power to appoint the non-hereditary trustee, etc., as and when vacancies arise'. But, hon. Mr. Bhashyam says that ought not to be there. I cannot accept it certainly, Sir."

MR. SPEAKER:—"The question is—

'At the end of sub-clause (2), add the proviso—

"Provided however that a non-hereditary trustee who has been appointed to a religious institution having originally hereditary trustees only, after November 1942 by the Hindu Religious Endowments Board under the provisions of the Hindu Religious Endowments Act, such trustees shall not be treated as non-hereditary trustees for the purposes of this sub-section."

The amendment was lost.

SRI K. SHANMUGAM:—"I move—

'Add the following to sub-clause (1):—

"Provided the Board of trustees so constituted shall consist of at least one member from the Harijan community."

[Sri K. Shanmugam] [21st November 1950]

“అధ్యక్ష మహాశయ! అనేకవేల సంవత్సరాలనుండి దేవాలయాల చెంతకు కూడా రానివ్వకుండా హరిజనులను బహిష్కరించి యుండినందున హిందువులు వారు చేసిన అన్యాయానికి శిక్షార్హులు. అందుకు పరిహారముగా నైనను **Religious Institution** లో ఒక్కొక్క హరిజనుని **non-hereditary trustee** గా నియమించి నట్లయిన కాంగ్రెస్ అధికారములోనికి వచ్చి సాంఘిక ఆనందమును తొలగించి దేవాలయ ప్రవేశం కలిగించి ఆస్పత్రి శిక్షణకు నివారణకు వోడ్పడుటయేగాక దేవాలయముల మీద పెత్తనం కూడా యిచ్చిందని దేశములో భౌతికంగా గురుతుగాక హరిజనులు ఇంకా ఎక్కువ ప్రోత్సహించరా—భక్తియుతంగా సత్ప్రవర్తనతో జీవ యాత్రను గడుపుగోగలరని యీ సమరణము ప్రవేశపెట్టుచున్నాను. గౌరవనీయులైన మంత్రీగారు తప్పక యీ తీర్మానమును ఆంగీకరిస్తారని విశ్వసిస్తున్నాను.”

SRI V. I. MUNISWAMI PILLAY:—“Sir, I second the amendment and in seconding it, I wish to point out that the Government have been very generous to Harijans in appointing members to the various Advisory Committees of very important temples and I wish them to continue the same spirit by accepting the amendment.”

SRI R. V. SWAMINATHAN:—“Sir, I entirely sympathise with the object of this amendment, but I wish to remove the impression of the hon. Member who moved the amendment that when trustees are appointed the claims of Harijans are being neglected. That is what Mr. Shanmugam said in speaking on the amendment, but I want to inform the House in this connexion of what happened in one case in my own district. In Kunnakudi there is a big Devasthanam where three trustees are appointed once in three years. According to the Act only the District Judge of Ramanathapuram has to select the trustees. People who want to become trustees will have to apply to the District Judge and after going through the merits and claims of all the applicants he will select the trustees. Last year, twelve persons submitted their applications for appointment as trustees and out of these twelve only one Harijan applicant came forward and of course, there were also Brahmins and some so-called high caste people. Though the judge was a Brahmin, he was wise enough to select the Harijan candidate though he was the only applicant and also two others from other communities. I want to bring this to the notice of the House that whether there is an Act or not, it is being done in practice.”

MR. SPEAKER:—“The hon. Mr. Muniswami Pillay is a trustee of the Madhurai temple.”

* **THE HON. SRI K. MADHAVA MENON:—**“Sir, I entirely sympathise with the amendment moved by hon. Mr. Shanmugam. While speaking on the amendment he said that the claims of Harijans are not considered. You may remember, Sir, that both of us were shut out of a temple in Lalgudi in spite of the Temple Entry Act, because both of us were going there. I know it to our cost and to the extent the law will permit, we will certainly try to accommodate the feelings expressed by the hon. Member and others

21st November 1950] [Sri K. Madhava Menon]

who supported the amendment. But, what the amendment says is, in every board of trustees constituted there shall be a Harijan. I may point out that the provision as passed by the Select Committee in respect of clause 46 is that in making appointments of trustees the Commissioner shall have due regard to the claims of persons belonging to the religious denominations for whose benefit the institution concerned is chiefly maintained. To this, the Government have proposed an amendment, namely, for clause 46, substitute the following clause:—

‘46. Every trustee appointed by the Commissioner under section 41 or by the Area Committee under section 41 shall be a person having interest in the institution concerned.’

So, Sir, it will all depend upon the qualifications that are necessary for a trustee. The question whether he is of the religious denomination has to be looked into or he has the interests of the institution should be looked into. There are also other legal difficulties in the way if we pass this amendment. Moreover, it may be impossible of performance and the Constitution will come in. That is the difficulty in accepting the amendment, but I may inform the hon. Member that the point raised by him will be borne in mind by the Commissioner in making these appointments.”

The amendment was by leave withdrawn.

JANAB MAHIN SCHAMNAD:—“Sir, I move the amendment standing in my name, namely:—

‘(1) After sub-clause (2), insert the following as sub-clause (3):—

“(3) No person shall be appointed as a member of the Board of Trustees who does not belong to the category of persons entitled to hold the trusteeship of the religious institution by virtue of ancient and long established religious custom or usage of the community or group of persons to which the religious institution belongs.

(2) Sub-clause (3) proposed by the Government may be re-numbered as sub-clause (4).”

“Sir, in communal temples nobody who is not a member of the community can be a trustee. So, only members of that community by virtue of ancient and long established custom and usage can administer the temples. The amendment is also in accordance with the provisions contained in Article 26 of the Constitution of India.”

SRI L. N. GOPALASWAMI:—“I second the amendment, Sir.”

THE HON. SRI K. MADHAVA MENON:—“Sir, I oppose the amendment because, as I said, this applies only to non-hereditary trustees and any such condition like this will not be workable. Moreover, under section 46, we have provided for the conditions for the appointment of trustees.”

The amendment was put and lost.

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SRI V. M. RAMASWAMI MUDALIYAR :—“ Sir, I regret very much that the Government are giving up their rights under the original sub-clause (2) of appointing or co-opting so to speak, non-hereditary trustees with hereditary trustees. I do not know why they have become panicky. The only reason advanced by the Government is that their legal advisers have said that it may offend some Article of the Constitution—probably Article 26. When a clause like that was found necessary by the Government and especially when it has been approved by the Select Committee, I should say that even at the risk of its being declared illegal subsequently, it should find a place. After all even if it is declared illegal, only that clause will become illegal and the other clauses will be there. Therefore, Sir, the Government agreed to it on principle in the original Bill and in the Bill as it emanated from the Select Committee. I therefore move my amendment, namely :—

‘ After sub-clause (2), insert the following as sub-clause (3) :—

“ (3) Where an institution had only a hereditary trustee or trustees, the Commissioner shall have power to appoint other non-hereditary trustees exceeding the number of hereditary trustees by one.”

I want this clause to be put in because, Sir, it is proposed to be deleted from the Bill, having agreed to it originally and approved by the Select Committee. No reason has been advanced for omitting it, except that some doubts might be raised later on. After all, Sir, what will happen is, what happened to clause 14 of the Preventive Detention Act will happen here also. Only that clause will be declared illegal. On the other hand, what will happen if we agree to the deletion of this clause is, institutions with non-hereditary trustees will go without control because there will be no other person to be in charge of the management of that institution. There will be a lacuna so to speak. What will happen is, in the case of temples with hereditary trustees, the hereditary trustee will become the sole monarch. So, Sir, I think no case has been made out by the Government for dropping this provision.

“ In fact, Sir, I can quote instances where hereditary trustees misbehave and are not amenable to reason and that is why non-hereditary trustees have been associated with hereditary trustees in some cases. I may refer to the judgment of a Judge of the Madras High Court on the original side about 15 days ago saying that the appointment of a non-hereditary trustee under section 51 of the present Act was not proper. Of course, that went on a different basis altogether, that is where the Board delegated their power to the Assistant Commissioner to appoint a non-hereditary trustee, and they said that such appointment was not proper. However, I do not want to canvass the validity or the propriety of that judgment and that is the subject-matter of appeal. As I said, Sir, if a hereditary trustee misbehaves we have no control at all. (Sri K. Bhashyam : ‘ He will be dismissed.’) Yes, but only by the Court. So, Sir, I do not want any temple to be left in sole charge

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of a single hereditary trustee. In this connexion, I want to bring to the recollection of the House the opinion of such an eminent Hindu jurist like the late Sir Sadasiva Ayyar in 36 Madras (1400). He said that the institution of hereditary trustee is an anachronism. It is an anachronism such as the divine right of kings. Why should there be hereditary trustees for all time? That is the opinion of a very learned and eminent Hindu jurist like Sir Sadasiva Ayyar. I am sorry, Sir, why the Government have become panicky and want to go behind the original idea which they have supported and piloted through the Select Committee and now want to drop it at this stage.”

* SRI V. I. MUNISWAMI PILLAY :—“ Sir, I rise to second the amendment of my hon. Friend, Mr. Ramaswami Mudaliyar. I do not find any reason why non-hereditary trustees should be left out and why the hereditary trustees should be given the first place. From the new clause proposed by the Government in sub-clause (2) it is very clear that they want to give the first place to the hereditary trustees and then only take non-hereditary trustees if there are places available for them. What I would suggest to the Government is in bringing these trustees into office, they should take into consideration the credentials of both the hereditary and non-hereditary trustees who apply for trusteeship. Only if they have good credentials, capacity and such other requisite qualifications they should appoint these trustees either hereditary or non-hereditary. I feel, Sir, that the reasons advanced by my hon. Friend, Mr. Ramaswami Mudaliyar, are very pertinent to this matter. I therefore support the amendment.”

* SRI K. BHASHYAM :—“ Mr. Speaker, Sir, there is a slight misunderstanding as regards the provisions of the Bill with regard to hereditary trustees. Their rights have been recognized even under the old Act. As a matter of fact, any trustee can be removed or dismissed but in the case of a hereditary trustee if he commits any default, he is dismissed but his successor comes into office; that is what is being done even to-day. The position under the present Act is that where there is only a hereditary trustee and there is no non-hereditary trustee, the Government do not propose to interfere with him in any way. But it does not mean that for any default in respect of any matters, he is not likely to be removed. It is not as if there is no provision made for the purpose of getting rid of people even though they may be hereditary trustees. That is the case with regard to hereditary village officers and that is what is being done here. If a person is incapable or has committed any default, his successor will be put in his place and if his successor is a minor, there is a person appointed to perform the duties during the minority of the successor. It is something like that that is proposed and it is nothing new. I am very glad that the constitutional right of the hereditary trustees has been recognized and there need be no misapprehension that the hereditary trustees will be allowed to act as they please.”

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* THE HON. SRI K. MADHAVA MENON :—" Mr. Speaker, Sir, my personal feelings are almost the same as what my hon. Friend, Mr. Ramaswami Mudaliyar, said, namely that we must if possible associate non-hereditary trustees also with hereditary trustees in the management of religious institutions for after all it is a trust property in respect of which all Hindus have a right to see that they are properly maintained. But it was not due to panic or anything like that that it was given up. If we were definitely advised that it will offend the Constitution and when there is a definite advice to that effect, no Government is entitled to say that they know the law better. As remarked by Sri Ramaswami Mudaliyar it may be an anachronism and the judgment of Justice Sadasiva Ayyar in Madras 38 may be correct in the circumstances then existing and I doubt very much whether 38 Madras would have been the same if at that time they had a Constitution such as we have now under which religious denominations are given powers to manage their own affairs and though it was an anachronism and he felt like that he will have to approve it. So, Sir, that is the position. Let the hon. Member be not under the impression that it was in a panic that it was done. By the little power that the Government can exercise by means of a provision suggested by my hon. Friend, I do not want to imperil the very Act by adopting a clause which we were definitely advised by the authorities that it will offend against the Constitution. So, the idea is that where there are hereditary trustees now, it must continue. So, I appeal to my hon. Friend, Sri Ramaswami Mudaliyar, not to press his motion."

SRI V. M. RAMASWAMI MUDALIYAR :—" I have no option but to withdraw the motion."

The motion was by leave withdrawn.

MR. SPEAKER :—" The question is—

For clause 41, substitute the following :—

" (1) Where a religious institution included in the list published under section 39 or over which no Area Committee has jurisdiction, has no hereditary trustee, the Commissioner shall constitute a Board of Trustees consisting of not less than three and not more than five persons appointed by him.

(2) Where any such institution has, at the commencement of this Act, both a hereditary trustee or trustees and a non-hereditary trustee or trustees, the Commissioner shall have power to appoint the non-hereditary trustee or trustees as and when vacancies arise in their number.

(3) Every trustee appointed under sub-section (1) or sub-section (2) shall hold office for a term of five years, unless in the meanwhile the trustee is removed or dismissed or his resignation is accepted by the Commissioner or he otherwise ceases to be a trustee."

The motion was carried.

Clause 41 as amended was carried.

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Clause 42.

MR. SPEAKER :—" The motion is—

'That clause 42 do stand part of the Bill.'"

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

'For clause 42, substitute the following clause, namely :—

" (1) In the case of a religious institution for which a Board of Trustees is constituted under section 41, sub-section (1) the Board shall elect one of its number to be its Chairman.

(2) In the case of any other religious institution having more than one trustee, the trustees of such institution shall elect one of their number to be the Chairman.

(3) A Chairman elected under sub-section (1) of sub-section (2) shall hold office for such period as may be prescribed."

The amendment is necessitated by the omission of clause 40. For the reasons I have already stated, we cannot associate non-hereditary trustees with hereditary trustees and therefore, Sir, this amendment has become necessary."

* SRI T. VISWANATHAM :—" Mr. Speaker, Sir, I beg to move—

'Delete sub-clause (3) of clause 42.'

According to sub-clause (3) of clause 41, every trustee shall hold office for a term of five years and their number has been stipulated in sub-clause (1). So, Sir, the Chairman must have the same period of life, that is as long as he is a member he must continue as such and the period should not be left to be prescribed by the Government because he is an elected Chairman. He will, however, stand on a different footing if he is nominated or appointed by the Government. I submit, Sir, that he must have the same life as that of a trustee or the trust board; if he begins with it he must end with it and if he comes in the middle he must end with its life and his life cannot be for any other period."

SRI K. BHASHYAM :—" Mr. Speaker, Sir, I beg to second the amendment."

* THE HON. SRI K. MADHAVA MENON :—" Mr. Speaker, Sir, the Chairman is to hold office for such period as may be prescribed; it may be for the full term. We want to try the system of holding office by rotation. It can be prescribed by rules and it can also be cancelled by rules and therefore, no specific provision is made, the idea being that we want to enable the Chairman to hold office by rotation and see how it works."

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SRI T. VISWANATHAM :—" Mr. Speaker, Sir, I am not at all satisfied with the explanation that he wants to try the system of rotation; if he wants it, it must be made statutory and he cannot think in two ways about the same thing. By rules, we can do so many things and even change the shape of the earth."

MR. SPEAKER :—" The question is—

' Delete sub-clause (3) of clause 42.' "

The amendment was lost.

MR. SPEAKER :—" The question is—

' For clause 42, substitute the following, namely :—

" (1) In the case of a religious institution for which a Board of Trustees is constituted under Section 41, sub-section (1) the Board shall elect one of its number to be its Chairman.

(2) In the case of any other religious institution having more than one trustee, the trustees of such institution shall elect one of their number to be the Chairman.

(3) A Chairman elected under sub-section (1) of sub-section (2) shall hold office for such period as may be prescribed." "

The motion was carried.

Clause 42 as amended was put and carried.

Clause 43.

MR. SPEAKER :—" The motion is—

' That clause 43 do stand part of the Bill.' "

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

' Omit clause 43.'

This is consequential on the omission of clause 40 which provided for the appointment of salaried executive officers. With section 40 this automatically goes."

MR. SPEAKER :—" The question is—

' Omit clause 43.' "

The motion was carried.

Clause 44.

MR. SPEAKER :—" The motion is—

' That clause 44 do stand part of the Bill.' "

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

' For clause 44, substitute the following, namely :—

(1) In the case of any religious institution over which an Area Committee has jurisdiction, the Area Committee shall have the same power to appoint trustees as is vested in the Commissioner in the case of a religious institution referred to in section 41:

Provided that the Area Committee may, in the case of any institution which has no hereditary trustee, appoint a single trustee.

(2) The provisions of section 41, sub-section (3), and section 42 shall apply to the trustee or trustees appointed, or the Board of Trustees constituted, by the Area Committee as they apply in relation to the trustee or trustees appointed, or the Board of Trustees constituted, by the Commissioner."

This is necessary for the same reason as I have mentioned for the omission of clause 40."

The motion was put and carried.

* SRI K. BHASHYAM :—" Mr. Speaker, Sir, I am able to understand the sense of it, Sir, but I have some little difficulty and that is this: Clause 41 says in respect of institutions included in the list or where the Area Committee has no jurisdiction and there is no hereditary trustee, the Commissioner can constitute the Trust Board consisting of not less than three persons and not more than five and their term of office has also been prescribed and when both hereditary and non-hereditary trustees are there at the commencement of this Act, he appoints the non-hereditary trustees. But here this clause says that the Area Committee shall have the same power as the Commissioner has in the case of a religious institution under clause 41, the powers there being in respect of constitution of the board of trustees. I am at a loss to see how the trustee will be appointed, as the power of appointing trustee is not there. I feel some difficulty in understanding the position, Sir."

THE HON. SRI K. MADHAVA MENON :—" Mr. Speaker, Sir, I do not think there is any difficulty as it is covered by the proviso:

' Provided that the Area Committee may in the case of any institution which has no hereditary trustee, appoint a single trustee.'

The proviso sets at rest the difficulty contemplated by my hon. Friend Sri Bhashyam."

Clause 44 as amended was put and carried.

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New clause 44-A.

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

'After clause 44, insert the following clause:—

"44-A. The power to appoint trustees under section 41 or section 44 shall be exercisable notwithstanding that the scheme, if any, settled, or deemed under this Act to have been settled for the institution contains provision to the contrary."

Even now there is such a provision and it is considered desirable to make such a provision in the case of other institutions like this also."

SRI K. BHASHYAM:—"Mr. Speaker, Sir, this is of great constitutional importance and I am afraid it cannot be disposed of within a short time, as it will take much time. Therefore, we shall take it up to-morrow."

MR. SPEAKER:—"We shall take up further consideration of the clause and amendments to-morrow."

The House is adjourned till 11 a.m. to-morrow.

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

The balance sheet of the Madras Industrial Investment Corporation, Limited, as at 30th June 1950.

21st November 1950]

APPENDIX I.

[Vide answer to starred question No. 477 asked by Sri A. Vedaratnam Pillai at the meeting of the Legislative Assembly held on 21st November 1950, page 539 supra.]

Statement showing the total expenditure of the Food Department of this State for the year 1948-49.

	Expenditure on staff.	Other expenditure.	Total.
	RS.	RS.	RS.
I. Demand IX—25. General Administration— J. Civil Secretariats—D. Food Department.	1,74,577	978	1,75,555
II. Demand XXXII—63. Extraordinary charges— a. Charges in India—			
1 C. I. Establishment for Price Control— Board of Revenue.	58,07,762	13,84,781	71,92,543
2 C. III. Internal Audit Establishments ..	48,198	1,317	49,515
3 C. IV. Establishment for Central Grain Reserves.	13,434	..	13,434
4 D. Free Distribution of milk to privileged consumers—Mufassal.	..	2,10,346	2,10,346
III. Demand XLI—85. A. Capital outlay on schemes of State Trading—			
1 a. Grain Supply Scheme—			
A. Common suspense for Grain Supply Schemes.	..	1,68,61,355	1,68,61,355
B. Rice	..	1,87,96,811	1,87,96,811
C. Wheat and wheat products	1,093	37,79,674	37,80,767
D. Other grains	..	26,67,857	26,67,857
E. Sugar and jaggery	..	— 83,288	— 83,288
F. Government depots for rice	2,31,292	— 1,52,45,913	— 1,50,14,621
G. Government depots for foodgrains ..	..	47,946	47,946
J. Purchase and distribution of ground- nut.	..	— 1,593	— 1,593
K. Purchase and sale of dehydrated sweet potatoes, potatoes, etc.	..	— 77,269	— 77,269
L. Purchase and distribution of gunnies ..	..	— 22,35,240	— 22,35,240
M. Establishment and other charges ..	6,36,913	9,20,888	15,57,801
2 c. Other Miscellaneous Schemes—			
B. Common suspense for schemes under Commissioner of Civil Supplies.	..	48,019	48,019
L. Purchase and distribution of ground- nut toffee.	..	— 3,622	— 3,622
M. Purchase and distribution of firewood.	2,54,217	4,04,248	6,58,465
N. Civil Supplies Transport unit	5,84,602	3,51,465	9,36,067
R. Milk Production Scheme	20,974	— 1,33,963	— 1,12,989
	77,73,062	2,76,94,797	3,54,67,859

NOTE.—Minus figures denote larger receipts from sale proceeds and receipts and recoveries on capital account.

[21st November 1950]

APPENDIX II.

[Vide answer to starred question No. 482 asked by Sri S. Nagappa at the meeting of the Legislative Assembly held on 21st November 1950, page 544 supra.]

District.	Number of adult literacy schools opened.	District.	Number of adult literacy schools opened.
Visakhapatnam South ..	14	South Arcot ..	6
Visakhapatnam North ..	32	Tanjore East ..	6
Godavari East ..	54	Tanjore West ..	10
Godavari West ..	3	Tiruchirappalli ..	10
Krishna East ..	8	Mathurai ..	12
Krishna West ..	8	Ramanathapuram ..	22
Guntur North ..	9	Tirunelveli East ..	13
Guntur South ..	26	Tirunelveli West ..	30
Nellore ..	36	Cuddapah ..	13
Coimbatore ..	15	Salem ..	31
Anantapur ..	8	South Kanara ..	37
Bellary ..	1	Malabar North ..	24
Kurnool ..	13	Malabar South ..	24
Madras ..	4		
Chingleput ..	6		481
Chittoor ..	42		
North Arcot ..	16		

List of rural colleges.

I. Government Rural Colleges for Men—

- Arcot (North Arcot district).
- Badagara (North Malabar district).
- Pentapadu (West Godavari district).

II. Government Rural Colleges for Women—

- Kozhikode (Malabar North).
- Tanjore (Tanjore West).
- Waltair (Srikakulam).

III. Aided Rural Colleges—

- Sri Sarada Vidyalayakalanilayam (Coimbatore district).
- Rural College at Udayagiri (Nellore district).
- Rural College at Aruppukottai (Ramanathapuram district).
- Rural College at Masulipatnam (Krishna district).

21st November 1950]

APPENDIX III.
[Vide answer to starred question No. 483 asked by Sri S. Nagappa at the meeting of the Legislative Assembly held on 21st November 1950, page 545 supra.]

STATEMENT I.
Statement showing the export of millets made from the Rayalaseema districts to other deficit districts during the khariff year 1949-50 (up to 15th September 1950).
Quantity exported and the name of the importing district.

Name of the exporting district.	Mathurai.	Salem.	Coimbatore.	North Arcot.	The Nilgiris.	Ramanathapuram.	Tirunelveli.	Visakhapatnam.	Chingleput.	Railways.	Total.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Anantapur ..	975	504	2,490	685	131	..	..	..	..	..	3,969
Bellary ..	..	3,526	2,081	..	..	..	..	..	..	..	6,423
Chittoor ..	492	..	790	..	..	..	..	..	..	..	2,155
Cuddapah ..	..	398	1,943	..	..	873	1,958	500	..	100	4,899
Kurnool ..	42	1,000	6,310	..	1,360	2,922	1,003	..	301	..	12,938
										Total ..	30,384

STATEMENT II.

Statement showing the quantity of rice imported into the districts of Rayalaseema during the khariff year 1949-50 up to 18th September 1950 districtwar (November 1949 onwards).

Name of the district.	Quantity imported from			Total imports.
	Within the State.	Extra State sources.	Overseas sources.	
(1)	(2)	(3)	(4)	(5)
Anantapur ..	4,816	Nil.	1,093	5,909
Bellary ..	7,154	..	1,155	8,309
Chittoor ..	3,313	..	1,160	4,473
Cuddapah ..	1,678	..	358	2,036
Kurnool ..	4,770	..	353	5,123
Total ..	21,731	..	4,119	25,850

THE MADRAS LEGISLATIVE ASSEMBLY.

Wednesday, the 22nd November 1950.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Advisory Councils under the Madras Maintenance of Public Order Act, 1949.

* 485 Q.—JANAB MOHAMED ABDUL SALAM: Will the Hon. the Chief Minister be pleased to state—

(a) whether all the cases of detenus are referred by the State Government to the Advisory Council; .

(b) the number of cases in which the order of detention has been confirmed by the Advisory Council;

(c) the number of cases in which the order of detention has been modified by the Advisory Council; and

(d) the number of cases in which the Advisory Council has recommended for the cancellation of the detention order?

THE HON. SRI K. MADHAVA MENON (on behalf of the Hon. the Chief Minister):—“(a) Yes. All the cases are referred to the reviewing authority or the Advisory Council, as the case may be.

“(b) to (d) The Advisory Councils under the Madras Maintenance of Public Order Act, 1949, or the reviewing authorities nominated under the Preventive Detention Act, 1950, do not themselves confirm or modify detention orders, but only give their opinion on the cases referred to them. The information as to the nature of their recommendation cannot be disclosed, as it is against the public interests.”

JANAB MOHAMED ABDUL SALAM:—“May I know, Sir, in how many cases the Government have accepted the recommendation for the release of detenus and in how many cases they have not accepted the recommendation?”

THE HON. SRI K. MADHAVA MENON:—“I repeat, the nature of the recommendation cannot be divulged.”

SRI B. S. MURTHI:—“Are there any cases where there has been difference of opinion between the Advisory Council and the Government?”

THE HON. SRI K. MADHAVA MENON:—“My answer is the same as that for the previous question.”

JANAB ABDUL HAMEED KHAN:—“May I know whether the number of Communist detenus who have been released have

THE MADRAS LEGISLATIVE ASSEMBLY.

Wednesday, the 22nd November 1950.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Advisory Councils under the Madras Maintenance of Public Order Act, 1949.

* 485 Q.—JANAB MOHAMED ABDUL SALAM: Will the Hon. the Chief Minister be pleased to state—

(a) whether all the cases of detenus are referred by the State Government to the Advisory Council;

(b) the number of cases in which the order of detention has been confirmed by the Advisory Council;

(c) the number of cases in which the order of detention has been modified by the Advisory Council; and

(d) the number of cases in which the Advisory Council has recommended for the cancellation of the detention order?

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JANAB ABDUL HAMEED KHAN:—“May I know whether the number of Communist detenus who have been released have

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been released on the recommendation of the Advisory Council, or on the Government finding that wrong people have been detained?" (Laughter.)

THE HON. SRI K. MADHAVA MENON:—"Government have not found any case where wrong people have been detained."

JANAB MOHAMED ABDUL SALAM:—"Sir, the Hon. Minister may kindly remember when this Maintenance of Public Order Act was being passed in this House, Government were pleased to state that these advisory councils or reviewing authorities were to provide against improper detention of any person, and Government have also repeatedly said in this House that this House will be given an opportunity to know how these committees are working. In view of that and in view of the High Court's remarks on various occasions that these advisory committees are not being properly treated, should not this House know how these committees are working?"

THE HON. SRI K. MADHAVA MENON:—"There is no question of committees at all. I do not know wherefrom the hon. Gentleman got the idea of committees. To my knowledge, the High Court has never said that these advisory councils have not been properly treated."

JANAB ABDUL HAMEED KHAN:—"Arising out of the answer of the Hon. Minister for Law, may I ask him whether he believes that the Police had not committed any mistake, or even if they had committed mistakes, do Government think that whatever they have been doing is right?"

THE HON. SRI K. MADHAVA MENON:—"The question of my belief about what the Police are doing, does not arise at all."

SRI V. RAGHAVAYYA:—"May I know whether cases of prospective detenus will be referred to these councils? (Laughter.) I mean those whom Government want to detain. Will the Government refer such cases to the advisory councils?"

THE HON. SRI K. MADHAVA MENON:—"There is something wrong with the question."

JANAB MOHAMED ABDUL SALAM:—"Is the Hon. Minister in a position definitely to say that the counsel of the advisory council has not been accepted by the Government?"

THE HON. SRI K. MADHAVA MENON:—"On the other hand, it has been given highest consideration."

JANAB MUHAMMAD RAZA KHAN:—"Is the Hon. Minister aware that when a petition came up before the High Court, it was pointed by an eminent Judge of the High Court that there was inordinate delay in framing the charge-sheet and that the advisory council met very rarely and that in many cases their recommendation was not accepted by the Government?"

THE HON. SRI K. MADHAVA MENON:—"It is not a fact to my knowledge."

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SRI B. S. MURTHI:—"Sir, now that the ban on the Communist party has been removed, may I know, whether there is any use hereafter for these boards being continued?"

THE HON. SRI K. MADHAVA MENON:—"The reviewing authorities are necessary as long as there are people in detention."

JANAB S. SHAH ALAM KHAN:—"May I know what happens if there is a difference of opinion between the advisory council and the Government?"

THE HON. SRI K. MADHAVA MENON:—"There is no question of difference of opinion. As I said, it is an advice given by the council to the Government."

SRI S. NAGAPPA:—"May I know, how many of these detenus are detenus other than those belonging to the Communist party?"

THE HON. SRI K. MADHAVA MENON:—"To my knowledge, I do not think, there are any other than Communists. That is my recollection."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I ask whether when detenus are released by the Government they give any undertaking to the Government and may I know whether their cases are also referred to the advisory council, before they are released, to find out whether there is a good case for relying upon the undertaking given by the detenus?"

THE HON. SRI K. MADHAVA MENON:—"Reference to the advisory council or reviewing authority is obligatory under the law, and so every case of detention has to be referred to them."

SRI A. KALESWARA RAO:—"May I know whether the Government are aware that there is a strong impression in the public mind in those areas affected by Communist atrocities, that the releases are more lenient than they should be?"

THE HON. SRI K. MADHAVA MENON:—"I am not aware of any such feeling. The question of release entirely depends upon the Government being satisfied that there is no necessity to continue detention."

SRI M. G. NATESA CHETTIYAR:—"May I know whether the members of the advisory council are eligible to call for records, examine cases or ask the Government to place cases for their recommendation?"

THE HON. SRI K. MADHAVA MENON:—"Reviewing authorities do call for further information whenever they think it necessary."

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Reservoirs in Kurnool district.

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

(a) whether it is a fact that the preliminary investigations for the construction of reservoirs at Giddalore and Daddanala in Banganapalle taluk, Kurnool district, have been made;

(b) if so, what the proposed expenditure and the extent of the ayacut under these two reservoirs are;

(c) whether any representations have been received for the construction of these reservoirs and if so, from whom; and

(d) when the Government propose to take up these works?

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

“(b) The construction of a reservoir near Daddanala is estimated to cost Rs. 8.68 lakhs approximately and is expected to irrigate an ayacut of 600 acres.

“(c) As regards the construction of a reservoir at Giddalore, there are two alternative schemes: one scheme is estimated to cost Rs. 16.02 lakhs approximately and is expected to irrigate an ayacut of 1,750 acres, while the other is estimated to cost Rs. 6 lakhs and is expected to serve an ayacut of 750 acres.

“(d) Yes. The Government have received representations from the Banganapalle State Congress, ryots of Banganapalle taluk and also the hon. Member himself.

“(e) The Chief Engineer's (Irrigation) recommendations are awaited. The Government will consider the question of taking up the works on receipt of his recommendations.”

SRI P. VENKATASUBBIAH:—“Sir, in view of the fact that there are no irrigation facilities worth the name in these parts, will Government expedite these works by sanctioning the schemes early?”

THE HON. SRI M. BHAKTAVATSALAM:—“Yes, Sir. We are certainly expediting the taking up of these two schemes.”

SRI S. NAGAPPA:—“Sir, in view of the fact that there are two schemes for the Giddalore reservoir, will the Government consider the desirability of taking up the bigger of the two schemes, which costs sixteen lakhs and irrigates more number of acres?”

THE HON. SRI M. BHAKTAVATSALAM:—“I have already answered that we are awaiting the opinion of the Chief Engineer for Irrigation on the question which of the alternatives is to be taken up.”

[22nd November 1950]

Rice imported into deficit districts.

* 487 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Food be pleased to state—

(a) the number of tons of paddy or rice that have been imported into the deficit districts of the State in the month of August 1950;

(b) the quantity that has been allotted to each district out of the imported quota;

(c) from where they were moved; and

(d) how much of the stocks thus imported is from outside the State?

THE HON. SRI J. L. P. ROCHE VICTORIA:—“(a) Sixty-nine thousand one hundred and eighty-three tons of rice—vide column 5 of the detailed statement^a placed on the table of the House.

“(b) Vide columns (3) and (4) of the statement.

“(c) The stocks from extra State sources were moved from Uttar Pradesh, Delhi, Madhya Pradesh, Vindhya Pradesh, Orissa and West Bengal and from overseas.

“(d) Thirty-two thousand nine hundred and twenty-four tons—vide columns (3) and (4) of the statement.”

SRI V. RAGHAVAYYA:—“Is it not a fact, Sir, that in removing stocks from the coastal districts of Andhra to the deficit districts, the removal has been so drastic that it has depleted the coastal districts like Visakhapatnam, Nellore and to some extent Guntur of their natural need and compelled Government to send supplies to them from elsewhere?”

THE HON. SRI J. L. P. ROCHE VICTORIA:—“Export quotas of quantity are issued in reference to the target fixed for each district. When the target was so fixed, only the surplus was exported from those districts to other deficit areas. But when the target was not reached, the difficulty arose, because all the quantity which we expected to be procured in those respective districts were not procured in time.”

JANAB ABDUL HAMEED KHAN:—“May I ask the Hon. Minister for Food to tell us the surplus districts from where rice is supplied to the City of Madras?”

THE HON. SRI J. L. P. ROCHE VICTORIA:—“It comes from several districts; it is not attached to any particular district; wherever it is possible to remove stocks to Madras City, it is done.”

SRI S. NAGAPPA:—“May I ask the Hon. Minister why the Government have not moved sufficient stock to the districts of Anantapur and Cuddapah, but only 300 tons, even though there has been acute scarcity of rice in those districts?”

(At this stage the Deputy Speaker occupied the Chair.)

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THE HON. SRI J. L. P. ROCHE VICTORIA:—"We were only supplying for the month of August, Madam, and during that period it may be possible that sufficient stock was available in those districts, or balance of stock from the previous month might have been carried over to that month. The figures refer only to the month of August."

SRI P. NATESAN:—"Is the Hon. Minister aware that very bad quality of rice is being supplied to the City of Madras, and may I know wherefrom this particular kind of rice comes?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Some of the supplies come from overseas; it may be, this particular complaint refers to the supply from overseas."

SRI V. RAGHAVAYYA:—"The craze of Madras generally for the fine rice of Nellore has always put Nellore to a disadvantage, in that the best of its rice is being transferred to Madras, irrespective of the needs of the people of that district; may I know whether this craze will be put an end to, or whether the demand of Madras will be met from various other districts, good, bad and indifferent?" (Laughter.)

THE HON. SRI J. L. P. ROCHE VICTORIA:—"It might have been a craze previously; but at present, we are not following that original programme. Now we are getting supplies from different districts, and Nellore district is not the district which is supplying the Madras City."

SRI S. NAGAPPA:—"Madam, the month of August is a lean month so far as rice is concerned. Kurnool, Anantapur and Cuddapah districts were suffering then from acute scarcity of rice; may I know why the Government have not taken the trouble to move enough stock to these areas?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"As admitted by the hon. Member, the month of August is a difficult month, and whatever supply was available had to be moved to the various areas. If supplies had not gone to those district at that time, perhaps that was the reason."

Probationers in Electricity department.

11-15 a.m. * 488 (C).—SRI L. N. GOPALASWAMI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that probationers in the Government service of the Electricity department are required to pass certain departmental (Account and other) tests within a period of two years of their appointment in spite of the fact that the books dealing with the subjects are out of print and are not available to these probationers; and

(b) whether it is a fact that these probationers are debarred from getting increments till they pass these tests?

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THE HON. SRI M. BHAKTAVATSALAM:—" (a) The following ministerial staff and technical staff in the Electricity department are required to pass the tests mentioned below during the period of their probation:—

Ministerial staff.

- | | |
|---|---|
| (1) Accountants and Deputy Chief Accountants. | Book-keeping Examination. |
| (2) Upper Division Clerks.. | Book-keeping Examination and Account Test for Subordinate Officers, Part I. |
| (3) Chief Accountants .. | P.W. Divisional Test. |

Technical Staff.

- | | |
|--|--------------------------------------|
| Members of the Madras Electrical Subordinate Service (Supervisors and Junior Engineers) and members of the Madras Electrical Service (Assistant Engineers, Executive Engineers and Divisional Electrical Engineers). | Electricity Department Account Test. |
|--|--------------------------------------|

There is no difficulty, so far as the ministerial staff is concerned, about getting the books prescribed for them.

Supervisors, Junior Engineers and Assistant Engineers who have to pass the Electricity Department Account Test, have to answer two papers—one covering portions in the Madras Electricity Department Manual and the other covering portions in the Madras Financial, Treasury, and Account Codes.

There is no difficulty in getting reference books for answering the second portion, but the Madras Electricity Department Manual required for answering the first portion is now out of stock. The Government have ordered the reprinting of the Manual and it is expected that copies will be available shortly. The Government have not received any representation from departmental officers that they have found it difficult to appear for the Tests for want of the Manual, presumably because they are able to make use of the copies of the Manual kept in their offices for reference purposes.

"(b) Yes. The period of probation of an officer is extended to enable him to pass the prescribed tests. As under the service rules increment will not be allowed to an officer who has not been declared to have satisfactorily completed his probation, his increment will be stopped until he passes the tests and is declared to have completed his probation satisfactorily. But such stoppage of increment is not treated as a penalty and it will not postpone future increments of the officer."

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SRI L. N. GOPALASWAMI:—“ Since the persons who sit for these tests have to answer the questions with the help of the books, is it not impossible for them to secure these books to take them for the examination? ”

THE HON. SRI M. BHAKTAVATSALAM:—“ I have already answered that arrangements are being made to print the books, which are out of stock, as early as possible.”

SRI L. N. GOPALASWAMI:—“ May I ask whether the penalty of stopping increment will be postponed till these books are made available? ”

THE HON. SRI M. BHAKTAVATSALAM:—“ I have already answered that it is not a penalty.”

BEGUM SULTAN MIR AMIRUDDIN:—“ May I know whether it is a fact that some of the ex-M.E.S.C. staff have not been given their due promotion despite their having passed these examinations? ”

THE HON. SRI M. BHAKTAVATSALAM:—“ I would like to have notice of the question with the cases specified.”

Borstal School at Palayamkottai.

* 489 Q.—SRI V. I. MUNISWAMI PILLAY: Will the Hon. the Minister for Education be pleased to state—

(a) the total strength of the inmates in the Borstal School at Palayamkottai at the end of 1949; and

(b) the number of inmates for whom accommodation is available?

THE HON. SRI K. MADHAVA MENON:—“ (a) Nine hundred and six.

“ (b) Six hundred and forty-seven.”

SRI V. I. MUNISWAMI PILLAY:—“ Do the Government propose to increase the accommodation in the Borstal School at Palayamkottai or open a new Borstal School somewhere in the State? ”

THE HON. SRI K. MADHAVA MENON:—“ It is not possible to increase the accommodation in the Borstal School at Palayamkottai. The opening of another Borstal School is under consideration.”

Representation from the biscuit manufacturers.

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

(a) whether the Government have received any deputation of the Bread and Biscuit Manufacturers' Association led by Sri T. M. Palaniswami Pillai;

(b) if so, what the deputationists urged the Government to do;

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(c) the number of their demands that has been met so far; and

(d) if none of their demands has been met so far, the reasons for the same?

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

“ (b) The deputationists urged the Government—

(i) to supply biscuit manufacturers their entire quota in the shape of maida,

(ii) to double the existing quotas to biscuit manufacturers; and

(iii) to reserve for them adequate stock of maida to last till the next consignment arrives.

“ (c) & (d) Regarding request (i) the question of supplying the entire quota to the biscuit manufacturers in the shape of maida is under the consideration of the Government. As regards request (ii) the present stock and supply position of maida does not permit the doubling of the existing quotas to biscuit manufacturers. Regarding request (iii) it may be stated that all possible efforts are being made to ensure that an adequate quantity of maida is reserved for bread and biscuit manufacturers. It is only for this purpose that the issue of maida to other establishments and cardholders is restricted and the composition of the quota is revised from time to time on the basis of the stocks available.”

SRI S. NAGAPPA:—“ As the large staff employed in the bakeries will have to go out of work if maida is not supplied in time to bread and biscuit manufacturers, will the Government consider the desirability of reserving their quota and issuing the balance to the cardholders since most of the cardholders are not accustomed to consume maida? ”

THE HON. SRI J. L. P. ROCHE VICTORIA:—“ It has already been said in the latter part of the answer that the issue of maida to other establishments and cardholders is restricted only with a view to give preference to bread and biscuit manufacturers.”

SRI L. N. GOPALASWAMI:—“ Is it a condition precedent to the issue of maida to bread and biscuit manufacturers that they should also purchase semolina and other foodgrains not necessary for them and, if so, is it not an unnecessary hardship for them to be obliged to take unwanted foodgrains which they try to sell in the blackmarket? ”

THE HON. SRI J. L. P. ROCHE VICTORIA:—“ They are obliged to take some quantity of semolina and other foodgrains, because it is not possible to supply the entire quota in the shape of maida. This was one of the points complained of by the deputationists. It is at their request that the possibility of supplying the entire quota in the shape of maida is being considered.”

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SRI V. I. MUNISWAMI PILLAY:—" May I know the districts which are represented by this Bread and Biscuit Manufacturers' Association? "

THE HON. SRI J. L. P. ROCHE VICTORIA:—" I think the deputationists came mostly from Madras, and probably they represent some manufacturers at least throughout the State."

SRI V. M. RAMASWAMI MUDALIYAR:—" Are the Government aware that a big biscuit manufactory in Madras, on whose dough mixing and other machinery several lakhs of rupees have been invested, is practically closed because the maida supplied to it is not enough to last for three days in a month of thirty days? "

THE HON. SRI J. L. P. ROCHE VICTORIA:—" I do not think that at present anybody is put to great difficulty except for the fact that the supplies are limited. What the hon. Member has in mind is perhaps what happened some time ago when we were actually short of maida. At present there is reasonable supply and I do not see why any establishment should close down for want of supply."

SRI S. NAGAPPA:—" Is it a fact that the owners of bakeries are not supplied with enough quantity of sugar proportionate to the supply of maida to enable the manufacture of bread and biscuits? "

THE HON. SRI J. L. P. ROCHE VICTORIA:—" Owing to shortage of sugar also, our supply of sugar cannot probably keep pace with the supply of maida. That is why the manufacturers have to cut down their manufacture of biscuits. In manufacturing biscuits, they have to take into consideration the quantity of supply of both maida as well as sugar. Sugar supply is governed by several other considerations than the demands of biscuit manufacturers. Supply of sugar to the State itself is very much limited."

SRI S. NAGAPPA:—" In view of the fact that bread and biscuit have a food value, will the Government consider the desirability of supplying to the bakery-owners that much quantity of maida as well as sugar as is required for their manufacture? "

THE HON. SRI J. L. P. ROCHE VICTORIA:—" That is why we received the deputation and the matter is being given all the consideration possible."

Disposal of anonymous petitions.

* 491 Q.—SRI B. S. MURTHY: Will the Hon. the Chief Minister be pleased to state whether anonymous petitions against officers are entertained and, if so, the method pursued in the enquiry?

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THE HON. SRI B. GOPALA REDDI:—" According to the standing orders, anonymous petitions and pseudonymous petitions should be totally disregarded and destroyed on receipt."

SRI B. S. MURTHY:—" Are there not any instances in which the Government have proceeded on anonymous and pseudonymous petitions and whether the action taken has not proved the questionable behaviour of officers? "

THE HON. SRI B. GOPALA REDDI:—" It may happen sometimes that an anonymous or pseudonymous petition contains some useful information, and we may ask the officers to go into it and see if they can trace out the actual culprits."

SRI A. KALESWARA RAO:—" I can understand anonymous petitions being destroyed immediately on receipt. With regard to pseudonymous petitions, is it not necessary to enquire and find out whether the name given is the real name or a pseudonym? "

DEPUTY SPEAKER:—" At present we are dealing with anonymous petitions only."

SRI A. KALESWARA RAO:—" The answer refers to pseudonymous petitions also."

SRI V. RAGHIAVAYYA:—" Do the Government realize that it is very difficult for an ordinary citizen to make a complaint against an official and face the consequences thereof and, if so, what is the policy behind the rejection of anonymous petitions by the Government even though they may contain some facts worth notice? "

THE HON. SRI B. GOPALA REDDI:—" We do not want any irresponsible petitions to come to the Government about officers who are sometimes doing very difficult work in the districts. We do want the writers to stand by their allegations and substantiate them when an enquiry is instituted."

JANAB MOHAMED ABDUL SALAM:—" May I know what the procedure is when an anonymous petition against a Cabinet Minister is sent to the Premier or against the entire Cabinet to the High Command? "

THE HON. SRI B. GOPALA REDDI:—" It is sent to the hon. Gentleman for disposal."

SRI B. S. MURTHY:—" May I know whether the Government are giving any encouragement to those persons who are willing to prove facts in support of the questionable behaviour of some of the officers? "

THE HON. SRI B. GOPALA REDDI:—" When genuine petitions come in, we certainly institute enquiries. But the petitions must be genuine and people who have made allegations must stand by, and try to prove them."

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BEGUM SULTAN MIR AMIRUDDIN:—"The Hon. Minister said that anonymous petitions were being destroyed on the spot. May I ask whether the same procedure is being followed in regard to the Sales Tax Department? Is it not a fact that so far as this department is concerned, anonymous petitions are looked into and assessments are made on the basis of the information contained therein?"

THE HON. SRI B. GOPALA REDDI:—"The Sales Tax Department cannot ask for any exemption. It also must follow the same procedure. Whether it is the Sales Tax Department, Police Department or Education Department, the same rule applies."

SRI V. RAGHAVAYYA:—"When the Government themselves want to protect high officials and keep the punishments meted out to them confidential in a number of cases, why should they not extend the same facility to persons who would like to remain confidential despite the fact that they are prepared to prove the allegations as specific individuals? If an assurance to the above effect is given, anonymity will disappear."

THE HON. SRI B. GOPALA REDDI:—"Where it is necessary, we can certainly treat what they say as confidential. We need not reveal it to the public. The general rule is that irresponsible allegations should not be made against responsible officers."

JANAB MUHAMMAD RAZA KHAN:—"Is the Hon. the Leader of the House aware that there is a general tendency at present particularly in the districts to send anonymous petitions to the head of the district against local officers when anybody is dissatisfied with them and may I know whether the same policy is pursued at the district level?"

THE HON. SRI B. GOPALA REDDI:—"At all levels, the same procedure is being followed."

11-30
S.M. SRI K. BRAHMANANDAM REDDI:—"Madam, in view of the fact that inherently human nature is suspicious and in view of the further fact that anonymous petitions are read better than signed ones, and of the fact that anonymous petitions are written by people without taking any responsibility for the contents thereof, will the Government instruct their officers to destroy such petitions even without looking into their contents?"

THE HON. SRI B. GOPALA REDDI:—"That is the procedure which ought to be followed by every officer and it is the standing instruction to all officers concerned, not merely in the Secretariat, but also in the heads of departments."

JANAB ABDUL HAMEED KHAN:—"Is it not a fact, Madam, that the Government, wherever they thought that they should act, did take into consideration even petitions which were anonymous in order to supply material for the Special Officer?"

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THE HON. SRI B. GOPALA REDDI:—"Sometimes, even without these petitions we are always on the track to find out whether anybody is indulging in nefarious activities and so, sometimes these anonymous petitions actually give us some idea of the truth of the matter and help us in our investigations."

JANAB H. S. HUSSAIN:—"If an anonymous petition against an officer whose reputation is questionable or is bad already, is received by the Government, may I ask, whether it is not necessary to look into its contents before destroying such a petition?"

THE HON. SRI B. GOPALA REDDI:—"It is certainly difficult for officers to get along with their work, if they are to go through every one of these anonymous petitions. For, if once we encourage anonymous petitions, they will be pouring in large numbers and it would be difficult for officers to deal with them. Therefore the general rule must apply, namely, to destroy them, the moment it is seen that they are anonymous."

SRI P. VENKATASUBBIAH:—"Madam, in the matter of getting information about prohibition offences, I think an exception can be made, because mostly in villages, if the name of the informant is known, he will be terrorised by the people who indulge in illicit distillation. In such cases, Madam, may I ask, whether it is not desirable to entertain such anonymous petitions so that these cases of illicit distillation may be detected?"

THE HON. SRI B. GOPALA REDDI:—"That is why I said, that there may be occasions when they may contain an iota of truth in regard to certain matters and the officers may do well to trace them out. But as a general rule, I think, it is better that they are destroyed immediately."

SRI R. S. MURTHY:—"If an anonymous petition contains any serious allegations against a person, is it not possible for the Government to employ their own agency to find out and satisfy themselves whether such allegations have any basis or not, instead of merely destroying it on the face of it?"

THE HON. SRI B. GOPALA REDDI:—"If the allegations are so serious, certainly the petition would have been signed by the person who has sent it. He need not remain in obscurity and try to throw mud at somebody."

SRI P. NATESAN:—"May I know, Madam, at what stage the anonymous petition is to be destroyed? Is it after it has been read, or before? If it is destroyed after it has been read, will it not create a bad impression against the person complained of?"

THE HON. SRI B. GOPALA REDDI:—"It all depends upon nature of the petitions and the pressure of time of the officers. Most often, they are destroyed before they are read out in full, that is to say, as soon as it is discovered that they are anonymous."

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SRI A. KALESWARA RAO:—"In view of the fact that it is not possible for the Government to know the truth or otherwise of the contents of these anonymous petitions, is it not better for them to send them to the head of the particular office concerned, who can make out whether there is any probability of truth in the allegation made in them?"

THE HON. SRI B. GOPALA REDDI:—"Then the head of the department will be looking only into anonymous petitions and not be able to attend to any other work. It is not the intention of the Government that our heads of departments should be engaged only in this sort of business."

Irrigation work in Krishna district.

* 492 Q.—SRI A. KALESWARA RAO: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any correspondence is going on between the Hyderabad and the Madras Governments with regard to the Anumanchipalle tank and the anicut across the river Paleru for stabilizing and expanding irrigation in the Nandigama taluk, Krishna district; and

(b) if so, what the result is?

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

"(b) The matter is still under examination in consultation with the Chief Engineer (Irrigation) and the Board of Revenue and no decision has been reached."

SRI A. KALESWARA RAO:—"May I know, Madam, whether the Madras State Government as well as the Hyderabad Government have been collecting water-tax at the rate of Rs. 5 and Rs. 4 respectively for several years without doing anything towards improving the irrigation sources there?"

THE HON. SRI M. BHAKTAVATSALAM:—"About the levy of water-rates, I should like to have notice. But with regard to the other matter, my reply is that the Madras Government have been discussing this question with the Hyderabad Government and the present matter that is under discussion is, whether the Hyderabad Government should grant a lease for 99 years of the regulation of water and other interests which they have, and I do expect that we shall be able to finalize the agreement and to take up the improvement of this anicut very soon."

SRI A. KALESWARA RAO:—"May I know, Madam, whether the co-operative society which is managing this canal system has been requesting the Madras Government to take up the management of the whole system for a very long time?"

THE HON. SRI M. BHAKTAVATSALAM:—"But that cannot be taken up, Madam, without the concurrence of the Hyderabad Government and that is the reason for the delay in the matter."

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SRI A. KALESWARA RAO:—"In view of the fact that the Hyderabad Government have been reconstituted on a democratic basis, may I know whether this Government will expedite the matter and come to a settlement with the Hyderabad Government in regard to the amount to be paid to them and take over the management of the whole system?"

THE HON. SRI M. BHAKTAVATSALAM:—"I have already answered that the latest proposal from the Hyderabad Government is under the examination of this Government and we shall certainly expedite the finalisation of the settlement."

SRI V. RAGHAVAYYA:—"Madam, the Hon. Minister said just now that owing to some difference of opinion in the matter of construction, this delay has been caused. By that, are we to understand that the Government of Hyderabad and the Government of Madras are discussing the question whether surki should be used or cement should be used for the construction, and may I know if that is the difference which is responsible for this long delay and which is impeding the construction of this dam?"

THE HON. SRI M. BHAKTAVATSALAM:—"I have already answered that there is no question of difference. We are only examining the proposals which should be agreed to by both Governments. The delay has not been due to any question relating to the use of surki or cement or any other thing. Perhaps the hon. Member is thinking of these things, having the Tungabhadra Dam in his mind."

SRI A. KALESWARA RAO:—"May I know, whether the Government realise that about 5,000 acres of land can be irrigated under this drainage system which is an important source of irrigation for the upland taluk of Nandigama in the Krishna district?"

THE HON. SRI M. BHAKTAVATSALAM:—"Although I have no idea about the extent of lands which would be brought under the anicut, I do realise the importance of this anicut and we are certainly doing everything to expedite the construction of this anicut, Madam."

Procurement of foodgrains.

* 493 Q.—SRI B. S. MURTHY: Will the Hon. the Minister for Food be pleased to state—

(a) the total amount of foodgrains procured in June, July and August 1950 separately; and

(b) the places of procurement, districtwar?

THE HON. SRI J. L. P. ROCHE VICTORIA:—" (a) The total quantity of rice and millets procured in the State in June, July and August is as follows:—

	Rice.	Millets.	Total.
	TONS.	TONS.	TONS.
June ..	63,310	11,874	75,184
July ..	33,532	7,467	40,999
August ..	30,878	6,996	37,869

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"(b) Procurement is not confined to any particular place in districts. It is made from all producers in all villages in the State who have surplus foodgrains."

SRI B. S. MURTHY:—"Arising out of the answer of the Hon. Minister that procurement is not confined to any particular place in districts, may I know whether it is not a fact that procurement is made only from surplus districts and surplus areas?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"It is not confined only to surplus districts, but procurement is made from all surplus areas, even though such surplus areas may be in a deficit district."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"With reference to the figures of procurement just now read out by the Hon. Minister for Food, may I know whether procurement has fallen short of the forecast for the period or whether it has exceeded the forecast made by the Government?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"This refers to the difficult period we have passed through this year and one of the reasons for the difficulty in food we have experienced in certain districts recently was that the target of procurement was not reached."

SRI V. M. RAMASWAMI MUDALIYAR:—"Are we correct in understanding that the procurement that has taken place during these months has fallen below the target fixed and that it is only 30 or 40 per cent of the target?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"It was only about that percentage, Madam."

SRI G. SANYASI RAO:—"May I know whether it is a fact that the Government have given instructions to the procurement officials that even in a deficit district like Visakhapatnam, procurement to the fullest measure should be made even from poor ryots in order to reach the target fixed by the Board of Revenue?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Visakhapatnam district also comes within the general orders of the Government that procurement should be done only from surplus areas and not from deficit areas or from people who have no surplus to give."

SRI B. S. MURTHY:—"Is there any truth in the allegation that in the surplus districts of West Godavari, East Godavari, Krishna and Guntur, procurement was very heavy, so much so, that the poor ryots have been fleeced out?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"That is not a correct statement of the position, Madam. What really happened was that though the target was not reached, it was found that surplus grains were still available with the people, but they were not willing to part with them."

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SRI P. VENKATASUBBIAH:—"Leaving out the fact that targets of procurement are being fixed by the Board of Revenue in consultation with the Collectors of the districts not knowing the local conditions, may I ask the Government whether it is not desirable to fix the targets of procurement in consultation with the District Food Committee, which has been constituted for the purpose?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"In a general way, probably, the District Collectors consult the Food Committees also. But they cannot entirely act on the advice of the Food Committees in this matter, because they have to consider the different conditions prevailing in the district and it is only on their advice that the target for each district is fixed."

JANAB MOHAMED ABDUL SALAM:—"May I know whether the Hon. Minister is aware that the quota that is allotted to the Madras State by the Centre is the largest and that this State has not managed it properly and that that is one of the reasons for which the Hon. Mr. Munshi, the Food Minister of the Government of India has threatened to resign his Ministership?"

SRI L. N. GOPALASWAMI:—"May I ask the Government, 11-45 Madam, how is the procurement figure worked out? Is it on the a.m. basis of the target fixed by them or is it on the basis of the availability of grain with the local people?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Procurement is based on the target and also on the availability of the grain. Both are inter-related."

SRI M. G. NATESA CHETTIYAR:—"May I know, Madam, whether the Government have issued circulars to Collectors to go and procure from the landholders irrespective of the fact that they have already given their quota for procurement?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Yes, Sir. If the first intimation is not correct, the landholders are again asked to part with some more of their surplus."

Process-servers in Civil Courts.

* 494 Q.—SRI K. SHANMUGAM: Will the Hon. the Minister for Education be pleased to state—

(a) the number of persons employed in process-service in Civil and Sessions Courts;

(b) the grades of pay received by them;

(c) the number of Harijans amongst them; and

(d) the total annual expenditure on process-servers?

THE HON. SRI K. MADHAVA MENON:—" (a) The total number of amins and process-servers employed in process-service in the civil and sessions courts in the mufassal is 4,576.

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“(b) The scales of pay of amins and process-servers are Rs. 25—2—35—1—45 and Rs. 18— $\frac{1}{2}$ (A)—25, respectively.

“(c) 89.

“(d) The total annual expenditure on process-servers and on the process-service establishment as a whole is Rs. 16,87,486 and Rs. 27,11,676, respectively.”

JANAB MOHAMED RAFAEUDDIN AHMAD ANSARI:—“Madam, is it a fact that in addition to the pay of the process-servers, travelling allowance has recently been sanctioned by the Government, and, if so, whether the High Court has implemented that order?”

THE HON. SRI K. MADHAVA MENON:—“Madam, I cannot give the information off-hand. I am not sure about it.”

SRI K. SHANMUGAM:—“May I ask, Madam, whether the High Court has given effect to these recommendations? If so, what action do the Government propose to take?”

THE HON. SRI K. MADHAVA MENON:—“I do not know what recommendation the hon. Member refers to, Madam.”

SRI V. RAGHAVAYYA:—“Madam, if I remember aright, this Government have recommended to the High Court that a fixed travelling allowance of Rs. 15 per mensem for each process-server be given. May I know whether the High Court has agreed to it, and why, though it is nearly a year since the recommendation was made, the recommendation was not effected?”

THE HON. SRI K. MADHAVA MENON:—“I do not see there is any question of Government making a recommendation to the High Court, Madam. The Government sanction and the High Court recommends. I cannot understand Government making any recommendation to the High Court, because the Government themselves are the sanctioning authorities.”

Supply of electricity to South Kanara.

* 495 Q.—SRI K. ISHWARA: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that the South Kanara district is likely to get electricity from the Mysore Government;

(b) if so, when the supply will be made; and

(c) what the terms of the agreement entered into with the Mysore Government are?

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

“(b) A scheme for the purchase of electricity in bulk from Mysore Government and for its distribution in South Kanara district has already been sanctioned by this Government. Action is being taken to expedite the construction of the scheme and to give early supply.

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“(c) All the terms of the agreement have not been finalised as yet and are still under correspondence between the two Governments. Mysore Government have, however, agreed already to supply electricity up to 6,000 K.W. for distribution in South Kanara district.”

All-India Conference of Local Authorities.

* 496 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether it is a fact that the Government have rejected the proposal of local bodies to send individually delegates to the proposed All-India Conference of Local Authorities to be held at Delhi in November 1950; and

(b) if so, for what reasons?

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

“(b) To avoid large expenditure from the funds of local bodies in the shape of travelling allowance and delegate's fees to attend the Conference.”

SRI S. NAGAPPA:—“Madam, if the delegates of the local bodies attend the conference even at some cost to the local bodies, will it not enlighten them when they meet in such large numbers and will they now get themselves acquainted with problems all over India and especially with those people who are working in the local bodies all over India?”

THE HON. SRI K. CHANDRAMOULI:—“Madam, local bodies have to solve local problems. For the All-India Conference we have allowed certain delegates to represent all the local bodies in the State so that they may discuss some of their general financial problems.”

SRI S. NAGAPPA:—“Is it not a fact, Madam, that some people volunteered to bear the expenses on their own account without making or committing the local bodies to incur the expenditure on their delegation, and even those people were not allowed to go? May I know the reasons, Madam, for the rejection?”

THE HON. SRI K. CHANDRAMOULI:—“Madam, as far as my knowledge goes, there has been no such representation.”

SRI V. I. MUNISWAMI PILLAY:—“Madam, will the Government consider the advisability of supplying all the local bodies with the copies of the resolutions and proceedings of All-India Conference?”

THE HON. SRI K. CHANDRAMOULI:—“The matter will be considered, Madam.”

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Permission to import rice.

* 497 Q — SRI B. S. MURTHY: Will the Hon. the Minister for Food be pleased to state—

(a) whether any Madras Merchant or Association of Merchants applied for permission to import rice from foreign countries;

(b) whether this Government have recommended the application to the Union Government; and

(c) the action taken by the Union Government?

THE HON. SRI J. L. P. ROCHE VICTORIA:—“(a) Yes. Applications were received offering to import rice from Burma, Indo-China, Egypt, Siam, Italy and United States of America.

“(b) Yes.

“(c) The Government of India replied stating that as the foreign exchange position was difficult, they were negotiating to purchase rice from soft currency areas like Burma, Thailand, Egypt, Italy, etc. They further stated that as regards imports from Burma, all exports of rice from that country are controlled by a Statutory organization called the State Agricultural Marketing Board and that no private party in Burma can export any rice independently of this organization, and that there was therefore hardly any scope for any private merchant to import rice from Burma.”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“Madam Deputy Speaker, with reference to the answer given by the Hon. the Food Minister, might I ask him whether it is not a fact that the State Agricultural Marketing Board set up by the Government of Burma do not restrict the export of broken rice, which is eminently suitable for consumption by the people of South India and the West Coast, more especially because large quantities of broken rice have been imported into South India in the pre-war days?”

DEPUTY SPEAKER:—“This question is not about broken rice.”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“Madam, broken rice is part of rice. I am only explaining it to the Hon. the Minister. Broken rice is eaten by me. Broken rice goes well with *idli*. It goes with *sambar* and fish curry much better.”

DEPUTY SPEAKER:—“The hon. Member will put his question on rice.”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“Madam Deputy Speaker, I obey your ruling. I respectfully submit to you that rice exported from Burma for the last 40 years included rice and broken rice also. The question that is agitating the Government of Madras and the Government of India is with reference to both kinds of rice.”

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DEPUTY SPEAKER:—“The question on broken rice can be put separately.”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“Madam, I am putting a supplementary question which you have been pleased to allow. It is not a question of broken rice.”

DEPUTY SPEAKER:—“The Hon. Member can put his question on broken rice separately.”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“Broken rice is part of rice, Madam.”

DEPUTY SPEAKER:—“There are so many other items coming under food. The question put by the hon. Member is not on rice.”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“Madam, the import of rice into this country is in the same bag, in the same measurement, and at the same price. I may respectfully invite your attention to the fact that broken rice is nothing but rice. I am only giving a little more of detail to help the Government of Madras to get that kind of rice. The question agitating the mind of the Hon. the Food Minister is whether it is controlled or not. I am now giving the information by way of a supplementary question so that he may pursue the matter with the Government of India.”

DEPUTY SPEAKER:—“The Hon. the Food Minister may have taken information given by hon. Member. If the hon. Member has any supplementary questions to put, he may put them.”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“Madam, the question is, might I draw the attention of the Hon. the Food Minister to the fact that the State Agricultural Marketing Board in Burma do not restrict the export of broken rice from Burma, and, as a matter of fact, good whole rice is also offered for export?”

DEPUTY SPEAKER:—“If the hon. Member has any question to put on rice he may put. Let him not put questions on broken rice.”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“With all respect to the Chair, Madam, I submit that the Chair should be pleased to consider my representation more seriously. The question on broken rice is exactly the question on rice, and nothing but that. I want a ruling from the Chair, and I shall obey the ruling because I have no alternative.”

DEPUTY SPEAKER:—“The hon. Member will put a separate question on broken rice. I do not think this question includes broken rice at all. That is how I understand it. The hon. Member Mr. Murthy will now put his supplementary question.”

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RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I have not yet put my supplementary question, Madam."

DEPUTY SPEAKER:—"The hon. Member Mr. Murthy will now put his supplementary question."

SRI B. S. MURTHY:—"May I know, Madam, from the Hon. the Minister whether any private individual in any other State of India has been permitted to import rice from foreign countries?"

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Madam, the restriction regarding import of rice by private merchants is applicable throughout the country. That is why Madras also has been refused that consideration, because if it is an exception in the case of Madras, that consideration has to be extended to other States also."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Madam Deputy Speaker, might I tell the Hon. the Food Minister that the Government of Burma through their Marketing Board have not restricted the export of *kurunai* rice (laughter), which was imported in large quantities by this country in past years, and might I ask the Hon. the Food Minister, who is accustomed to this *kurunai* rice, which is consumed by a large section of the population of this State including myself and many others, to make a representation to the Government of India to make arrangements for merchants, who are in a position to show letters of authority offering this *kurunai* rice, which can be exported out of Burma and which can be lawfully imported into India, provided the Government of India do not stand in the way of issuing permits, to import it, and might I also ask the Hon. the Food Minister

SRI V. RAGHAVAYYA:—"Madam, I rise on a point of order. I want to know when once you have given your decision as to the admissibility of a question, whether an hon. Member is at liberty to question your decision and then enter into an argument over that and persist in that argument with questions in spite of the ruling given by the Chair."

SRI K. BRAHMANANDAM REDDI:—"Madam, I want to know what is this *kurunai* rice first of all."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Madam, I submit to you that I am not questioning your ruling. I have implicitly obeyed your ruling."

DEPUTY SPEAKER:—"What is *kurunai* rice?"

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Kurunai rice is rice. (Laughter.) If you give me some more time I shall give the correct name."

DEPUTY SPEAKER:—"The hon. Member has put the question. If the Hon. Minister has understood the question, he will answer."

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RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I have not yet put the question, Madam."

DEPUTY SPEAKER:—"The hon. Member is putting a long-winded question."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I have not completed the question, Madam. That is the difficulty."

SRI K. BRAHMANANDAM REDDI:—"I rise on a point of order, Madam."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"One more point of order has been raised, Madam. I want to know whether you are allowing the point of order. Otherwise I am on my legs, and am not yielding."

DEPUTY SPEAKER:—"I am allowing the point of order."

SRI K. BRAHMANANDAM REDDI:—"I want to know, Madam, whether an hon. Member, without knowing what this *kurunai* rice is (I do not know whether he has derived this name from Utopia), is in order in putting questions on *kurunai* rice."

DEPUTY SPEAKER:—"The hon. Member might have known it only as a kind of rice. I would ask the Hon. Minister whether he has understood the question."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Madam, I have not completed the question."

DEPUTY SPEAKER:—"Let me see whether the Hon. Minister has understood the question."

SRI K. BHASHYAM:—"The question is so long that we are unable to understand it." 12 noon

DEPUTY SPEAKER:—"I have asked the Hon. Minister whether he understands the question or not."

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Madam, I am only sorry that out of this simple question, so much of explanation was required by the hon. Gentleman. This question of broken rice which is known as *kurunai* rice also

DEPUTY SPEAKER:—"In that case the Hon. Minister may answer it some other time."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"There are other parts of the question, Madam."

DEPUTY SPEAKER:—"I have already spent a lot of time on the question."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"You admitted the question; the Hon. Minister did not answer."

JANAB ABDUL HAMEED KHAN:—"Madam, I want you to give a ruling whether rice includes broken rice or not."

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DEPUTY SPEAKER:—"It may include many other things. But the question is about rice. So, hon. Members will not be allowed to put supplementary questions on other subjects."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Our submission is that we want a ruling from the Chair whether broken rice is rice or not. That is the question we put and you must rule it either out of order or in order."

DEPUTY SPEAKER:—"Broken rice is broken rice and not rice."

JANAB ABDUL HAMEED KHAN:—"I want a specific ruling whether this question relating to rice does not include broken rice or whether it includes it?"

DEPUTY SPEAKER:—"I said that it was not rice but that rice might include it. I won't allow supplementary questions."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Madam, Hon. the Food Minister was talking about the import of rice and the possibility or otherwise of exports from Burma. May I ask him, with your permission, whether with reference to the export and import to and from Burma by a quasi-Government body, he wants to make a distinction with regard to broken rice or not?"

DEPUTY SPEAKER:—"Is the hon. Member speaking on a point of order? If it is a point of order, he cannot ask the Hon. Minister. We shall now pass on to the next question."

Bridge across Koyyuru Gedda.

* 498 Q.—SRI K. VEERANNA PADAL: Will the Hon. the Minister for Public Works be pleased to state—

(a) the reasons for not taking up for execution the following works which have been sanctioned by the Government and funds for which have also been placed at the disposal of the Highways Department every year:—

(i) construction of a bridge across Koyyuru Gedda in Koyyuru-K.D. Peta road sanctioned in G.O. No. 2665, L.A., dated 26th September 1941;

(ii) construction of a bridge at Kakarapadu in K.D. Peta-Koyyuru road sanctioned in G.O. No. 2665, L.A., dated 26th September 1941;

(iii) construction of a R.C.T. bridge across Seerala Gedda in Lammasingi-Lothugedda road sanctioned in G.O. No. 2841, P.W., dated 29th July 1949; and

(iv) construction of a bridge across Chagagedda in Chinthapalligudem road sanctioned in G.O. No. 2665, L.A., dated 26th September 1941; and

(b) when the same would be taken up and completed?

THE HON. SRI J. L. P. ROCHE VICTORIA:—" (a) The four works referred to are Road Development Fund Works declared inescapable but not started due to war conditions.

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After the war, the estimates for the works had to be revised, and fresh approval of the Government of India, obtained for them.

"(b) Work on item III is in progress. Instructions have been issued to the Superintending Engineer to expedite the execution of the remaining three works and to complete them as early as possible."

SRI V. RAGHAVAYYA:—"In view of the backwardness of this tract and urgency of the works to be taken up, will the Government fix a time-limit for the preparation of these estimates?"

THE HON. SRI M. BHAKTAVATSALAM:—"I have already answered that we have asked the Superintending Engineer to prepare the estimate and have the work executed as early as possible. But we have to get the approval of the Government of India and, therefore, it is not possible to prescribe a time-limit in this matter."

DEPUTY SPEAKER:—"We shall take another ten minutes and finish the other questions."

Kist remission in Andhra districts.

* 499 Q.—SRI P. R. KANDASWAMI GOUNDER: Will the Hon. the Minister for Land Revenue be pleased to state the total loss to the Government on account of remission of kist due to (i) cyclonic damages in the Andhra districts and (ii) failure of monsoon in the Tamil districts during the last year?

THE HON. SRI H. SITARAMA REDDI:—"A statement" is laid on the table of the House."

False ration cards.

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

(a) the number of false ration cards detected in the City of Madras from 1st April 1950 except for the months of July and August 1950 to this date, monthwar; and

(b) the cost of the detecting machinery?

THE HON. SRI J. L. P. ROCHE VICTORIA:—" (a) The information required is given below:—

Month	Number of Bogus ration cards detected.
April 1950	2,163
May 1950	122
June 1950	163
September 1950	642

"(b) No separate staff has been employed for the purpose of detection of Bogus ration cards. The existing rationing staff attend to this work also. The question therefore does not arise."

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DEPUTY SPEAKER:—"Next question."

SRI S. NAGAPPA:—"Madam, I want to put a supplementary question. What is the good of putting the main question without eliciting the information I want?"

Excavation of Pallikkottai Canal.

* 501 Q.—SRI D. DORAIRAJA PANDIAN: Will the Hon. the Minister for Public Works be pleased to state whether there is any proposal for the excavation of Pallikkottai Canal in Tirunelveli district?

THE HON. SRI M. BHAKTAVATSALAM:—"There is no proposal to excavate a canal, but the existing canal is being silt cleared."

* 502 Q.—SRI S. NAGAPPA:—"Madam, I want some time to put supplementary questions. Therefore, the questions standing in my name I will put to-morrow."

DEPUTY SPEAKER:—"No, it would not be allowed. The answers will be printed in the proceedings."

SRI S. NAGAPPA:—"I want to put them to-morrow."

DEPUTY SPEAKER:—"If the hon. Member does not put them, the answers will not be printed in the proceedings."

SRI S. NAGAPPA:—"Do it as you please, but I want to elicit more information."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"On a point of order, Madam. I am mentioning this point of order as a matter of complaint. As I am not at this moment aware of the exact rules pertaining to this, I want you to help us by elucidating the position as to the proper rights of a Member, with reference to the question put by the hon. Gentleman Sri Nagappa. The question-time is past now. That is an additional factor which you, Madam, may be pleased to take into consideration. If it is within question-time, it is a different matter. After question-time, when there is a rush through the remaining questions, if an hon. Member feels that there may not be sufficient time allowed for supplementary questions, can he not make a request to the Speaker, Deputy Speaker or the presiding authority to take the question over to the next day? Is it possible or not ordinarily under the rules or is it a matter of discretion of the Chair? If it is a matter of discretion of the Chair, then the question is whether Members can appeal to the Chair to take the question over to the next day."

DEPUTY SPEAKER:—"Hon. Members can certainly request the Chair to take it over to the next day, and the Chair can use its discretion whether to postpone it or not. If the Member does not want to put it now, he need not put it and it may not be taken up at all. If the Chair wants to postpone it to the next day,

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it can be done. But I just wanted the hon. Member to put the question so that it could be answered here; otherwise, it would automatically go into the proceedings."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"My submission is this. When the hon. Gentleman said that he was not putting the question, the Deputy Speaker said that, even though the hon. Member might not put the question, the answer would be printed in the proceedings. How does the question arise when it is not put? I want to know the procedure in this matter."

DEPUTY SPEAKER:—"If the Member does not put, it will automatically go. Otherwise, the whole thing will go into the proceedings."

SRI S. NAGAPPA:—"Madam, I have already submitted to you that there is not sufficient time given. If I put the question, you would not be kind enough to allow supplementary questions. Therefore, I may not be able to elicit the information I want to elicit, and the purpose with which I have put the question will not be served. If you are prepared to allow me some time to elicit information, by means of supplementaries, I have no objection to put the question. But if you are prepared to allow me to put the question but not supplementaries, then I am not going to put it. You may do as you please."

DEPUTY SPEAKER:—"Then the hon. Member does not want to put the question?"

SRI S. NAGAPPA:—"Unless you assure me that you are going to give me time, I do not want to put the question. You may do as you please."

DEPUTY SPEAKER:—"All the questions will be printed in the proceedings."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Madam, I want to make a representation. You just now said that the questions would be printed in the proceedings. When the question has not been put, how can it be published?"

DEPUTY SPEAKER:—"Questions that were not put will not be published. If he is withdrawing the question, it will not be published."

THE HON. SRI K. MADHAVA MENON:—"Madam, rule 35 of the Rules of Procedure specifically says what you have already ruled, viz.—

'Starred questions entered in the list of questions for a day shall be called, if the time made available for questions permits, in the order in which they stand in the list. All starred questions which are not reached within the time available and all unstarred questions, with the answers thereto shall be included in the printed proceedings of the Assembly.'

Therefore, it is entirely a matter for discretion of the Chair to allow a question to be taken over to the next day."

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DEPUTY SPEAKER:—"Yes, that is so."

SRI S. NAGAPPA:—"As a protest, I am not putting the questions."

DEPUTY SPEAKER:—"If the hon. Member is not putting them, they will not be printed in the proceedings. I thought that within ten minutes we could go through all the questions."

"We now pass on to the next item on the agenda."

[* 502 Q.—Not put.]

Zamin tanks in Tenkasi taluk.

* 503 Q.—SRI D. DORAIRAJA PANDIAN: Will the Hon. the Minister for Public Works be pleased to state the number of zamin tanks in Tenkasi taluk, Tirunelveli district, that have so far been taken up for maramath work and, if so, what they are and the amount either spent or allotted for the same and in how many places investigation is still pending and what they are?

THE HON. SRI M. BHAKTAVATSALAM:—"Eleven works have been taken up under the Tank Improvement Scheme. The name of the works, amount of sanctioned estimate and expenditure incurred up to 20th September 1950 in respect of each work are detailed in statement No. I. Sixteen other works have been taken up for investigation. The names of the works and the approximate cost of the work are detailed in statement "No. II."

[* 504 Q.—Not put.]

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

II.—GOVERNMENT BILL.

THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS BILL, 1949 (L.A. BILL NO. 10 OF 1949)—*cont.*

DEPUTY SPEAKER:—"The Hon. Minister has moved for the insertion of a new clause 44-A in the Bill. Hon. Sri Viswanatham's amendment has to be moved."

* THE HON. SRI K. MADHAVA MENON:—"Madam, I have moved for the insertion of a new clause 44-A. There is no clause to be omitted. Therefore, my hon. Friend can only oppose my motion. He cannot ask that the clause be omitted."

SRI T. VISWANATHAM:—"Madam, I can move to delete the clause."

DEPUTY SPEAKER:—"That is, the hon. Member is opposing the motion for the insertion of the new clause?"

* Printed as Appendix III on pages 722-723 *infra*.

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SRI T. VISWANATHAM:—"Madam, there is a difference between merely opposing a motion and a proposition to delete something. To delete is a more positive act than merely to oppose it. An amendment to delete a clause has got greater significance. As a matter of practice, such amendments have all along been permitted."

DEPUTY SPEAKER:—"The motion is that a new clause be inserted. Unless the House accepts the motion, the hon. Member cannot say that it be omitted. He can only oppose the motion."

* SRI K. R. KARANTH:—"Madam, all the clauses as framed by the Joint Select Committee are before the house. So, a motion to delete a particular clause will be in order. In this case there is no such original clause. A new clause is sought to be inserted by the Government. Therefore, the only possible thing seems to be to oppose the insertion of that clause, because it has not yet formed part of the Bill. A motion for deletion of that clause may not be appropriate."

SRI T. VISWANATHAM:—"If there is no original clause, my amendment comes in as an amendment to the Government amendment. Therefore, it is perfectly in order. The Government amendment is to insert a clause. My amendment is an amendment to that."

DEPUTY SPEAKER:—"He can oppose it."

SRI T. VISWANATHAM:—"The practice is this. If the Government want to move an amendment and my proposition is that it should be deleted, my amendment comes in as an amendment to the Government amendment. That has been the procedure here all along. I have gone through the trial of three or four long Bills and I submit that the practice which I am suggesting has been followed in this House. Therefore, I move this as an amendment to an amendment."

DEPUTY SPEAKER:—"I do not think it is a correct proposition at all. Where there is a clause or an amendment that is incorporated in the Bill, the hon. Member can say that it be deleted. But here the Hon. Minister wants to insert a new clause. It has not been considered. If it is once considered and incorporated in the Bill, then the hon. Member can say that it be omitted. Now, he can only oppose it."

(At this stage Mr. Speaker occupied the Chair.)

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, we are now in a very interesting position. (Laughter.) The Hon. the Minister for Law has moved for the insertion of a new clause 44-A. I have an amendment that it be deleted. The Hon. Minister raises a point of order that I cannot move an amendment to delete a provision. (The Hon. Sri K. Madhava Menon: 'That is not what I said. You are misquoting me.') I cannot misquote a person right in his presence." (Laughter.)

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* THE HON. SRI K. MADHAVA MENON:—"Sir, my objection was to his moving an amendment to a provision which is sought to be introduced. How can a provision which is not in the Bill be deleted? It is open to him to oppose the new clause and not make a motion to delete it when it is not there. I can understand him if he makes a verbal amendment to that effect. But certainly he cannot make a motion. Sir, I feel that he is making a motion only to get entitled to a right of reply." (Laughter.)

* SRI T. VISWANATHAM:—"The Hon. Minister seems to know my mind much more than myself. (Laughter.) Sir, I submit that my amendment is to the Government amendment to insert a new clause 44-A. Let me proceed with the subject-matter of the Motion. The gravamen of the offence of this clause is this. It says—

'The power to appoint trustees under section 41 or 44 shall be exercisable notwithstanding that the scheme, if any, settled, or deemed under this Act to have been settled for the institution contains provision to the contrary.'

Sir, we have always been saying on the floor of this House that where there are schemes already settled, they should not be disturbed by this legislation. The schemes already settled would have created certain positions and my point is that such things must be kept intact. The words commencing with 'notwithstanding' should go if the clause is to stand. But they form the blood and bone of the clause and if they go the whole clause goes. I, therefore, say that the whole clause must be deleted and schemes already settled should not be disturbed by this kind of legislation."

* SRI K. R. KARANTH:—"Sir, I am opposing the Government Motion. I have already said that it is enough to oppose it. We need not delete it. It being a new clause, I take this view and I have already expressed it. When I oppose this Motion, Sir, I am doing so on two grounds. In the first place, we were told by the Government yesterday that in respect of hereditary trustees and other persons they were respecting the existing rights of those people, that they did not interfere with them and that they were advised against doing so. But to day the position is just contrary to that, because in the case of settled schemes that have been finally decided by the Courts, by this new provision we are giving authority to the Commissioner or to the Area Committee to appoint trustees in contravention, if necessary, of the terms of the schemes so settled. The Government are doing just the thing which they spoke against yesterday.

"Secondly, Sir, my submission is this. There is a clause in the Bill in which provision exists for modifying existing schemes for valid reasons. Clause 63 provides for modification of existing schemes. I feel strongly that till such modification is made, this power of appointing trustees contrary to the provisions of the existing schemes should not be given. It is not good and the idea should not be supported."

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* SRI K. BHASHYAM:—"Mr. Speaker, Sir, we are now far removed from the position which we had taken when the Bill was first introduced in this House. We moved a little further from our original position when the Bill was before the Select Committee and are moving still further now when the Bill is before the House for our acceptance. The position has, therefore, changed from time to time. Now we are in a position where we have to give the Area Committee and the trustees large powers of management of the various institutions in their charge. Their rights we have come to recognize and we have shown our sympathy—lip sympathy I may call it in the present case—to the Constitution by allowing some members of the denominations to have some right to manage their own affairs. In such a case, suppose a scheme has already been framed by a Court or by the Board in its wisdom in a particular manner. Why should we appoint a trustee contrary to the terms of such a scheme when the Court has finalised it? The Court is certainly a better authority than the Board. You will find, Sir, that under clause 63 a Deputy Commissioner can also formulate new schemes which may include the removal of a trustee, hereditary and non-hereditary. In the case of religious institutions other than maths it is to be done by the Deputy Commissioner and in the case of maths by the Commissioner. Now we have taken all these pains for purposes of framing schemes. I do not think that we should really set aside for instance, schemes in which the Court, for some reason or other, has come to the conclusion that the appointment of trustees must be in the hands of the villagers or persons who make contributions to the temple funds. If such a provision has been made by the Court in the interests of the temple or the institutions concerned, why should we put in a new provision to supersede those directions? If such a provision is there, it is a very good provision. It is a salutary provision. If the Government want to modify schemes let them do so properly. Let them not attempt it in this indirect form. This new provision is hopelessly contrary to the assurances given by the Hon. the Law Minister and, therefore, it ought not to be there."

SRI V. RAGHAVAYYA:—"I am afraid, Sir, that this clause is the most clumsily worded of all the clauses in the Bill. Sub-clause (1) to clause 44 says that the Area Committee shall have power to appoint either a single trustee or a Board of trustees. I am sure that it is not the idea of the Government to appoint single trustees. I can understand the Area Committees being given power to add one or two trustees to the number of hereditary trustees. If the idea of the Government is to do away with hereditary trustees once and for all by the appointment of single trustees, then it is not fair. When the appointment of single trustees is made it is better to respect the feelings of the people connected with the temples. Hereditary trustees should be allowed to continue wherever they exist. It is only when their continuance in office is felt to be not congenial to the better administration of the temples,

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the Area Committees should be empowered to select one or two trustees in addition to the hereditary trustees already existing and carry on the management of the institutions. In any case, they should not be totally uprooted and told that they will have no place in the new dispensation."

* THE HON. SRI K. MADHAVA MENON:—"Sir, there is no question of the hereditary trustees being uprooted. We have already said in clauses 41 to 44 that hereditary trustees will become members of the Board and non-hereditary trustees will be appointed in addition to them to the Board and not by 'uprooting' them. The question of appointing single trustees arises only in cases where there is no hereditary trustee at all. Therefore, the question of ousting hereditary trustees does not at all arise here and this clause must stay."

"After listening to my hon. Friend, Sri Bhashyam, I feel that this is another case of his becoming wiser after the event. Sir, the new clause sought to be inserted under clause 44, viz., 44-A did find a place in the Bill as reported upon by the Joint Select Committee. Clause 44 in the original Bill says—

"In the case of any religious institution over which an Area Committee has jurisdiction, the following provisions shall apply, notwithstanding that the institution has a hereditary trustee or trustees or that the scheme settled or deemed to be settled for the institution contains provision to the contrary."

Since this clause has been amended we have put the substance of it in a new clause and introduced it as clause 44-A. The language used in the original clause 44 and the new clause 44-A is identical. When clause 44 was discussed Sri Bhashyam did not move any amendment to it though my hon. Friend, Sri Viswanatham, moved for its deletion. Under the provisions of clauses 41 to 44, we cannot disturb the existing trustees. The new clause is intended to cover such cases as may require certain changes for the better notwithstanding the fact that they have been finalised either by the Court or the Board. Suppose the Court has said there should be one trustee for an institution. It will be open to the Commissioner to have a Board of Trustees instead of one. That is the intention of the Government in inserting this new clause and it is absolutely necessary."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir."

THE HON. SRI K. MADHAVA MENON:—"He has not moved any amendment and, therefore, he has no right of reply."

* SRI T. VISWANATHAM:—"I rise on a point of information, Sir. How are we to reconcile ourselves, placed as we are now, with the provisions of clause 63. Clause 63 empowers the Deputy Commissioner to settle a scheme and clause 67 provides for appeal to the Court against the orders of the Deputy Commissioner. What is the position of clause 44-A vis-a-vis clauses 63 and 67? Does the

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Hon. the Minister for Law want to set aside only existing schemes framed by the High Court some time ago or does he mean laying his hands on all schemes which are covered by clauses 63 and 67?"

* THE HON. SRI K. MADHAVA MENON:—"Sir, clause 63 gives power to the Deputy Commissioner to frame schemes. Clause 44-A, on the other hand, relates to the powers of the Commissioner to appoint trustees under clauses 41 to 44. I have not come across any scheme framed by the High Court. There are schemes framed or settled by the Board, settled by Courts and drawn up by agreement between two parties. There are such settled schemes in which if any change is required for the betterment of the schemes themselves, the Commissioner can effect those changes. Clause 44-A empowers him to do so and that is all the position."

Clause 44-A was put and carried.

Clause 45.

MR. SPEAKER:—"The motion is—

'That clause 45 do stand part of the Bill.'

12-30
p.m.

THE HON. SRI K. MADHAVA MENON:—"Sir, I move—
'Omit this clause.'"

SRI T. VISWANATHAM:—"How can it be an amendment, Sir? Government want the deletion of the clause."

THE HON. SRI K. MADHAVA MENON:—"The position is that clause 45 is before the House and as much I move that the clause be deleted."

SRI T. VISWANATHAM:—"Mr. Speaker, Sir, in view of the Hon. Minister's statement I should also be allowed to move such amendments, Sir."

SRINATHI C. AMMANNA RAJA:—"Does the hon. Member, Sri Viswanatham want that the Hon. Minister should oppose the original clause?"

THE HON. SRI K. MADHAVA MENON:—"Sir, in view of the fact that we have omitted clauses 40 and 43 there is no necessity for this clause."

The motion was put and carried.

Clause 46.

MR. SPEAKER:—"The motion is—

'That clause 46 do stand part of the Bill.'

THE HON. SRI K. MADHAVA MENON:—"I don't propose to move the amendment, Sir. The existing clause may remain."

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* SRI K. BHASHYAM :—“ May I know, Sir, why the Government are not moving the amendment? They have given notice of an amendment.”

MR. SPEAKER :—“ It does not simply mean that because the Government have given notice of an amendment, they should move it. They have the power to move or not to move it.”

* SRI K. BHASHYAM :—“ I agree, Sir, they have got all powers. But it takes one's breath away when in the first instance they say they want to move an amendment and then say that they don't propose to move it. It is mere waste of time to put something on paper and then say they do not want it any more. What happens is this. On the basis of the Government amendment we have given a number of amendments. Since Government are not moving their amendment what is to happen to our amendments? I would rather move for the adjournment of the House on the very basis of this matter”

* THE HON. SRI K. MADHAVA MENON :—“ May I point out one thing, Sir? The Government amendment was given recently, some days back and on this additional amendments have been given by hon. Members. Perhaps all these will have to be dropped. But the other amendments, the amendments given to the original clause, remain and may be moved.”

SRI T. VISWANATHAM :—“ I want the Hon. Minister to explain the position, Sir.”

* THE HON. SRI K. MADHAVA MENON :—“ The original clause reads thus—

“ In making appointments of trustees under sections 41, 44, or 45, the Commissioner or the Area Committee, as the case may be, shall have due regard to the claims of persons belonging to the religious denomination for whose benefit the institution concerned is chiefly maintained.”

The amendment that we proposed was—

“ Every trustee appointed by the Commissioner under section 41 or by the Area Committee under section 44 shall be a person having interest in the institution concerned ”.

The reason for not moving the amendment is that we have defined already what a person who has interest means. The person interested can include any persons, it need not necessarily be a person belonging to the denomination for whose benefit the institution concerned exists. On subsequent consideration we thought that the amendment may not be as good as limiting it to persons of the denomination for whose good the institution concerned exists. That is why the original clause is being retained and the amendment is not moved.

“ In view of the fact that we are not moving the amendment to this clause, an amendment may be necessary to the existing clause 46 as we have omitted clause 45. I will move an amendment later on.”

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MR. SPEAKER :—“ The hon. Member Sri Viswanatham may move his amendment for the deletion of the clause.”

* SRI T. VISWANATHAM :—“ Sir, I move—

“ Delete the clause.”

“ Sir, all along our fight has been that the persons appointed to the posts of trustees should be persons who belong to the religious denomination for whose benefit the institution concerned is chiefly maintained. I understand now why the Hon. Minister is not moving his proposed amendment. ‘ A person having interest ’ may have a double meaning. A person having interest in the religious denomination may mean a person belonging to that religious denomination. But a person having interest has elsewhere been defined—I think in clause 6 (11). Trustees also will be deemed as persons having interest in the institution. If the idea of the Government is that the trustees appointed under clauses 41 and 44 are to be deemed as persons coming under clause 6 (11) then the definition is not quite appropriate. There is another point. The Hon. Minister says that the trustees shall not be of the same denomination but only have interest in the purposes for which the institution was founded. I submit, Sir, the original clause also though not very bad, still it is bad enough: ‘ due regard to the claims of persons belonging to the religious denomination for whose benefit the institution concerned is chiefly maintained ’, is the wording in the original clause. It is something. But on the other hand our contention has been that it is not merely due regard that should be given to persons belonging to the religious denomination but that the trustees must belong to the religious denomination for whose benefit the institution concerned is chiefly maintained. Else this due regard may become disregard in course of time. I submit therefore that the Clause should be altogether deleted to save further trouble.”

* SRI K. R. KARANTH :—“ Sir, while Government cannot be compelled to move a particular amendment of which they have given notice, one can quite see why they don't do it. Certainly I understand it in a different way, because the clause as it stands says ‘ the Commissioner shall have due regard to the claims of persons belonging to the religious denomination ’. That means that their claims should be considered ; but in actually appointing the trustees, the Commissioner may or may not consider their claims. That opportunity is given here. That is how I understand it. Whereas under the new Clause which the Government had given notice of after taking legal advice they had no power to appoint anybody they liked and that the trustee must be a person having interest in the institution. I do not find any substantial difference between ‘ religious denomination ’ in the one or ‘ having interest ’ in the other. The thing is no outsiders, persons who have no interest in the institution, should come in. That is the essence. The real difference is, under the Clause as it now stands

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they can appoint anybody whom they like whereas according to the amendment of which they gave notice they are bound to appoint only such persons who have interest in the institution. It would have been much better if the Government had introduced the new Clause but since they don't do it, I see that this is the next best one."

* SRI K. BHASHYAM:—"I have given notice of an amendment to the Government amendment, Sir. It says—

'Add at the end of the Clause, "and belonging to the denomination or sect for which the religious institution is intended".'

Sir, you must at least allow me to move that amendment."

MR. SPEAKER:—"It is an amendment to the Government amendment. Government have not moved their amendment and therefore I cannot allow it. Further how does it fit in with the original clause?"

* SRI K. BHASHYAM:—"If the Government are not moving their amendment, at least please allow me by using your discretion, Sir, to move it as an amendment to the original clause 46."

THE HON. SRI K. MADHAVA MENON:—"He has not given notice of an amendment to the original clause, Sir."

* SRI K. BHASHYAM:—"I have given enough notice, Sir, to everybody of what I have got in my mind. Is there any surprise in this matter to the Government or to any of the hon. Members here is all that you have to look into, Sir. Let me pass on my amendment to you."

MR. SPEAKER:—"Whether it would fit in with the original clause or not has to be examined. It will take time."

* SRI K. BHASHYAM:—"If the Government go on changing their ground, we have also to change our mind bit by bit. I shall redraft the amendment and see that it fits in with the original clause. If my amendment is not accepted, I oppose the whole clause. If it is accepted, the point of our side is this . . ."

MR. SPEAKER:—"I am going to put the amendment of Sri Viswanatham to the vote of the House. The amendment is—

'Delete the clause.'"

* SRI N. S. VARADACHARI:—"Sir, Government are certainly entitled not to move any amendment of which they have given notice. But Government are not entitled to explain things in a different way from what it is actually intended. The difference between the two clauses the original one and the amendment proposed, is this. The Hon. Minister explained that really they were seeking smaller power, a very restricted power than that sought under the amendment of which they gave notice. The amendment of which they gave notice proceeds on the basis that 'Every trustee', please read from the beginning, let

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me understand the meaning of things and vote upon it—Every trustee appointed by the Commissioner—note the language, 'every trustee'—not even one out of ten can be a person other than those interested in the institution concerned. 'Person having interest in the institution' has already been defined and passed by the House. What was the original clause 46? Clause 46 says that 'In making appointments of trustees under sections 41, 44 or 45 the Commissioner or the Area Committee, as the case may be, shall have due regard to claims of persons belonging to the religious denomination for whose benefit the institution concerned is chiefly maintained.' 'Shall have due regard to the claims' that is all it says. They will consider the claims and give them priority if it is necessary or prefer them to other people whom they have in their minds to appoint. The idea is patronage under the original clause 46 would be much wider than exists under the amendment which the Government gave. In fact, the interpretation has been the other way about. Let every hon. Member understand the proper implication of the amendment and the withdrawal of the amendment. I do not object to the Government having clause 46 in the old fashion in which they desire it at present. But let me not be deluded into the belief that clause 46 is not wider than clause 46 as amended or rather was sought to be amended. Really speaking the old clause 46 gives much wider powers of patronage to the Government than they ought to exercise in this matter."

* SRI M. S. PATTABHIRAMIAH:—"Mr. Speaker, Sir. The Government have taken us all by surprise by not moving the amendment they gave notice of. I intended to second the amendment to the Government amendment given notice of by my hon. Friend Sri M. R. Appa Rao. I understand that the Government have withdrawn their amendment and so my hon. Friend Sri M. R. Appa Rao may not be very much interested to move his amendment." 12-45 p.m.

MR. SPEAKER:—"Hon. Sri Appa Rao has not given any amendment to Government amendment. He has given an amendment to the original clause. (Interruption.) Let me hear Sri Appa Rao. Does the hon. Members want to speak on the amendment moved by hon. Sri T. Viswanatham?"

SRI M. S. PATTABHIRAMIAH:—"Sir, I do not mind about his amendment. I want to speak on Sri Appa Rao's amendment if it will be taken up."

MR. SPEAKER:—"He has not given any amendment to Government amendment. He has given an amendment to the original clause 46."

* SRI M. S. PATTABHIRAMIAH:—"Sir, I beg to point out one thing. At least the Government might have deleted the words 'or 45' occurring in this clause as we have already deleted clause 45. The clause 46 as it stands contains the words 'or 45'."

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MR. SPEAKER:—"The Government have given an amendment for that."

* SRI M. S. PATTABHIRAMIAH:—"Sir, that is alright. I simply wanted to point out this."

"As far as it goes, Sir, the Commissioner would try to appoint a person having regard to the religious denominations for whom the religious institution was intended. If it was confined to a person who had interest in the religious denomination for whose benefit the institution was intended, it would have been better. If a person not belonging to that particular religious denomination is appointed, he may not have any interest in the institution itself. As the Hon. Minister, Sri K. Madhava Menon said, even Charvaka was considered to be a Rishi. There may be Charvakas and there are Charvakas in each religious denomination. Charvaka was never called a Rishi by our ancient people. He cared only for sexual enjoyment and he taught only sexual enjoyment instead of spiritual advancement. We have many such people in every religious denomination and generally among people professing faith in Hinduism. May be that these Charvakas are the followers of Rishi Charvaka and who nominally belonged to Hinduism. I am only afraid, Sir, that these Charvakas may be appointed as trustees. If the Government had chosen to put in religious denominational interests and if the Commissioner had been compelled to appoint only persons who have any religious denominational interest in the institution as trustees, it would have been good. If not, Sir, it will be only encouraging the people who have absolutely no religious inclination, to go into the institution and destroy it."

* SRI K. VARADACHARI:—"Mr. Speaker, Sir, A difficulty arises in this. The words 'shall have due regard' in the original clause is suspected to mean also 'shall not have undue regard'. That is the difficulty that arises because it lends to that meaning and because it is left to the whims and fancies of an officer or an Area Committee in nominating a trustee. Therefore, why should the Government take upon themselves the responsibility of leaving this in such doubt and creating panic in the minds of the public as to what is being done in the creation of trusteeships for about 30,000 institutions in this State? Therefore, it is better that the Government change the language a little so that it may be binding. Their serious intention to modify this is revealed in the new clause that they have proposed. Consistent with that intention, the original clause may be amended by suitable words in a very short way by the Government themselves, instead of putting all people in a panic about this."

SRI V. RAGHAVAYYA:—"Mr. Speaker, Sir. I do not see absolutely any difficulty in appreciating clause 46. It does not give anything beyond what it means. When the legislature language says 'shall have due regard', I do not think it is proper

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on our part to read something else in it. It only means 'shall have due regard' and there is nothing for monkeying about the language."

"I think, Sir, that Statutes are for all time and not for a particular time only. They are not governed by some persons always. The letter of the law will be always interpreted in a very liberal fashion. The clause concedes the obligation to consider the claims of persons belonging to religious denomination. I do not see any reason why, if simply a Vaishnavite is appointed as a trustee for a Shiva temple, the people cannot get along in the same way as before. The people are getting attracted to Advaita philosophy. I have absolute regard for both Shaivites and Vaishnavites. I do not know that a Shaivite will be inimical to Vaishnavite and *vice versa*. We need not fear that people will fight simply because a man of other denomination is appointed as a trustee for the temple. So long as they are Hindus and they believe in the tenets of Hinduism, I do not think that heavens will fall on account of entrusting the trusteeship to persons other than those who belong to that particular religious denomination. I do not think, Sir, that they will be so narrow-minded."

* SRI M. R. APPA RAO:—"Mr. Speaker, Sir. My original intention in moving an amendment is that persons occupying the trusteeships must be persons belonging to the religious denominational interests. As hon. Sri N. S. Varadachari has said, there is lot of difference between the amendment given notice of by the Government and the original clause. The original clause contains 'shall have due regard'. The amendment contains 'shall be a person having interest in the institution concerned'. If Government say that they do not move it, my amendment also is automatically dropped. Is that the ruling, Sir?"

MR. SPEAKER:—"Yes."

* SRI M. R. APPA RAO:—"I suggest that the Government may make suitable amendment to clause 46 so that persons belonging to the particular religious denomination to which the temple belongs only may be selected. Of course, as my hon. Friend Sri V. Raghavayya said, other people may not have any hostile intentions to each other's denominational sections; but there may be persons having such narrow view and we must also provide for that. Let the Government say that the person need not necessarily belong to the particular religious denomination and yet he must have interest in the religious institution. But, how to find out that it is so is a difficult question. Let the Commissioner ascertain the information that that person is a Hindu—of course Hinduism has many sects and some sects are opposed to each other—and that at least he is interested in the religious institution and he is not opposed to other sects. Let the Commissioner see that no discord is brought by the appointment of trustees. With this view,

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I want the Government to see what amendments are necessary. This religious denominational interest is guaranteed by the Constitution. So, we must be careful about this aspect."

* SRI L. N. GOPALASWAMI:—"Mr. Speaker, Sir, I only want to add a word by way of reply to my hon. Friend Sri V. Raghavayya. I appreciate the highly philosophical ideals propounded by him that a Vaishnavite may be appointed as a trustee for a Siva temple and a Shavite for a Vaishnavite temple and there is no harm. But, I want to bring to his notice that the Constitution stands in the way because it gives that right to persons belonging to that particular religious denomination only. It has already been recognised and we want to give recognition that the right to manage the institution should really vest in a person who belongs to that particular religious denomination."

* THE HON. SRI K. MADHAVA MENON:—"Sir, I cannot be compelled, as hon. Karanth said, to move the amendment. Let it not be under any doubt. Hon. Mr. K. Varadachari said that the Government may accept some other wording. If the wording of the amendment that I have given notice of will satisfy the Hon. Members, I have no objection. But, that is not the case. The amendment is that 'every trustee appointed by the Commissioner under section 41 or by the Area Committee under section 44 shall be a person having interest in the institution concerned. There are other amendments. It is idle to contend that, because I dropped the amendment, that amendment is right. Sir, many amendments have been given. I gave an amendment in the same way as any hon. Member gave an amendment. I do not move the amendment in the same way as any other Member may not move it."

"Sri T. Viswanatham's amendment is that clause 46 should be deleted. Sir, it cannot be deleted. What is exactly the connotation. It says in making appointments of trustees under sections 41, 44 or 45, the Commissioner or the Area Committee, as the case may be, shall have due regard to the claims of persons belonging to the religious denomination for whose benefit the institution concerned is chiefly maintained. It is necessary to have it like that. As Sri N. S. Varadachari said, it has a restricted meaning. But, I feel, Sir, that the words '... having interest in the institution' is much more wide and so the clause may stand."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir. Speaking on the language of clause 46, I said that they shall have due regard to claims of the persons, etc., etc. I submitted, Sir, and I still suggest that the words 'shall have due regard' in course of time will mean 'due disregard'. That is the real trouble, Sir. The 1 p.m. Hon. Minister said, 'if you had accepted my amendment, everything would have been all right.' But he has withdrawn that amendment and there is no possibility of accepting it or modifying it. This is not in keeping with the demand we have been making

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that the trustees belonging to the same denomination should be there. 'Due regard' will degenerate into disregard. It should therefore be deleted."

The amendment was put and lost.

THE HON. SRI K. MADHAVA MENON:—"Sir, I move—
'In line 2 of clause 46, for the figures and word 'or 45,'
substitute the figures and word '41 or'."

The amendment was put and carried.

JANAB MAHIN SCHAMNAD:—"I want to know whether I can move my amendment to the original clause, or the amended clause?"

MR. SPEAKER:—"The Government amendment is not moved now. His amendment can therefore be only to the original clause."

JANAB MAHIN SCHAMNAD:—"I move—

'After the words "the religious denomination", add the words "or community or group of persons"."

MR. SPEAKER:—"Nobody has seconded the motion."

SRI T. VISWANATHAM:—"I second it, Sir."

THE HON. SRI K. MADHAVA MENON:—"Sir, for various reasons this amendment is not acceptable to the Government."

The amendment was put and lost.

* SRI K. BHASHYAM:—"Sir, I move—

'That the following be added at the end of clause 46:—
'The persons so appointed shall belong to the denomination for whose benefit the institution is existing or is being maintained'."

"The Government say that they will have due regard to the claims of the community. The claims of the community may be of many sorts. One such claim may be that they wish to elect a person. In many villages these trustees are elected by the community and they may ask this right to be recognized. This might satisfy the letter of the law, but the person so appointed may not belong to that particular denomination for whose benefit the institution exists and you may not get the co-operation of the community. If the person so selected does not belong to that particular denomination, difficulties will arise. In a village there may be two parties, the angalathamman party and one in opposition to it. On account of village feuds one party may say that the person chosen does not belong to this or that particular street and therefore should not be the trustee or ask for one more trustee for their group. To avoid these tangles I am suggesting that the person so appointed shall belong to the

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denomination for whose benefit the institution is existing or is being maintained. A trustee or an archaka may not belong to the community for whose benefit the institution exists and people's mind would be agitated. We cannot really ignore the feelings of the people altogether. Therefore it will be best if the Government take my advice and accept my amendment. This will promote harmonious working and stimulate local interest in the temple."

SRI T. VISWANATHAM:—"I second the amendment."

* SRI V. M. RAMASWAMI MUDALIYAR:—"The point sought to be made out is very clear. The hon. Mover says that there is now elasticity in the provision: the Commissioner is now permitted to go outside the religious denomination and choose a man. My hon. Friend does not want this elasticity. But I ask, why should we, in the case of the Commissioner and the Area Committee, always be suspicious that they act without due regard to the intentions of the Legislature? They are bound to consider the claims of persons of that denomination. After all they are human beings and responsible authorities recognized by the Act. Why should we suspect them all and say that they will not consider the claims of persons belonging to that denomination and that they will wilfully disregard the opinion of the Legislature? My hon. Friend moved so many amendments in which he placed the matadhipathis and trustees on a pedestal of infallibility. He does not admit that they are fallible. At the same time he depicts the Commissioner and the Area Committee as irresponsible people who will disregard the directions of the Legislature. I do not think that that sort of suspicion is merited by these persons appointed under the law. The provision in this regard is quite clear and correctly conveys the directions of the Legislature. If still these people go wrong, the Government can pull them up. It is not proper to live in an air of suspicion all the time."

* THE HON. SRI K. MADHAVA MENON:—"Sir, I have not much to add to what hon. Mr. Ramaswami Mudaliyar said just now. The existing provision is that in making the appointment of trustees under section 41 or 44, the Commissioner or the Area Committee, as the case may be, shall have due regard to the claims of persons belonging to the religious denomination for whose benefit the institution concerned is chiefly maintained. To this my hon. Friend Mr. Bhashyam wants to add: 'The persons so appointed shall belong to the denomination for whose benefit the institution is existing or is being maintained.' This is something very different from what the Government have in view. I cannot accept the amendment. The Government is always content with saying 'No'. That I can understand. But what I cannot understand is what fell from hon. Sri Ramaswami Mudaliyar. Let me tell him that the whole Bill is based on suspicion of trustees and of the authorities now managing the temples. The Bill in effect

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says that every trustee is a dishonest man; every matadhipathi is a rogue; and only persons in the world who have some honesty are the persons to be appointed by the Government. That is the spirit of the whole Bill. It is not I that raised the question of suspicion. It is not I that suspected that these persons will do something wrong. The whole Bill seems to be actuated by the spirit of suspicion. I could have understood it if hon. Mr. Ramaswami Mudaliyar had stated that everybody should be deemed to be honest till he is found to be dishonest. But what is happening now? Today everybody is held up as dishonest, the small man with the big man, if he has any public money in his hands. This suspicion was not created by me. It is the Government that created it. The Bill has created fear and apprehensions and the words uttered here are also responsible for it. We say we should have responsible people for discharging these functions and that now people walk away with public money. Small people interpret this in their own way and say all sorts of things against the trustees. Therefore let not my friend think that he is right. All that I ask is that, if it is possible, why not we do something to remove the suspicion from the suspicious minds. There is a suspicion that they may go outside the community for making the appointments of trustees. Why not remove that suspicion? I am glad that hon. Mr. Ramaswami Mudaliyar recognized the justice of my amendment."

THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, I would not have sought to speak a second time on this amendment, but for the remarks made by hon. Mr. Bhashyam. He made a statement that the entire Bill is based on suspicion."

SRI K. BHASHYAM:—"Absolutely."

* THE HON. SRI K. MADHAVA MENON:—"The hon. Member misrepresented the Government as saying that every matadhipathi is a rogue and that only the trustees can be trusted. Let me assure hon. Mr. Bhashyam that that is not the case of the Government."

"Then, Sir, hon. Mr. Bhashyam was heard to say that there is apprehension in the minds of the people about this Bill. To that may I say that, as against that apprehension in the minds of some, there are lakhs of people who feel that the temples and trusts which belong to the entire community are not being properly administered and that their roguishness plays a large part in their administration. The whole principle of the Bill is that we should prevent such things and put an end to roguery. As prevention is better than cure, now that it is possible for us to prevent it, let us do so. This Bill is based on actual facts and nothing less."

The amendment of Mr. Bhashyam was put and lost.

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1-15 p.m. Mr. SPEAKER:—" Clause 46 as amended is for the consideration of the House."

* Sri N. S. VARADACHARI:—" Sir, I am very sorry that so much heat has been generated in a matter like this. The Hon. Minister and other hon. Members should learn to be restrained in their pronouncements in general and in a Bill of this kind in particular. The Bill does not proceed on distrust. I certainly agree that a certain amount of control is necessary and ought to be exercised over the public, sometimes over a section of the public and sometimes over even a very small section of the public like the Government's own servants. There is no objection to that kind of control. The Bill as originally conceived was one thing and the Bill as it has finally emerged from the Select Committee and after all the Government amendments have been passed, is quite another thing. Today the initiative is all to come from the trustees. Though appointments may be made by the Commissioner, the power will be exercised in the first instance by the trustees. There ought to be a feeling of hope in the country. There are many good men and true everywhere throughout the land who will come forward to take charge of these institutions and run them for the benefit of the millions who are not in this or that controversy or on this or that side and who are looking forward only to one thing, namely, the correct observance of the grand traditions of the country."

Clause 46 as amended was put and carried.

Clause 47 was put and carried.

Clause 48.

Mr. SPEAKER:—" The motion is—

' That clause 48 do stand part of the Bill.' "

* THE HON. SRI K. MADHAVA MENON:—" Sir, I move the following amendment:—

' Omit clause 48.'

" Since clause 40 which deals with the appointment of executive officers has been omitted there is no necessity for this clause dealing with the powers and duties of executive officers."

* Sri T. VISWANATHAM:—" Sir, I congratulate the Government on moving this amendment."

The amendment was put and carried.

Clause 49.

Mr. SPEAKER:—" The motion is—

' That clause 49 do stand part of the Bill.' "

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Sub-clause (1).

SRI T. VISWANATHAM:—" Sir, I move the following amendment:—

' For the words " The Deputy Commissioner in the case of any religious institution . . . other religious institution, substitute the words " The Commissioner ", and insert the following after " may " in the line 4:—

" apply to the Principal Court of Original Civil Jurisdiction to " '

" Sir, this involves a principle of great importance for which we have been striving energetically for the last three or four days and which has been opposed by the Government equally energetically. This clause deals with the power to suspend, remove or dismiss trustees. The clause reads—

' 49 (1) The Deputy Commissioner in the case of any religious institution over which an Area Committee has jurisdiction, and the Commissioner in the case of any other religious institution may suspend, remove or dismiss any hereditary or non-hereditary trustee or trustees thereof . . . '

We will deal with the question of how far we can touch the hereditary trustees later on. The power to remove or dismiss the trustees should not be exercised by the Commissioner or the Deputy Commissioners on their own authority. The Deputy Commissioner should not come into the picture at all. The Commissioner should initiate the proceedings in all cases covered by sub-clauses (a) to (e). I do not say that the trustee should continue there if it is a case of persistent default or wilful disobedience of lawful orders or if there is misfeasance, malfeasance or misappropriation, if he is of unsound mind or if he has a mental or physical disability which unfits him for discharging his duties. But it is not the Deputy Commissioner or the Commissioner that should be the final authorities in the matter. The Government have been contending that they should be the authority and I have been contending all along that while the thing may start with the Commissioner, the decision must be left in the hands of the civil courts. It is for the Principal Court of Original Civil Jurisdiction to remove or dismiss a hereditary or non-hereditary trustee. Sir, I have been fighting for a principle and I hope that after some time the Government also will agree with me. I want them to agree with me even now and say that these matters are better decided by the courts. We have seen just now how heat has been generated on suspicion. Sir, we are suspecting some people and others are suspecting us here. All of us who live in this world live in glass houses and there is no use of throwing stones at others."

Mr. SPEAKER:—" Let us come to this question." (Laughter.)

SRI T. VISWANATHAM:—" I want that the final decision in these matters should not be left to the officers appointed by the Government but to the Courts which are not actuated by any party

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colourings and not subject to any extraneous influences. They should be the persons who will give a final decision in these matters. The Commissioner can certainly initiate action in these matters, but he should get the sanction of the Principal Court of Original Civil Jurisdiction having jurisdiction over the area."

* SRI K. BHASHYAM:—"Sir, I second this amendment for more reasons than one. The first is this. The Commissioner and the Deputy Commissioners and the various hierarchy of officers are the very persons who will be complaining against the trustees for wilful default, misfeasance, malfeasance, misappropriation and so on. These are the very persons again who will decide whether the trustees are guilty or not. A man cannot be both prosecutor and judge in the same case. The Commissioner, let us suppose, issues an order. The trustee says that it is not a lawful order and that he is not going to obey it because it is not lawful. The Commissioner will say that the trustee is not obeying lawful orders, that he is wilfully defaulting and therefore he may dismiss him. That is how the thing will be judged. To have the person making the complaint as the person who is to decide it, is not justifiable from any moral point of view.

"Next, Sir, even from a practical point of view, let us look at the matter. The Hon. Minister in charge of the Bill has more than once admitted that it is very difficult to get respectable persons to come forward to take up trusteeships, because it is an onerous duty. If the person is a very religious man, he will say, 'I am afraid I might unconsciously appropriate some of the property of the temple and thereby I might go to hell.' There is another class of people who would like to have the power and prestige of being trustees but for the irksomeness of the job. They do not like to place themselves in a position where any man may put in a petition about something or other to the Commissioner or the Deputy Commissioner and the latter ask them to give their explanations about it. After all these gentlemen could only give a portion of their time for the duties of a trustee. It is not as though they have a regular office with clerks appointed to look into the tappings and reply to them and so on. I know in one instance there was a complaint that the trustee did not reply to the letters at once. That is the sort of thing that is asked for. We have been going on in some easy way. If there is mismanagement or taking away of funds fraudulently, I do not want you to be lenient. But if for mistakes of the kind I have mentioned a man is dismissed, whoever will come into the job at all? If every petty officer is going to ask the trustee to show his registers, show his accounts and ask him why the returns are not given properly and so on, it will be very difficult. Therefore if you want the right type of men for the posts of trustees, you must see that they are treated properly.

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"Then the third point is this. Suppose a person is dismissed from his trusteeship. If he happens to get into a witness box at any time hereafter invariably the question will be put to him, 'Were you not dismissed from your trusteeship of so and so?' If hon. Mr. V. M. Ramaswami Mudaliyar appears in the case on the opposite side, he is sure to put that question to him. Look at the obloquy that is involved when a man is dismissed in this way. Why should we condemn a man in this way? Will it be proper to do this? It will be a black-mark following him all through his life. Whenever he appears for selection for a public job, this will be trotted out against him. Therefore in a case like this which affects a man's character, where the obloquy will pursue him throughout his life, it is better that the matter is put before a proper court, a judicial enquiry is made, the party affected is given a chance to put forward his case and a decision obtained from the Court. The Commissioner should go to a court of law and he should not be the final authority in these matters. On all these three grounds, it is fairly conclusive that the Government should accept this amendment."

SRI R. V. SWAMINATHAN:—"Sir, I am afraid if this amendment is accepted it will be detrimental to the proper day-to-day administration of the Act. The hon. Member wants that the Commissioner should get the decision of the court in these matters. If there is a provision like that, the Commissioner can take no action even if a trustee swindles and misappropriates the funds. I have not known any cases where even for suspension of officers one has to go to courts. This is a new kind of provision that is being suggested not only in this Bill but in other Bills also. After all, Sir, who are these Commissioners and Deputy Commissioners? They will be officers of great experience selected from the highest ranks of the services and they can certainly be expected to use their sense of proportion. They would not, for any flimsy reason, suspend or dismiss a trustee or hereditary trustee. They will go into the whole question thoroughly before they take any such action. Only if there are any of the grounds mentioned in clauses (a) to (e) of sub-clause (1) will they dismiss or suspend a trustee. There is this thing also, Sir. The trustee affected has got the right of going to a court. Instead of asking the officer to go to a court and adopting a new procedure, the trustee affected may go to a court. Therefore, Sir, I strongly object to the amendment. Though Sri K. Bhashyam has seconded the amendment, he is a lawyer and he must know more than I what is possible and what is not possible and I am sure he will agree with me. It is absolutely impossible to ask the officers to go to a court before they take any such action. I oppose the amendment, Sir."

MR. SPEAKER:—"The House will now rise and reassemble at 2-30 p.m."

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(After lunch—2-30 p.m.)

* THE HON. SRI K. MADHAVA MENON:—"Sir, I want to make one request to you. Generally we assemble here at 11 a.m. The First Madras Regiment which went to Kashmir for the first time three years ago, is returning to Madras, and tomorrow morning there will be a March Past at the Rajaji Hall. It will be a very great encouragement to the Madras Regiment which has been away for three years, if as many of us as possible can be present at the March Past and see them. So, may I suggest, Sir, that we meet at 11-30 a.m. tomorrow instead of at 11 a.m."

MR. SPEAKER:—"I think there is no objection to our assembling at 11-30 a.m. instead of at 11 a.m. to-morrow. I think the agenda has already been distributed, and I hope the necessary correction will be made now. So, tomorrow we will meet at 11-30 a.m."

JANAB ABDUL HAMEED KHAN:—"Is the day-after to-morrow also to be a non-official day, Sir?"

MR. SPEAKER:—"No."

THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
BILL, 1949 (L.A. BILL NO. 10 OF 1949) —cont.

Clause 49, sub-clause (1)—cont.

SRI V. RAGHAVAYYA:—"Sir, the powers conferred by clause 49 are a bit too wide. I do not think it is proper to confer on Deputy Commissioners such wide powers as summarily dismissing the trustees as if they were mere servants. I should like to suggest, on the other hand, that the Commissioner alone should be empowered to remove any trustee for any one of the causes enumerated in the clause. And he should do it only after an enquiry. As it is, the clause does not provide for any enquiry at all. It is only proper that after an enquiry is held, the order should be pronounced by the Commissioner and the aggrieved party may be asked to go to a court of law in appeal, if he thinks fit. That would be proper; otherwise, if the Commissioner is himself to be asked to refer the matter to a court of law first and then wait for the decision, it may take two or even three years; and that will be defeating the very objects of this legislation. The idea of this legislation is to bring these institutions more and more under the control of the Government rather than to leave everything to go to the law courts for a decision. If that idea is accepted, as has been done in the foregoing clauses, I do not think it is correct to go to the courts for a judgment before any action can be taken. At the same time, I feel that anybody less than the Commissioner should not be empowered to remove the trustees."

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"Again, Sir, there are certain sub-clauses here which are very indefinite. For instance, it says that a trustee can be removed for any 'infirmary'. God knows what this infirmity is. When a man is deaf, is he disqualified? I think mere deafness should not be regarded as a disqualification or as making him unfit for attending to the duties of his office. A man may be deaf, and the only trouble is that he must be told everything very loudly; it may be a nuisance. But anyway, it is better these powers are not made as wide as they are here. Again in clause (c), you find 'neglect of duty'. For neglect of duty, a man can be removed from office. I think if that clause is to be applied to every one of us here sitting in the Assembly, we may be found grossly guilty of neglect of duties which have been prescribed not only by the Constitution of the country but even by modern canons. I think this 'neglect of duty' is too wide a disqualification and ought not to find a place in the list of disqualifications in the clause. I think the Minister himself will not be bold enough to assert that he is clean of this charge; occasions may arise when he will have to plead guilty to God, if not to men, of neglect of duty. And when a reasonable man is chosen, not by the Government or the Commissioner alone, but by the Area Committee and the public concerned, to remove him simply because he is guilty of various things of which I am sure everybody else is equally guilty, is not at all proper."

"Coming to the legal aspect, Sir, I believe an appeal must be provided for against the order of the Deputy Commissioner to a court of law. It may be that the appeal is limited to first appeal and it need not go further up. The Act may provide for the appointment of a Sub-Judge as the first court of appeal and the last court of appeal as well. Some such provision must be here to meet the ends of justice and to restore trustees to their places in cases where the Commissioner thinks they have been negligent in their duties."

"Finally, Sir, when disposing of charges against a man, the power of suspension must always be there; otherwise, the man with impunity can go on misappropriating and continue to ask the Government to go to a court of law, knowing full well that courts of law will take their own time. Even legislation takes its own time in this House: as a matter of fact, this Bill was taken up some three years ago and we are still in the middle of it. I think, Sir, this amendment must be accepted with profit by the Government."

* SRI L. N. GOPALASWAMI:—"Mr. Speaker, Sir, I am only afraid that by this clause the Government want indirectly to take powers which are not really vested in them under the Constitution. In one of the speeches yesterday, the Hon. Minister said that however much he would be willing to take and would like to take the hereditary trustees under his control, the law prevented it and therefore he was not taking over such control."

[Sri L. N. Gopalaswami] [22nd November 1950]

But here what we find is that even the hereditary trustees are not excluded from the operation of this clause 49. By saying even the smallest thing against such trustee, such as 'you have neglected your duty' and without going to a court of law or even before a Judicial Tribunal, the Deputy Commissioner has power to remove him. This is hardly fair. I ask, Sir, what is wrong if the matter is taken to a court of law? It is a court appointed by this self-same Government to see that justice is done to the people. It may be that in all cases the Commissioner cannot interfere, but why do you want to give the power to the Deputy Commissioner to remove the trustee for vague reasons such as 'neglect of duty' or 'even wilful disobedience of an order he himself may pass'? These are provisions which, I think, are intended to bring the hereditary trustees within the scope of the clause while really as a matter of fact the Government have no right to do so. I therefore support the amendment of hon. Mr. Viswanatham."

SRI K. VARADACHARI:—"Sir, all this trouble and all these fears engendered by the wording of this clause are caused by the omission to prescribe qualifications for the Commissioners or the Deputy Commissioners in the Bill itself. If only we had said that a Commissioner should be a District Judge or a Retired High Court Judge, these apprehensions will not be there and there will not be so much of heated debate here over questions like this. Unfortunately, the Government could not see their way to make such a provision and allay the suspicions of the public, the Members of this House and others. In their anxiety to make the clauses as sweet and short as possible, all matters relating to suspension, removal, dismissal, etc., have been clubbed together, without indicating anywhere for what offence they will be removed, for what offence suspension will be the punishment and for what offence dismissal alone will be the punishment. All these things are jumbled together and that is an additional reason for the apprehensions of some of the Members of the House. Even now, Sir, it is not too late for the Government to make adequate provision for allaying the apprehensions of the public. There should be and there is bound to be some time before we take up the third reading of the Bill; and Government can go into these matters in detail, reconsider the position, and it will never be too late for them to introduce such provisions as are necessary for allaying the reasonable suspicions of the public."

* THE HON. SRI K. MADHAVA MENON:—"Sir, the amendment of hon. Mr. Viswanatham is to apply to the Principal Court of original civil jurisdiction before the Commissioner—and not the Deputy Commissioner—takes any action. I thought, Sir, after his amendment to insert a new clause 10-A defining the powers of Commissioners, Deputy Commissioners and others was lost, he would not be moving amendments when he wants that wherever the Commissioner has to take some action, he must

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move the court. In that new clause 10-A he wanted to define the functions of the Commissioner—that he should maintain registers, watch the working of the institutions, apply to civil courts for the framing of schemes, launch prosecutions wherever necessary, etc. After that amendment was not accepted by the House, I thought he would not be moving these amendments. After all, Sir, these are matters of day-to-day administration and discipline; and if in cases of misappropriation or misfeasance or persistent default or not acting according to the directions lawfully given, it is to be the business of the Commissioner to move the court, no administration will be possible. Regarding rules of conduct and discipline, it is not possible, nor is it usual to entrust them to a civil court. So, Sir, I cannot agree to the amendment.

"Then, Sir, in regard to another objection of hon. Mr. Viswanatham I should say that it is not possible for the Commissioner sitting at the headquarters in Madras and looking to matters relating to the whole State. So, Sir, the work has been divided and it cannot be centralised. Again in every matter of discipline we cannot have it done by the Commissioner sitting in Madras. That is why we say 'The Deputy Commissioner in the case of any religious institution over which an Area Committee has jurisdiction and the Commissioner in the case of any other religious institution.' These are the identical provisions in the existing Act. Apart from that, Sir, it is absolutely necessary.

2-45
p.m.

"Hon. Mr. Gopalaswami always finds Constitutional difficulty everywhere. I have only to give him the same answer that I have given before to the question of Constitution. He said this is a ruse. I say it is not a ruse, it has been openly stated and I do not see where the ruse is. It has been definitely stated what the powers of the Commissioner and the Deputy Commissioner are in cases of default committed by the trustees.

"Then, Sir, hon. Mr. Varadachari said, if we had mentioned the qualifications of the Commissioner, then there would have been no objection at all or that much of the objection would not have been raised. Both hon. Mr. Viswanatham and those who supported his amendment do not want on principle that such powers should be given to the Commissioner, even though the Commissioner be a High Court Judge or a Supreme Court Judge but that it should be given to the court. That principle I do not agree, and the considerations mentioned in clause 49, should remain. So, I cannot accept the amendment."

* SRI T. VISWANATHAM:—"Sir, I thought I would get some arguments to convince me that my amendment is wrong, but I have been disappointed. As the hon. Mr. Bhashyam has pointed out, an order passed by the Deputy Commissioner or the Commissioner in the cases indicated in this clause will leave a moral stain upon the person concerned. Let it not be forgotten,

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Sir, that there would be trustees appointed for nearly 30,000 institutions. If the Deputy Commissioner or the Commissioner is to be entrusted under this clause with such vast powers of not merely suspension to enable their routine administration to go on, but also of removal or dismissal of the trustees, I submit, Sir, that where offences like malfeasance, misfeasance, neglect of duty or breach of trust, are alleged, what happens is, that a person who is dismissed, although ultimately it may be possible for him to get some redress at the hands of the Government which is the final authority under sub-clause 5 of this clause, in most cases he cannot get redress from the Government, as the Government is bound in ninety-nine cases out of hundred to support the actions of its subordinates in those matters on administrative grounds. The Hon. Minister wants all the powers for the Commissioner and the Deputy Commissioner on administrative grounds. Let us not assume, Sir, that trustees come from the small categories of men, but any one of the hon. Members of this House may be in the position of a trustee and he will also come under the operation of this clause. Sir, we must therefore be very careful. Just to impress upon you the importance of this, I may tell you that one of the persons who held a very important political position in this State, happened also to be a trustee of some small temple and subsequently he became one of the most important political figures of this State also. But, owing to executive and administrative reasons, the Commissioner passed proceedings to dismiss him. I am referring to an event which happened about 12 or 13 years ago. Sir, I submit to you and to the members of this House that it took the personal intervention of two Ministers to see that order was not given effect to and that nothing happened to the gentleman. So, Sir, if the Ministers had not interfered, of course, they interfered on personal grounds—that moral stain on the person would have been there all these 13 years and he would not have become the most important person in this State. So, Sir, in matters like this, I submit, we are not dealing with some small bazaar men coming in as trustees for whose reputation we do not need to have any care. Small men will also become big men. Therefore, Sir, I submit that these Commissioners, particularly when there are no special legal difficulties, ought not to be entrusted with such wide and vast powers. I assume that possibly in the matter of suspension, the Commissioner may have some power. If that is so, I would say, insert the words referred to in my amendment not after the word 'may' but after the word 'suspend.' I have no objection to give the power of suspension to the Commissioner, but the rest of the matter should be left in the hands of the judicial tribunal.

"Then, Sir, the Deputy Commissioners can frame charges against the trustee concerned, collect evidence and appreciate the evidence in such cases and then the superior authority over these are the persons who are the appointing authorities of these very

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officers. At no stage is a right of appeal to the civil court is given. It is not an easy matter to know whether a particular act of a trustee amounts to breach of trust or not. So, why should it be left merely to the executive head of the Government or the executive head of the institution to give a decision on the point where there are legal subtleties which cannot be gone into by such officers whose mind may not be of a judicial nature but who merely want to get on with administration somehow or other. Therefore, Sir, it is necessary that the trustees of temples which number as many as 30,000, should have some sense of security. It is not a question of suspicion or anything like that. When we are enacting laws, we have to provide for all contingencies and the only proper method of doing it is to leave such decisions to a court of law. As Mr. Raghavayya has pointed out not even one appeal has been allowed to the civil court. Therefore, I submit, that my amendment is quite in order and I hope the Government will do well to consider it and accept it."

MR. SPEAKER:—"The question is—

'For the words "The Deputy Commissioner in the case of any religious institution . . . other religious institution", substitute the words "The Commissioner" and insert the following after "may" in the line 4:—

"apply to the Principal Court of original civil jurisdiction to . . ."

The amendment was lost.

* SRI T. VISWANATHAM:—"Sir, I would like to move the last amendment that stands in my name, namely:—

'In sub-clause (1), add a new item, viz:—

"for leading an immoral life and bringing the institution into contempt."'

"Sir, if at all the Commissioners should exercise any power I submit they should certainly exercise this power. Now that power has been given to them, let them exercise their power at least on moral grounds. When the trustee is found to be leading an immoral life and when his conduct is such as to bring the institution into contempt, the Commissioner must have the right to get rid of the trustee. After all we are dealing with religious institutions and not with ordinary administration. I am not referring to qualifications in the context of the appointment of Commissioner or Assistant Commissioner, but my amendment is that trustees should not lead an immoral life. Whether they lead an immoral life or not, it is another matter, but when they are found to be leading an immoral life, they should not be continued as trustees any longer, because it is necessary in the interest of general purity, general morality and the name and prestige of our country and the nation."

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SRI D. V. RAMASWAMI:—“ Mr. Speaker, Sir, I wholeheartedly second the amendment. It is very necessary because in several cases the sort of conduct that is expected of a religious head has been found to be wanting. Even if there are four or five cases, of course, it is sufficient to prove the case. Therefore, such conduct on the part of these persons reduces the position of matadhipathis or of the ‘Mahants’ as they are called in the Ganjam district. These people are looked upon with much respect because they are entitled to that, being heads of maths. But, when the public come to know that they have fallen in the moral opinion of the people by keeping nautch girls or such other people, there is bound to be a reaction in public opinion. Therefore, I feel a disqualification like this should certainly be welcome and should be inserted in the clause, as suggested by my hon. Friend, Mr. Viswanatham.”

* SRI M. R. APPA RAO:—“ Sir, it is very difficult to put into practice the amendment proposed by my hon. Friend Mr. Viswanatham, particularly when you see that nowhere in the Bill there is any definition of a person who is moral or immoral. Unless it is defined in the Act as to what constitutes moral conduct, it is difficult to put it into practice. After all to some extent morality is subjective. So, I feel that this sort of vague expression will go against the stand taken by Sri T. Viswanatham, because he is against giving more powers to the Commissioner. Anybody can say that a person is immoral and on that ground the trustee may be dismissed. So, Sir, I submit this sort of nebulous power should not be given to the Commissioner.”

* THE HON. SRI K. MADHAVA MENON:—“ Sir, this is not the only clause where hon. Mr. Viswanatham has given notice of this amendment, but in many other sections also my hon. Friend has given this amendment relating to leading an immoral life and bringing the institution into contempt. I entirely agree with what all he said that a person who leads an immoral life or behaves in such a manner as to bring the institution into contempt is unfit to be a trustee. But, as hon. Mr. Appa Rao has said, the statement that a person is leading an immoral life as to bring the institution into contempt is very vague. I may point out that we have provided in another clause that a person convicted of certain offences cannot be appointed a trustee. Of course, I have no objection if my Friend says of a person convicted of moral turpitude and I can understand it is easy of being acted upon. But, simply to say that a person is leading an immoral life, it is difficult in such cases to lead evidence to prove such a thing. (Sri K. Bhashyam: ‘It is a valid thing also’.) It may be so, but it cannot be valid according to our sense of what should be the conditions in temples. My objection is that the amendment is vague. As I said it must be more tangible, as for instance, a

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person having been convicted of an offence involving moral turpitude, and there will be no difficulty in accepting an amendment like that, but we cannot accept such a vague statement as proposed by hon. Mr. Viswanatham.”

* SRI T. VISWANATHAM:—“ Sir, the Government claim the words ‘neglect of duty’ are very precise, I should say that ‘leading an immoral life’ is as at least precise as that.”

The amendment was put and lost.

Sub-clause (4).

* SRI T. VISWANATHAM:—“ Mr. Speaker, I beg to move— 3 p.m.

‘Delete sub-clause (4) of clause 49.’

Power is given under this sub-clause to the Assistant Commissioner to move the Deputy Commissioner to take action in respect of a trustee and at the same time, he can place the trustee under suspension pending his orders. I submit that all persons should not have this power. We have already argued though we could not convince the Government that the powers are very wide and that they should be exercisable only by some important authority. Here an Assistant Commissioner can move the Deputy Commissioner to take action against a trustee and naturally when an Assistant Commissioner moves for such action, on administrative grounds for the smooth working of the administration, the Deputy Commissioner will be obliged to approve his action. My submission is that such powers should not be given to all officers. I move, Sir, that the sub-clause be omitted.”

SRI V. RAGHAVAYYA:—“ Mr. Speaker, Sir, I beg to second the amendment.”

* THE HON. SRI K. MADHAVA MENON:—“ Mr. Speaker, Sir, let me draw the attention of the House to the fact that the hon. Member who seconded the motion advocated that power of suspension should be there. The hon. Member suggested that before the Deputy Commissioner takes action, the mischief should not be done. What is provided for here is that the Assistant Commissioner moves the Deputy Commissioner to take action against a trustee and places him under suspension pending orders of the Deputy Commissioner. This is very necessary and I am sorry I cannot accept the amendment.”

The amendment was put and lost.

Sub-clause (5).

* SRI T. VISWANATHAM:—“ Mr. Speaker, Sir, I beg to move—

‘Delete sub-clause (5)’

Here, Sir, the final authority is the Government. I would rather not have this clause at all so that he may be given a chance of seeking a remedy in a court of law when he is removed

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dismissed. I would rather give him a chance to go to a court instead of going to the Government. In the other section they said, 'subject to the orders of Government, the Commissioner has got powers. . . . and now they have dropped the words 'subject to the control of the Government.' Therefore, it will be proper that the final appeal to the Government should be removed. My hon. Friend Sri Raghavayya suggested last time while discussing the previous clause that the right of appeal should be provided but the appellate authority should not be the Government. I commend the amendment for the acceptance of the House."

SRI V. RAGHAVAYYA:—"Mr. Speaker, Sir, I second the motion. In doing so, I would like the Hon. Minister to understand one salient factor in dealing with these things and that is that the Government officials have got a herd mentality. Whatever may be the offence committed by the person in the lowest rung of the ladder, from top to toe there is a tendency of people above him to overlook the fault and even the Hon. Ministers sometimes fall a prey to that mentality. If it is a Collector that has misbehaved and is punished for corruption, according to the Minister's view his name need not be exposed and for confidential reasons or in public interests, it must be kept confidential but if on the other hand, a peon misbehaves, his name is published in all the dailies. So, Sir, my view is that the mentality of the officials to support and to cling to each other in times of distress makes an appeal to the Government unsafe. After all, Sir, what is the Government; it may be anything between the Government down to the village karnam and the provision that an appeal should be provided to the Government does not in any way provide any additional safeguard to the trustees. I submit that it may be dropped and the only tribunal which shall have the right to enter into the question should be the court of law. People, rightly or wrongly, have come to believe that even a District Munsif can sometimes rise to the occasion and pull up the Government, however high it may be, because still the traditions left by the Britisher have not died down in spite of the various encroachments made upon courts and still the independence of the courts has been preserved. So, why should not we get relief from such courts and why should we submit ourselves to the paraphernalia of the Government machinery which works in its own way? I strongly support the amendment and I see no reason for the Hon. Minister to reject the amendment."

* THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir, the amendment proposes that sub-clause (5) shall be deleted. According to that clause, the right of appeal is provided for; if the order appealed against is the order of the Deputy Commissioner, the appeal is to the Commissioner and in the case of the Commissioner's orders, the appeal lies to the Government. If this clause is omitted, except that the appeal to the Government will be taken

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away, there is nothing to say that the right of suit has been given. There is no appeal to the Government but does that give a right of suit; if the right of suit is there, the retention of sub-clause (5) does not take away the right of suit. I submit, Sir, that it is not good to take away the appeal to the Government and so I oppose the amendment."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I am not unaware of the position explained by the Hon. Minister and I want him to be aware of the position that appeal to the Government at the executive and administrative levels will cause great hardship to those affected. I submit that when the Commissioner or the Deputy Commissioner conducts an enquiry, frames charges, calls evidence and passes orders that must be enough cause of action for the particular person to go to court. I do not want that time should be wasted again by further appeals to the Government. After all, it is only an executive head and that is why I want that it must go to a court of law rather than to the Government. I am equally aware that a man can go to a court of law even if there is a provision by which he can appeal to the Government. I do not want that time should be wasted. When their trusted officers have come to a conclusion, I submit the matter should be left there and the parties should be left to go to the court instead of putting an intermediate obstacle."

* THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir, instead of wasting time, it will save considerable time and there will be speedier disposals and less costly disposals."

MR. SPEAKER:—"The question is—

'Delete sub-clause (5).'

The amendment was lost.

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, I would like the Government to state what they mean by the words 'neglect of duty in respect of the trust'. In fact, I wish the words had been omitted altogether. Offences such as default in the submission of the budget, wilful disobedience, malfeasance, misfeasance, breach of trust or misappropriation or the person becoming unsound of mind are things in respect of which I can understand the Deputy Commissioner or the Commissioner taking action but the words 'neglect of duty in respect of the trust' gives far too wide an import and what the Deputy Commissioner or the Commissioner may think as such in certain circumstances may not be construed to be neglect of duty in respect of the trust by worshippers. I should ask the Government for an explanation as to how this section would be put into force and would it be neglect of duty by the trust only if it would land the institution in breach of trust or malfeasance or misfeasance. Just now a member pointed out very wrongly, I believe, that most of us neglect our duty. The other day, I read a very interesting report of a Labour

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Member having been censured by the British Labour Party for neglect of duty. That was when he abstained from attending Parliament continuously for a period of three months and took a paying job as war correspondent in the Far East. I can understand such cases like that. Even there, it was difficult for the Government to say or for anybody to say that he has neglected his duty; the party may say this, however, but it is difficult for an officer as such to determine what is neglect of duty. I think, Sir, there is a strong case for the omission of the words. It would be enough if I should expect that the Bill will prevent mismanagement or maladministration of institutions and I would not be surprised if after the Bill is passed there are very many positive improvements in many of the endowments and positive improvements there might well be on the whole. So, Sir, I think there is a case for dropping these words 'neglect of duty in respect of the trust' especially as the power to be exercised is by an officer and not by any court of law."

* THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir, my hon. Friend Sri Varadachari wants the definition of the words 'neglect of duty'. It cannot be defined in any particular manner but I would refer him to sub-clause (2)—

"When it is proposed to take action under sub-section (1) the Commissioner or the Deputy Commissioner, as the case may be, shall frame charges against the trustee concerned and give him an opportunity of meeting such charges, of testing the evidence adduced against him and of adducing evidence in his favour; and the order of suspension, removal or dismissal shall state the charges framed against the trustee, his explanation and the finding on each charge with the reasons therefor."

So, Sir, when a particular action is taken definite charges have to be framed and these charges will relate to neglect of duty and that is all that can be done and we cannot define the words 'neglect of duty'."

Clause 49 was put and carried.

Clause 50.

Sub-clause (1).

MR. SPEAKER:—"The motion is—

'That clause 50 do stand part of the Bill.'"

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I move—

'In sub-clause (1) (a), after the word "disqualification", insert the words:

"or if he is proved to be leading an immoral life and bringing the institution into contempt,"'

In connexion with the appointment of trustees, I said that they should have certain moral qualifications. Now, Sir, after becoming a trustee, he might become immoral on account of the easy position which he is occupying. It is not a general or vague proposition. Where a man makes a definite allegation to the Deputy

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Commissioner or the Commissioner or the court and it is proved he should be disqualified. In the interests of public morality I want the Hon. Minister to accept this amendment without hesitation or even smiling."

SRI D. V. RAMASWAMI:—"Mr. Speaker, Sir, I rise to second the amendment. Whatever may be the case of a person who is in charge of a secular office where he has to give patronage to fine arts or Indian dances, it will very ill-befit a person holding the office of a trustee in a religious or charitable institution. Therefore, my hon. Friend Sri Viswanatham is very anxious that sufficient stress must be laid on the purity of the person who takes upon himself the onerous duty of being the religious head or a trustee of a religious institution. I feel that this amendment is quite reasonable and may be accepted by the Hon. Minister."

SRI K. BRAHMANANDAM REDDI:—"Mr. Speaker, Sir, sub-clause (a) says—

'is 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 turpitude.'

I want to know, Sir, if suppose a man is sentenced and convicted or rather convicted and sentenced to a period of five months in a case involving moral turpitude, what is the position of the Government? Do they want him to be disqualified or not?"

SRI V. RAGHAVAYYA:—"Certainly."

SRI K. BRAHMANANDAM REDDI:—"How, Sir? Look at the clause; it says—

'to imprisonment for a period of more than six months for any offence other than an offence not involving moral turpitude.'

Suppose the trustee is convicted and sentenced to a period of five months for an offence involving moral turpitude, do you want him to continue or not? Here there are two conditions; moral turpitude and six months' imprisonment. I want my friend Mr. Raghavayya to realize that. I want Government to put the clause to have a positive meaning instead of putting it in a negative way. I would like the clause to be—

'to imprisonment for any period for any offence involving moral turpitude.'

That would be a better thing as it would make the meaning and intention of Government clear, instead of having a negative phraseology."

* SRI N. S. VARADACHARI:—"Sir, there is a lot of difference between clauses 49 and 50. Clause 50 says that the person will cease to hold office if the sentence is for a period longer than six months. In fact I want Government to drop the words—

'provided that the Government may direct that such sentence shall not operate as a disqualification.'

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I do not see any reason why Government should reserve power like that. I do not see why a non-hereditary trustee, who has gone to court and who has been found guilty and convicted and sentenced, should be exempted from disqualification simply because they have been appointed by Government. I think there is no case for a proviso like that. In clause 49, the trustee will be removed by somebody who takes the initiative. But in clause 50, the trustee will cease to hold office from the time the verdict is pronounced against him or he is adjudicated an insolvent. I think this proviso has no place in the clause. I fear it has been bodily copied from some other Act. It may have a place when the officer wishes to become a Member of Parliament, or when a man is detained without trial or when he is sentenced for a political offence, then that shall not constitute a disqualification. I think in the case of trustees this proviso has no place. A person when he is appointed as a trustee of a religious denomination, he is expected to be a good man and should have a clean record of character. So, I think there is a strong case for the deletion of the proviso."

* SRI K. VARADACHARI:—"Sir, the use of the word 'moral turpitude' will be a difficult thing for any Commissioner or Deputy Commissioner to act upon. There are several things which may be considered to be an offence involving moral turpitude. There will be a difference of opinion with regard to this matter in every case. Suppose a man has been sentenced to imprisonment for a period of six months, or say, seven months for drunkenness under the Prohibition Act, would it be an offence involving moral turpitude?"

SRI V. RAGHAVAYYA:—"Yes."

SRI K. VARADACHARI:—"No. It cannot be so, because the Government itself is issuing permits in deserving cases. (Laughter.) So, it is a difficult thing to determine. I think any offences committed under the Indian Penal Code should be made a disqualification for a trustee to remain in office. Therefore the words 'moral turpitude' should be taken away, and the words 'more than six months' should be deleted."

"Then, Sir, with regard to Mr. Viswanatham's amendment I see absolutely no objection. If a man is proved to have been indulging in continuous concubinage, it should be within the power of the Commissioner to remove him from office. Important things are let off and small unnecessary things are sought to be introduced. So I suggest hon. Mr. Viswanatham's amendment may be accepted at least once."

* THE HON. SRI K. MADHAVA MENON:—"Sir, my objection to hon. Mr. Viswanatham's amendment is the same as I said to the previous clause. Hon. Mr. Varadachari said that it is difficult to distinguish what is an offence involving moral turpitude and what is not. Sir, if it is difficult to distinguish what constitutes

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an offence involving moral turpitude and what is not, it is more difficult to prove 'what is leading immoral life and bringing the institution into contempt.' If such vague conditions are introduced, it will lead to all sorts of blackmail.

"But, Sir, there is some force in the argument of hon. Mr. Brahmanandam Reddi. I have examined the sub-clause; there is a double negative. Of course, hon. Mr. Varadachari said that it has been copied from another enactment. Yes, it has been copied from the previous Endowments Act. I agree, due to the use of double negative, the sub-clause can be interpreted to mean that if a person is sentenced to a period of imprisonment of five months that may not constitute a disqualification. But I cannot conceive of a conviction for less than six months, where really moral turpitude is involved. Apart from this, it is quite possible that a man may be given a sentence of imprisonment for a day or till the rising of the court for a rape case. It is possible; but, whether it is probable I cannot say. But when double negative is introduced, whether it will result in exempting convictions for less than six months, is a matter to be considered; and if there is difficulty felt on that score, I wish to be permitted to reopen the clause at a later stage of the Bill. But hon. Mr. Viswanatham's amendment cannot be accepted for the reason that it is vague."

MR. SPEAKER:—"I shall now put Mr. Viswanatham's amendment to the vote of the House. The question is—

'In sub-clause (1) (a), after the word "disqualification", insert the words "or if he is proved to be leading an immoral life and bringing the institute into contempt".'

The amendment was lost.

* SRI L. N. GOPALASWAMI:—"Mr. Speaker, Sir, my amendment is a simple one. Much of the ground has been covered by Mr. N. S. Varadachari, when he spoke on the previous amendment. I move—

'In sub-clause (1) (a), delete the words "provided that the Government may direct that such sentence shall not operate as a disqualification".'

Sir, arguments were advanced and in fact it has been conceded by the Hon. Law Minister himself that if it is an offence involving moral turpitude and a sentence has been given even for a day's imprisonment, it should be brought under this clause as a disqualification, and the trustee should not be allowed to hold office. I do not see any reason why even in cases where a man is convicted of an offence involving moral turpitude, Government should have a right to exempt him from disqualification. Then, Sir, another argument I wish to adduce is that this Government is making a distinction between one set of trustee and another set of trustee. The offence that might be committed by a non-hereditary trustee, one is led to believe, is not so heinous as that committed by a

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hereditary trustee. A hereditary trustee even according to Government does occupy a different position or better position than that which a non-hereditary trustee occupies. Such being so, why should there be one set of rules for a non-hereditary trustee and another set for a hereditary trustee. Then, Sir, a matadhipathi under Chapter V is sought to be removed even if his is a case of simple conviction for any offence, be it a fine or be it imprisonment or of any kind. On such a conviction he is immediately removed from office. But if it is the case of a non-hereditary trustee, simply because he is appointed by Government, even if he is convicted of an offence involving moral turpitude even for a period of more than six months Government reserve the right to keep him in office. I cannot understand why there should be one rule for removing a hereditary trustee and another rule for a non-hereditary trustee."

SRI V. RAGHAVAYYA:—"Mr. Speaker, Sir, I say this is nothing but throwing open the flood gates of patronage. Sir, Government have already provided so many things for having men of their liking, and so there is no need for this proviso. A previous party which was in power for some years before, the Justice Party, had ruined itself on account of this power of patronage. I do not know why the Hon. Minister wants to ingratiate with a future Government by this proviso. So this Government should profit themselves by that lesson and not let themselves by this means to bring a lot of obloquy upon themselves by trying to help people to retain their place, who could not be allowed to hold positions of responsibility."

* THE HON. SRI K. MADHAVA MENON:—"Sir, every amendment which Mr. Gopalaswami brings is so simple; because he says it is so! Sir, it may look simple; but it is not so if we understand the implications of it, and so it is not so simple for acceptance. Some of the members, I think it was Mr. Viswanatham, wanted that conviction for political offence should be exempted. But, there are cases where people are convicted for what are called vicarious liability."

SRI V. RAGHAVAYYA:—"Constructive liability."

* THE HON. SRI K. MADHAVA MENON:—"In such cases, a particular person may be perfectly innocent, but on the ground of constructive liability or vicarious liability, in cases like that, where Government know that the person is absolutely innocent, but still he has been convicted for vicarious liability, should there not be a reserve power with Government to exempt him from disqualification? Then, Sir, reference was made to the Justice Party. It has no bearing to the present clause or to the present question. Sir, this is a power which any Government must have to do justice where an injustice is likely to be perpetrated. So this power is not intended to do patronage to anybody. Sir, I was surprised

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to hear Mr. Gopalaswami when he referred to the case of a matadhipathi being removed on the ground of simple conviction. Sir, is he to be considered no better than an ordinary man? He is a person who has to guide others in matters of religion, and if he is to be convicted of moral turpitude, even if it be for an hour, then certainly he should not be allowed to hold his office than an ordinary man or any other officer. He occupies a greater status, the status of the person of a moral preceptor, and so he should be very careful about his conduct. So, Sir, the comparison is not at all happy. I oppose the amendment."

* SRI L. N. GOPALASWAMI:—"Sir, one fails to understand how there can be one set of morals for one kind of trustee and another set of morals for another kind of trustee, when there is no difference in the nature of institutions of which they are the head. The very fact that these institutions are not properly managed necessitates the passing of this Bill and the appointment of good persons as trustees. So I am unable to appreciate the attitude of Government in taking power to exempt trustees convicted for offences involving moral turpitude and sentenced to periods of more than six months. The second point I want to say is Government have not shown such leniency to hereditary trustees. Why should they show such leniency only to those appointed by Government themselves? The question of vicarious liability would arise equally well in the case of a hereditary trustee; for do they not also hold positions of responsibility, and hence would they not also be held responsible for the acts of their agents. Therefore if a code of morals is to be set up, it should be made applicable to both hereditary and non-hereditary trustees. For there can be no difference in morals or moral codes."

* THE HON. SRI K. MADHAVA MENON:—"Sir, in the case of hereditary trustees, since they occupy the position of a spiritual head and a moral preceptor, the disqualification becomes greater when they are convicted for any offence, be it fine, be it imprisonment, or be it of any kind."

MR. SPEAKER:—"I shall now put the amendment of Mr. Gopalaswami to the vote of the House. The question is—

'In sub-clause (1) (a), delete the words "provided that the Government may direct that such sentence shall not operate as a disqualification".'

The amendment was lost.

* SRI L. N. GOPALASWAMI:—"Mr. Speaker, Sir, I move—

'Add the following as sub-clause (1) (c):—

"if it is proved that he has no faith in the tenets of the Hindu religion".'

When I moved a similar amendment with reference to Area Committee members, the Hon. Minister was good enough to say that one could not get into the hearts of persons and see whether they

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had faith in religion or not and that therefore the amendment could not be accepted. I only point out to him clause 57 (1) (c) which he himself has introduced in which it is provided that a suit for removing a matadhipati can be filed if he ceased to profess the Hindu religion or the tenets of the math. In the case of a matadhipati, the Government want to hedge his position with all sorts of conditions. In the case of a trustee, the Government say that he is above all morals and law. The code of morals applicable to a matadhipati is absolutely different from that applicable to a trustee. A trustee can continue to hold office even though he ceases to profess the Hindu religion, but a matadhipati, who is entitled to hold office for life and according to the constitution supreme cannot continue if he ceases to profess the Hindu religion. I want the Government to reconcile the reasons for the distinction made between these two."

SRI V. RAGHAVAYYA:—"I second the amendment."

* THE HON. SRI K. MADHAVA MENON:—"My hon. Friend says that provision is made for the removal of a matadhipati if he ceased to profess the Hindu religion or the tenets of the math. There is difference between tenets of religion and tenets of math. Profession of Hindu religion is prescribed for the trustee also. I invite my hon. Friend's attention to clause 24, which we have already passed, in which it is provided that no person can be a trustee unless he professes the Hindu religion. When he moved an amendment to that clause to add faith in religion, I said that faith could not be measured. I referred to the Oxford Dictionary and the meaning of profession of faith given therein is affirming faith in religion. What my hon. Friend wants is not affirming faith but faith itself."

SRI L. N. GOPALASWAMI:—"I understand the difference between ceasing to profess faith and ceasing to have faith. If the negative of one can be proved, the negative of the other also can be proved. If it can be proved that one has ceased to profess the Hindu religion, it can equally be proved that he has ceased to have faith in the tenets of the Hindu religion. I therefore press my amendment."

MR. SPEAKER:—"The question is—

'Add the following as sub-clause (1) (c):—

"if it is proved that he has no faith in the tenets of the Hindu religion."

The amendment was lost.

Clause 50 was put and carried.

Clause 51.

MR. SPEAKER:—"The motion is—

'That clause 51 do stand part of the Bill.'

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

'In sub-clause (3), omit the words "legally constituted" and the word "such" occurring before the word "guardian".'

We were advised that the words proposed to be omitted were superfluous. This is only a verbal amendment."

MR. SPEAKER:—"The question is—

'In sub-clause (3), omit the words "legally constituted" and the word "such" occurring before the word "guardian".'

The amendment was carried.

Clause 51 as amended was put and carried.

Clause 52.

MR. SPEAKER:—"The motion is—

'That clause 52 do stand part of the Bill.'

SRI V. RAGHAVAYYA:—"Sir, I move—

'In sub-clause (2) after the word "succession" and before the word "shall", insert the words "according to the law of primogeniture".'

I want that succession to the office of service-holders should be governed by the law of primogeniture, so that the office shall not be split up between various persons. In temples there are archakaship, devadasiship and several similar services. (Sri T. Viswanatham: 'I do not understand what devadasiship means.') This question arises out of a misunderstanding of the purpose of a devadasi. The duty of a devadasi is to perform dance before the deity in a temple. If the dance is called Bharata natya, all educated people attend the performance and praise it. If it is a dance performed by a devadasi, people begin to preach morals. Some of these services are essential. It looks as though subdivision of these services is hindering the satisfactory performance of the various duties. I suggest that the succession to these services should be governed by the law of primogeniture as, according to that law, the properties appurtenant to these services are kept intact without subdivision and the devolving of duties on one person enables their efficient and continuous performance."

SRI T. VISWANATHAM:—"I second it."

SRI K. BRAHMANANDAM REDDI:—"Sir, I do not know why hon. Sri V. Raghavayya wants the law of primogeniture to apply to these services. That law has become obsolete long long ago. Perhaps it finds a place in the Madras Hereditary Village Offices Act and the Zamindari Act. It is the Hindu Law, under which the next in the line of succession succeeds, that should apply to these services. Suppose I am a temple servant, my son succeeds me. If I have two sons, my first son will succeed. If he dies, the

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second son will succeed. If I have no son, my brother will succeed. Why should my son's son get any preference to my second and subsequent son? As I said, the law of primogeniture has become obsolete and I object to the amendment."

* THE HON. SRI K. MADHAVA MENON:—" We have copied the language from the corresponding section in the existing Act and we have not found any difficulty in working it for such a long time. What the expression 'next in the line of succession' connotes is well understood. Suppose according to the present custom or usage, the law of primogeniture does not apply. Where is the necessity for introducing the high-sounding expression 'law of primogeniture'? The clause may stand as it is."

* SRI K. VARADACHARI:—" I want to submit a point of law so that the Hon. Minister may think over it. The expression 'next in the line of succession' will introduce complications in existing rights. There are several mirasi or service-holders in several institutions. When an office-holder dies, his sons equally share the emoluments and the services. All of them are expected to perform the service. The expression 'next in line of succession' will unsettle rights which have accrued to, and which have been enjoyed for ages together by, mirasi service families. This point may be considered once again before the third reading stage is reached."

SRI V. RAGHAVAYYA:—" The difficulty of the service being split up among the various sons and every one of them being asked to perform the service was pointed out. We have had cases where there are three or four sons. They share the emoluments and service year-war. If one son does service this year, another son does it next year and likewise it goes. There is no hard and fast rule and in some cases difficulties arise. Where the property is small and is not so alluring as to attract the various sons of the previous incumbent, the service falls into disuse and ultimately it is the deity that suffers. I suggest that the law of primogeniture should be followed in this matter, as it keeps the property intact and makes it available to one person so that he can satisfactorily perform the duties."

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* THE HON. SRI K. MADHAVA MENON:—" Sir, my hon. Friend Sri V. Raghavayya forgets that the law of primogeniture is not applicable in the whole of this State. For the matter of that, in my district, the law of primogeniture does not apply at all. There are temple servants there with service tenure also. We are governed by the Marumakkattayam law and we do not know anything about the law of primogeniture in Malabar. Therefore the amendment of my hon. Friend Sri Raghavayya is not acceptable, Sir."

SRI T. VISWANATHAM:—" Is there no mention of primogeniture at all in the Marumakkattayam law? "

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

The amendment was by leave of the House withdrawn.

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

' That in sub-clause (3) of clause 52—

" For the portion ' where the person entitled to succeed is a minor without a legally constituted guardian fit and willing to act as such, or ' substitute the following:—

' Where the person entitled to succeed is a minor without a guardian fit and willing to act as such or there is a dispute respecting the person who is entitled to act as guardian, or '."

" Sir, this is only a verbal amendment intended to improve the wording of the sub-clause as such. If a person who is entitled to become an office-holder happens to be a minor, he can be represented by his legal guardian, who can officiate for him. But if there is no legally constituted guardian, it may be that there is a dispute regarding the question of who should be his guardian and that is why we have added the words, ' or if there is a dispute respecting the person who is entitled to act as guardian '. Moreover, the term ' guardian ' really implies a legally constituted guardian, and therefore the words ' legally constituted ' are not necessary and therefore they have been left out in the amendment."

The amendment was put and carried.

SRI V. RAGHAVAYYA:—" Sir, I move—

' That in clause 52 (3), add the following as Explanation (2) numbering the existing Explanation as Explanation (1)—
" No proxy shall be entertained "."

Sir, this system of proxy is very unpopular and is being banned everywhere. In many of these temples, even boys and sometimes girls of 6 and 7 years of age are pushed into service and certain elderly persons officiate in their place. Sometimes some women continue to hold office, even though they cannot on account of various disabilities perform those functions. Still they are permitted to hang on to their offices and somebody is brought in to officiate on particular occasions. During utsavams, this is a usual practice in many of the temples and somebody else is brought into service as a proxy to act for the original office-holder, who might have been disabled or incapacitated. This is a very unsatisfactory state of affairs and all this kind of thing is going on, because they are in the enjoyment of service inams. My submission therefore is that this system of proxy should not be entertained under any circumstances."

MR. SPEAKER:—" May I know whether any hon. Member wants to second this amendment? . . . "

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"Since no hon. Member has come forward to second this amendment, and for want of a seconder, the amendment falls through clause 52 as amended was put and carried."

Clause 53.

MR. SPEAKER:—"The motion is—

'That clause 53 do stand part of the Bill.'

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

'That in sub-clause (1) of clause 53—

"After the words 'the trustee may' and before the words 'fine, suspend', insert the following:—

'After following the prescribed procedure, if any'."

"Sir, the object is that the trustee may punish the office-holders only after following certain procedure prescribed for that purpose and not in an arbitrary manner and that is the proper and legitimate procedure followed in all other services for the punishment of subordinates by the officers concerned. That is why we have inserted the words 'after following the prescribed procedure, if any' in this clause."

* SRI K. BHASHYAM:—"Sir, I cannot really understand the object of the words 'if any' in this amendment. Of course. I can understand that the trustees should follow some procedure before punishing any office-holder of a temple for any dereliction of duties or misconduct, etc. But I submit that the addition of the words 'if any' means that whatever is provided for earlier is taken away. If you want to prescribe a procedure to be followed by the trustee in the matter of punishment of his temple servants, then by all means do it, but on the other hand if you do not want to prescribe any such procedure, then keep the clause untouched as it is but do not make it look ridiculous by amending it in this manner, and by adding the words 'if any' at the end. To say that 'the trustee may punish an office-holder after following the prescribed procedure' if any looks rather ridiculous. It would be more in accordance with commonsense if the words 'if any' are omitted altogether. I therefore suggest that it is better that these words are omitted, Sir."

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, this clause is all important from my point of view. It gives power to the trustee to fine, suspend, remove or dismiss any of the office-holders in a temple, not merely for any breach of trust, but also for incapacity or disobedience of orders, or neglect of duties, or misconduct or other sufficient cause. Sir, I have known of some trustees who are responsible men using their powers in a most irresponsible and arbitrary way, sometimes suspending or sometimes fining heavily the servants of temples even for trivial lapses,

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themselves not knowing anything about the procedure of worship or the custom in vogue in regard to certain rituals, in the temples. Sir, I am speaking from personal knowledge that in the Tirupati Devasthanam, the Committee has taken upon itself the duty of looking into matters over the head of the Commissioner who had decided on a particular matter relating to the usage obtaining in the temple. One gentleman who was the trustee of the devasthanam thought it fit, though he had powers to control the temple servants only in regard to secular matters, to direct a particular temple servant to do worship in a particular manner, and fined him for not doing so, while he offered reward to some other servants who were his favourites. This, Sir, I submit, cannot be considered as a neglect of duty or disobedience of orders on the part of the temple servant or archaka, but it is a gross breach of trust on the part of the trustee who is put in charge of the temple administration, only so far as the secular part of it is concerned. I think, Sir, that this clause does not contemplate that trustees should enforce discipline or take action against temple servants even in matters connected the religious worship or the ritual side of temple affairs. Otherwise the trustees can construe any and every action of the archakas or temple servants unconnected with secular affairs of the temple as coming within the mischief of this provision and punish them saying that they had disobeyed their orders or neglected their duties, etc. I submit, Sir, that the term 'other sufficient cause' in this clause has been kept so delightfully vague that any trustee can do whatever he likes against the temple servants and punish them in any manner for any thing and everything that they might do, which goes against his wishes and fancies. I can understand a temple servant being fined or suspended or removed from service if a jewel is stolen from a temple. Or he may be handed over to the police for necessary action, or he may be dismissed forthwith. But, if a particular temple trustee insists that a particular form of worship or ritual which has been going on there for a very long time and which has been in accordance with certain usage and custom of that temple, should be changed to suit his fancies, then I think, it would be wrong on the part of the trustee to punish the archaka or the temple servant, if he fails to carry out his instruction. He should be given no powers or liberty to interfere with the service-holders or persons associated with the performance of service in matters connected with temple routine or religious forms of worship. I hope that the Government, when they prescribe the procedure to be adopted under this clause will take care to see that the trustees do not interfere with the temple routine or the customs and usages in the temple. I want that this matter should be cleared up here and now, so that this provision cannot be used arbitrarily by any unscrupulous trustees. Sir, I have given notice of an amendment to a subsequent clause connected with this subject and I shall have occasion to deal with it more fully later on when we come to the end of this chapter."

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THE HON. SRI K. MADHAVA MENON:—"Sir, the object is, that if a procedure has already been prescribed, it must be observed. But if no procedure has been prescribed till now, the trustee need not adopt any procedure at all. That is all the intention of this amendment and I think it is clear enough.

"With regard to the observation of my hon. Friend Sri N. S. Varadachari, I quite agree with him that ordinarily this provision will apply only to matters of secular importance, but so far as religious matters are concerned, the trustee may consult with people who are in the know of those things. It is only a matter of commonsense that will apply to these things, and if there is any mistake or wrong committed by any trustee, there is the Area Committee above him, and if there is no Area Committee, there are the Deputy Commissioners and the Commissioner to whom an appeal can be made against the orders of the trustee for which there is necessary provision in this Bill. I do not think, Sir, these matters of detail in the temple administration can be settled now in this clause."

SRI V. RAGHAVAYYA:—"On a point of order, Mr. Speaker, this clause 53 makes provision for punishment and fine in the case of a breach of trust also. Breach of trust is an offence punishable under the Indian Penal Code. I do not think it would be in order, if the House gives power to the trustees to compound an offence of breach of trust simply by the imposition of a fine. This clause, I think, offends the Indian Penal Code and is out of order, if we include an offence of breach of trust also in it."

* SRI K. BHASHYAM:—"I do not think, Sir, the point raised by my hon. Friend Sri V. Raghavayya is correct. If a servant of mine commits a breach of trust, I can directly dismiss him and can do anything with him which is legal, but that does not prevent a policeman from charging or arresting him for any breach of trust."

MR. SPEAKER:—"The amendment is—

'That in sub-clause (1) of clause 53 after the words "the trustee may" and before the words "fine, suspend", insert the following:—

"after following the prescribed procedure, if any."'

The amendment was carried.

Clause 53 as amended was put and carried.

Clause 54.

MR. SPEAKER:—"The motion is—

'That clause 54 do stand part of the Bill.'

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

'That clause 54 be omitted'.

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This clause relates to punishment by executive officers. Since we have omitted clause 40 relating to the appointment of executive officers, this need not be here and therefore this can be omitted."

The motion was put and carried.

Clause 55.

MR. SPEAKER:—"The motion is—

'That clause 55 do stand part of the Bill.'

* SRI K. BHASHYAM:—"I move, Sir—

'That clause 55 be omitted'.

I think, Sir, this is a most mischievous portion of this Bill and it is going to introduce many complications and create discontent among the members of the temple staff. There are customs and usages obtaining in every temple or religious institution, as to what fees are to be charged for archanaais or other temple offerings, and whether the full fees are to be taken by the office-holders of the temple or if not, what portion should be given to them and how they should be appropriated, etc. If in spite of such a custom or usage which has been in vogue for a very long time, the Commissioner is going to interfere in such things, I am sure it will lead to a lot of difficulties in the administration of these institutions. Sir, I do not want to use the word 'strike', because these servants in religious institutions cannot afford to go on strike and I do not suggest for one moment that they should resort to strikes. But what I want to say is that this provision is likely to create a lot of discontent among the archakas and other temple servants. Under this clause, the trustee is given power, notwithstanding anything contained in any scheme settled or deemed to be settled under this Act or any decree or usage to the contrary, subject to such conditions as the Commissioner may, by general or special order direct, to fix fees for the performance of archanaais and to determine what portion, if any, of such fees shall be paid to the archakas or other office-holders or servants of the temple. I have known many cases where office-holders have gone to courts to claim their right of share on the offerings to the God. I know, that in the Parthasarathy temple in Triplicane, even to-day if a devotee goes and offers to perform a taligai to the God, he gives some measures of rice and other things necessary and when it is made up and offered to the deity, a portion of it goes to the adhyapakas, a portion to the vedaparayanikas and out of the rest a certain portion is set apart for distribution to the desandhris and people assembled as viniyogam and a little portion to be reserved for the ubhayakars, etc.

"These are settled by custom and usage. Cases have gone to the courts to establish whether the office-holders of the temple are entitled to 1/4th or 1/8th portion. So, it is an emolument attached to the office of the office-holder. If we really look at it

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from that point of view, it will be seen that it is part of the salary of the office-holders. Of course in the olden days the actual salary was very low. These perquisites they had as compensation for the low salary. Under this clause, the trustee can fix fees for *archanais* irrespective of the scheme settled already or any decree passed by a court to that effect. If a person offers *talika* in a temple to the deity, is it the intention that the whole offering should be taken away by that devotee who offered it? I do not think anybody will allow that. Of course there is the special sanctity attached to the offering to the deity, and a portion of the offering is much more priced than even Rs. 100 or more. This clause is a revolutionary innovation in the management of temples. The management of temples is not like Government departments. The persons who do the service in temples do not do it only for the love of money but because they feel that they will get God's grace if they serve Him *prasadam*. The trustee can interfere in all these small matters. I do not know whether the Government will ever leave things to be done according to custom or usage. By all means let Government prevent abuse of usage. I should like to put it that way rather than put it in a positive and perhaps offensive way. I know there have been instances where the *archakas* have demanded extraordinary fees from rich men. They have come to my notice. I am not really concerned with those cases. Where the fees for *archanai*, etc., have not been fixed, let the trustee fix. But in cases where they have been fixed by any scheme of the court, let him not interfere with them. Let him not interfere with the proportion in which the various office-holders must divide. After all what is the *archanai*, Sir? It means the whole setting in the temple. There is the lighting of the lamps. There is the service in the *Garba Grahnam* for making God ready for receiving the offering and so on. Let not Government imagine that they are hitting at the *archaka* only. By this clause, they are hitting at all the office-holders who do service in the *archanai* in one capacity or another. Therefore, this is a matter which will lead to great complications, and perhaps good lot of unrest among the members of the temple. I should like the Government to go slow in these matters. Let them first know what the abuses are. If they then think that this clause is necessary, let them have it. But as things stand to-day, making the Commissioner the sole monarch of all these things is not correct. This power given to a single individual is liable to abuse not only due to perversity but to ignorance also."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, in seconding the amendment, I would once more appeal to you to understand the implications of what the Government propose to do by employing language of this type from clause to clause. We are not raising our voice of protest for idle reasons. But we do so as we feel strongly in the matter. This clause says that the trustee may fix the fees notwithstanding anything contained in

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any scheme settled or any decree or usage to the contrary. There are immemorial customs. Manu has stated immemorial custom is transcendent law. When this is the position, the legislature shall not be a party to a Bill which wipes out all these things at one stroke. This is not a healthy method of passing legislation. It is not a good precedent either for the future. It is not a good example to be followed by our successors who will occupy these seats after adult franchise comes into full play. If we do not respect the schemes settled, not by any individuals, but by courts of law and by competent authorities including the Board itself, and if we do not respect the decrees of courts which were competent to pass them at the time they passed them, I ask, Sir, what sanctity and respect can we expect to our legislation from the future generation? We want peaceful progress of society. We want society to progress as smoothly as the various parts work in the mechanism of a big machinery. We cannot have violent jerks and jolt. This would not make for progress. Every time the legislature says that the decrees passed by competent courts or schemes framed by courts or by competent authorities can be wiped out by a clause like this, I submit we are doing violence to ourselves and to the art of legislation. We cannot allow this occasion to pass without entering our emphatic protest. I strongly support all that the Hon. Member Mr. Bhashyam stated. I suppose other speakers will participate in this discussion. I hope we will have a full discussion on this subject, because it involves a principle of very great magnitude, not only for the people now but for the future generations."

SRI P. KANDASWAMI PILLAI:—"Sir, I oppose the amendment. This clause really saves lot of trouble when there is difference of opinion between *archakas*. There is one head *archaka* generally. He appoints his assistants. One man performs *archanai* to-day, another man performs to-morrow, and a third does on the day after to-morrow. They are all partners, and they are continuing the profession. Their sons and grandsons also continue the same profession. When there arises a difference of opinion, claims and rival claims are put forward by these people, and they go to courts. The result is lawyers flourish. I do not mean to say that lawyers should not flourish. All I say is that they should not flourish upon unnecessary quarrels. The hon. Member Mr. Raghavayya is very angry because I stated that lawyers flourish on unnecessary quarrels. This clause clearly says that even when the fees have been already fixed, the trustee shall have power to fix the fees and also determine the portion of fees to be paid to the various office holders. The office holders need not go to court when this clause is here. The trustees will fully consider law and be guided by them. They will decide the matter easily. This is a very important clause, and, therefore, it must be here in the interests of the *archakas* and *pujaris* who do service in temples. My hon. friends with all sincerity want to safeguard the interests of the temple and its pristine purity.

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I am quite sure of their *bona fides*. But with all this, they have got some antiquarian ideas and peculiar notions. They want the ideas which held good perhaps 100 years before to continue for ever. There only I differ from them. It is not right to allow these poor *archakas* to go to the Court of law for everything. To save them from the trouble of going to the Court, and wasting money, this clause is put here. Otherwise the *archakas* and others will go up to the Supreme Court. It is only to avoid that the Commissioner is given power. When my hon. friends say that, if power is vested in the Commissioner and the trustee, custom and usage will go away. They presume that wrong persons will get in, and that they will violate every rule in the temple. That will not be the case. When the Government appoint a Commissioner, they will appoint only the best man. The persons appointed will have great interest in our religious institutions. Hon. Members need not presume that wrong persons will get in and spoil the temples. Therefore, Sir, I say that this clause is intended for the benefit of the *archakas* and temple servants. This clause is very essential and it must remain."

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, I have great doubts whether this clause is at all *intra vires*. That is a different matter altogether. I shall confine my remarks to the merits. In fact I had consultation with a very high authority, and I was told that a mere going to the Supreme Court will negate this clause altogether. I am not giving this information simply as a piece of information, but as one to be seriously pondered over by the Government. What is if this clause seeks to do? In the first place it seeks to give power to the trustee, of course subject to the directions of the Commissioner, to fix the fees for the performance of *archanais*. Obviously the framers of this Bill do not know anything else. They have little knowledge of the routine in temples, and they hardly know how the *archakas* get their emoluments. The custom in each temple is different. In some temples the *archaka* gets nothing out of the money paid for *archanais*. For instance Rs. 7 is the fee charged for *archanais* in Tirupati temple. But six annas is the fee charged in Tiruchanur temple. That is to say, the fee varies from place to place. The *archakas* of the Tirupati temple get no portion whatsoever of the fee for *archanai*. They were never entitled to any portion, but they are entitled to the proceeds from certain villages which were allowed to them in return for their service in the temple. We have now sought to take those villages away if they are whole villages. I cannot understand the policy of Government which first seek to deprive the *archaka* of all his source of living, then make him stick to the service, and then go further and say that the trustee shall have power to decide what portion of the fee the *archaka* can get. In Tirupati temple he is entitled to nothing. But in Tiruchanur temple he is entitled to all the proceeds of the *archanai*. They have no inam villages. Inam

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villages were given to those who rendered service in the temple, because, if cash was given, there was always the temptation for the temple servants to discontinue the service. They were given whole inam villages so that they might be tied down to the lands.

"During the Kalyana Utsavam any pilgrim who goes to Tirumalai is entitled to a *dakshina* of a quarter of an anna. That quarter of an anna is considered a sacred thing. The pilgrim is supposed to take it to his home, put it in the safe and preserve it for it is considered that God's present even in the form of a *kowdi* is worth keeping and that the person would grow to prosperity. Thus these *archanas* have a significance of their own. They were settled by custom. Regarding the Tiruchanur case, my hon. Friend Sri Kandaswamy Pillai who knows very little about this obviously thinks that the *archakas* went to Court and fought their case out in the High Court of Madras. Sir, the history of this case is this. The *archakas* were tyrannised by the trustee who contrary to usage said that he would not give them a *kowdi* from out of the proceeds of the *archanas*. Then the case had to go to the court. From one court to another the *archakas* had to go selling even the little property they had earned by the service which they had performed. That is a most pitiable case. Whole families were driven to court by the tyrannical exercise of power by an unknowing person. This scope is given by what is being done here. The trustee may be a good man but he may be totally ignorant of the customs. He may have individual notions, very honestly held no doubt, but which may be harmful to the *archakas*. In the case I referred to the *archakas* fought their case out in the court after selling all their properties. The litigation was forced on them by the trustee. Ultimately it was decided by the High Court that they were entitled to all donations below Rs. 11 made by worshippers and that donations over Rs. 11 would exclusively belong to the temple. The rule is still in force, a very wise and salutary rule, and one which is derived from custom, and the people should not deviate from it. That rule gave the *archaka* his proper place. Now what do we seek to do to-day? We create a trustee. The Government can appoint anybody as the trustee. They have now wide powers and not restricted powers as before. Then the trustee may come with all his new notions and say that he will fix what portion the *archaka* shall receive. Perhaps it may be that the trustee never attended an *archana*. In fact, most of our trustees do not even care to remain there when an *archana* is performed. Hereafter it would not be the order of things. Just the reverse may obtain because the Government are going to choose from others and I hope they will get a better class of people who will follow the temple worship, understand it and really want to receive the blessings of hundreds of people. But this Clause 55 takes away the rights vested in the *archaka* by immemorial custom which was settled for reasons well thought out and argued by our ancient people. What will be the result after this clause is brought into effect? The whole order will be changed. I hope,

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however, that it would not be necessary for a trustee of a temple always to go against the custom and change the order of things. There may be a few trustees who may do it and they tried to do it in Tiruchanur. Therefore, I want the Government to take a serious view of the matter and to entrust the trustee only with such power as to enable him to regulate the affair in accordance with usage settled by Courts of Law or by custom. That is the object of my positive amendment. I cannot enlarge upon this any more. I hope the hon. Members would properly appreciate the importance of fixing the duties and responsibilities of temple servants and would desire that they should discharge their duties in an efficient and proper manner. I strongly oppose the language of the clause as it now stands."

SRI P. KANDASWAMI PILLAI:—"On a point of personal explanation, Sir, My hon. Friend Sri Varadachari says that I do not know much about these *archanas* and other things. I shall give only one instance. I may not know as much as Acharya-purushas know. But in Suguneswarar Temple in Salem there was one Gurukkal. Those people who did not know Agamas well, thought that if this man came in, their profession would go. So they all joined together and there was a tussle. They said that this man was not a proper selection and that puja had to be performed for five days in a week. The matter had to go to court. But a vakil who was there sent for them and made a compromise between them with the help of the Board also. There are several such instances. My hon. Friend Sri Varadachari may be very well acquainted with the Tiruchanur and Tirupati temples for he has been living there from his childhood. Similarly I know about my native place. There is nothing new in this. I am also a Hindu like him and I am as much a religious man as he is. We are not simply renouncing religion; we are not atheists. I submit I have got some knowledge about these religious matters and about these temple bodies also. In view of that, I am honestly convinced that this clause will help all these people."

* SRI K. R. KARANTH:—"Sir, after the very lucid argument of my hon. Friend Sri Varadachari, I shall not add very much to it. So far as the last speaker hon. Sri Kandaswamy Pillai is concerned, he has shown how he knows more than all of us in these matters. Regarding his criticism of the lawyers I have found that some of those who are not lawyers are often jealous of the profession. Anyway I can assure him that if he were one he would be one of the most illustrious in the profession because even without passing the Law tests he can put things so nicely and so clearly. Sir, it is not as if this clause is concerned only with *archakas* in so far as what they are to get or in so far as what rights have been conferred on them under decrees or otherwise are concerned. I cannot do better than my hon. Friend Sri Varadachari who has put the case very clearly."

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"Another aspect which suggests to me is that by this clause the trustees are reduced to non-entities. It is there that my quarrel is. The fundamental rights say that the trustees of institutions shall manage the affairs in their own way whereas here even in a matter like fixing the rates for archana, we are told that the trustee of a temple shall have power, subject to such conditions as the Commissioner may by general or special order impose. Even in a small matter like fixing the scale of fees for archanas, are not the trustees to have their own rights or their own discretions? Even there are they to be dictated to by the Commissioner? If this is done, I may submit that this is an interference of the most undesirable type. Local people are the trustees. The fundamental rights permit them to manage the affairs as they like. But we see that even in these small matters, there is to be control. We have seen with regard to expenditure, framing of a budget and in the incurring of expenditure there is to be control. This clause defeats the very purpose of the fundamental rights and I can only say that the Government are ill-advised in including a provision of this type."

"Yesterday there was one matter about the presentation of a japamala by a swamiyar to his disciple. The Hon. Minister asked whether it was set with diamonds or with gold. I was not very sure about it. I said offhand that it might not be worth more than Rs. 10. I sent a telegram last night so that this House should be possessed of correct facts. I got a reply just now that the doctor who treated the swamiyar for a year for asthma was not paid anything and that the japamala presented to him was worth Rs. 136-8-0. This is only by way of an illustration of interference in such a case. Is he to be told, why have you not obtained the sanction of the Board? Here in this clause we are told that in fixing the scale of fees for archanas, the Commissioner is given power of control. This is outrageous, wrong and unjust and the Government by putting such clauses in this Bill will only help a declaration that much of it is *ultra vires*."

* SRI K. VARADACHARI:—"Sir, on going through the wording of this clause, I feel I am compelled to request the Government in all humility to delete this clause altogether. After the several clauses dealing with the powers conferred upon the Commissioner and the Deputy Commissioner, we now come to the stage of arming the trustees themselves with powers which they have never possessed. Under this clause, it is the trustees that are given the power to fix the fees for archanas and all those things, of course subject to the Commissioner's directions. But the main power is given to the trustee. I submit that at no time the trustee had such power in any institution. The trustee is guided only by the ancient usage of the temple and this archana service in temples is part of the dittam itself and nobody has got any power to change these dittams in any manner. There are temples in which archanas are part of the regular service and part of the regular ritual. That

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archana is done without any separate fee. The emoluments attaching to the office are in general applicable to this also as this service is part of the regular service. Where an archaka performs a service by way of an archana, he is not bound to do it for every pilgrim that demands it. The Hon. Minister may know this. In no temple is the archaka bound to do it unless there is already an usage to that effect. He may not do it unless the pilgrim pays the required fee, for it is outside the regular duties. For the sake of the satisfaction of the pilgrim or of the devotee, in many temples an usage has grown up that the archaka ordinarily performs it but charges a fee which he likes. Courts have regulated these things. In several disputes relating to archana in which I had the honour to appear in Courts also, this experience has been noticed, namely, that the archaka is not bound to perform the archana service to every pilgrim that asks for it but if he does, he must do it only according to ancient usage by receiving a prescribed fee which cannot be altered or enhanced. But this clause not only gives the trustee the power to fix the fee but also says that he can reduce or enhance it. When it is said that he can fix, he may reduce the existing fee or enhance it. Both these powers are given to him. There are many temples in which emoluments to the archakas are very little and one source of income for him who is toiling from early morning till late at night is archana.

4-30
p.m.

"Are the Government going to disturb those usages and starve the temples and put an end to all the services rendered to the pilgrims by giving such powers to the trustees? I never thought that the Government would go so far as to destroy the usages and customs of the temples—the Mirasi rights of the archakas including. I think such interference will be ruled *ultra vires* of the Constitution. I submit, Sir, that this clause may be omitted."

SRI R. V. SWAMINATHAN:—"Mr. Speaker, Sir, the point raised by my hon. Friend, Sri Bhashyam was whether fees should be fixed or not."

SRI K. BHASHYAM:—"Let me clear myself, Sir. Fees are already there and I do not want them to be altered by the Commissioner. This is all what I said."

SRI R. V. SWAMINATHAN:—"I know, Sir, they are fixed. Even in big temples like the Mathurai Meenakshi temple they have fixed fees for the various archanas—ordinary archanas, laksh-archanas and sahasranamarchanas. They have printed tickets for the purpose. But my point is this. To-day the cost of living has gone up beyond expectations and the common man is not in a position to afford decent clothing, not to speak of food and other equally important requirements of his. Why not we allow this man facilities to worship God at least? I know in most of the temples, to worship God has become a costly affair. Ordinary men cannot go to such temples and perform archanas. It is not an easy job for a poor Hindu. According to my hon. Friend, Sri

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N. S. Varadachari, one has to pay six rupees for worshipping at the Tirupati temple. Is it possible for a poor man to go to Tirupathi and pay six rupees there? Sir, this is certainly beyond the means of the poor worshippers and this principle is definitely wrong. Even God, if He can speak, would not tell the archakas to charge such high fees. Then, Sri Varadachari referred to certain temples where they charge six annas. I think that a low fee is charged in temples where the archakas enjoy inam lands and high fee is resorted to where there are no such inams. If that is so, where is the harm in the Commissioner fixing the scales of fee with reference to the practices obtaining in the particular temple? Sri K. Varadachari threatened the Government that unless this clause was omitted, the matter would go before the Supreme Court where it would be declared *ultra vires*. Sir, every important piece of legislation that comes up before the House is said to be repugnant to the provisions of the Constitution or to go against the Fundamental Rights enunciated therein. I appeal to the Hon. the Minister for Law not to be frightened by such threats but to go on with the measure if only he feels it proper and just."

* THE HON. SRI K. MADHAVA MENON:—"Sir, it was said that a very great principle was involved in this provision. My hon. Friend, Sri Viswanatham also said that there was a principle involved in this question. I also know, Sir, that there is a principle involved here. All that I say is let us understand that principle. Let us examine it dispassionately. Let not my hon. Friend, Sri Swaminathan, be under the impression that the reference to the Constitution by certain hon. Members is bad. It is not so. When hon. Members say it is against the Constitution, they would have certainly examined the position, and consulted experts. Even some of us who want certain provision to be there feel that it may go against the Constitution and refrain from inserting such things in the Bill. There are many who have read the Constitution thoroughly and say this provision is repugnant to it. I can see their view point. But there are others who have not read anything in the Constitution, who do not know what is contained in the Constitution but yet say this is against the Constitution in their anxiety that this should not find a place in the Bill. Let me tell them, Sir, they should be charitable to those against whom they hurl such remarks."

"Now, Sir, before proceeding to reply to the points raised by hon. Members, I would like to say a word about the japamala incident to which reference was made by my hon. Friend, Sri Karanth, to-day also. Sir, I contacted the President of the Hindu Religious Endowments Board and enquired what exactly the matter was. He has since given his reply. As I said yesterday, Sir, if the swamiyar had given even ten thousand rupees as fees it would not have been questioned. What happened is this. The auditor who went to audit the accounts found this item there whose

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cost was mentioned as Rs. 193. (Sri K. R. Karanth: It was Rs. 136-8-0.) I have got the audit report here and it says Rs. 193. The auditor had said that it was an unauthorized expenditure and thereupon, the Board asked the math to explain how this expenditure was incurred without the Board's sanction. (Sri K. Bhashyam: 'Why sanction for this expenditure?') The Board's sanction is needed only when unusual expenditure is incurred. When it was explained to the Board that the doctor was presented with the japamala, the matter was dropped. This is all what has happened according to the records at my disposal. I do not think that the action of the Board in this case is improper.

"Sir, the position of the archakas has been very clearly explained to the House by the various hon. Members who spoke on this clause. I entirely agree with my hon. Friend, Sri N. S. Varadachari that there are in every temple Thrikala or Kala poojas, i.e., poojas performed at stated times. To perform such poojas, there are archakas who are given either inam properties or paid other emoluments. We are not doing anything with that now. We are thinking of cases where archanas are not performed in pursuance or as a part of the regular poojas. Suppose half a dozen worshippers go to a temple and ask the archaka to perform ashtothra or sahasranama pooja. In such cases we must fix the fees. My hon. Friend, Sri K. Varadachari said that the archakas were not normally bound to perform such archanas. If that is a fact, that is all the more the reason why there should be fixed fees so that the archaka may not begin to auction the rates, so that he may not say, 'whoever that pays Rs. 25 will have his archana done and others will not.' (Sri K. Bhashyam: 'It cannot happen.') I was myself a victim of this kind when I went to Gaya some twenty years ago for performing shardam. (Sri T. Viswanatham: 'That may be in the North. Here in South India it will not happen.') A purohit came and demanded Rs. 250 for performing the shardam. He said, 'you cannot do it unless you pay this amount.' We were half a dozen of us then and a friend of mine put it at 150 and another put it at a still lower sum with the result that finally we paid Rs. 1-8-0. (Sri T. Viswanatham: 'What has it got to do with archakas?') Let my hon. Friend listen to me fully. I say all this because the tendency to auction rates is always there. In a temple where there is archana, it is not always that the archaka gets the fees. So, it would be better for the archaka himself if there is a stipulated fee for him. If there is no fixed fee, how can we protect the archaka's interests? That apart, are we not to protect the temple's interests also? Are we not to protect the interests of the worshippers? The clause says that everybody who wants to perform archanas should pay a fixed fee. Let them pay four annas or eight annas to the trustee, take a ticket, give it to the archaka and have the archana done. If after the archana is done, the worshippers want to pay anything to the archakas, they are at liberty to do so. My hon. Friend, Sri

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Bhashyam said, 'do not have anything that will affect the interests of the archakas; do not whip them.' Sir, I feel as strongly as he feels for the archakas. But at the same time I would tell him, 'do not hit the poor worshipper also.' The worshippers' interests should be safeguarded as much as the archakas. I am not decrying the work of archakas. I want to avoid discrimination between the influential and the non-influential, between the poor and the rich worshippers. Suppose a temple demands Rs. 200 as the fees. Is it not outrageous? Should not the Commissioner intervene then and say it must be reasonable? I say let the worshipper have the satisfaction of having got the archana performed with the minimum sum paid. Let others have the satisfaction or the assurance that they can get such things done without having to pay high fees. Let the archaka be paid more as dakshina—that is a personal gift. In fact I do so whenever I go to Malabar and visit the Guruvayoor temple. If I want to do a kalaham I would pay the prescribed fee of thirty or forty rupees. After it is performed the archaka brings me the kalaham."

SRI V. RAGHAVAYYA:—"What is this 'Kalaham'? We do not understand what it is."

* THE HON. SRI K. MADHAVA MENON:—"Perhaps, my hon. Friend thinks it is 'kalagam', that is 'quarrel'. (Laughter.) I do not quarrel, Sir. Kalaham is a kind of pooja performed in the Guruvayoor temple. Kalabham in Sanskrit means 'yana' (elephant). But in our parts it is a pooja, wherein sandal paste mixed with scent is put on the deity. After the performance of the pooja the sandal paste is given to the person who arranges for it. For the performance of the pooja I pay and get a ticket. When the sandal paste is given to me, I pay the archaka out of my own free will three or four rupees. This is done in many cases and we do not want to interfere with this case. Where fees are demanded for the performance of an archana we say that they should be fixed. The idea is let all people be benefited. After all the Deputy Commissioner or the Commissioner may say 'you keep an account book for the purpose' and nothing beyond that. It is only the trustee that is going to fix the fees. There are certain temples in which the archakas are entitled to the entire proceeds from archanas. There are certain others in which they do not get any. In such cases, suppose a person pays one rupee as the archana fee. He pays it because it is performed at a particular place, inside a temple where the deity is installed, and he will not pay this amount if it is to be performed on a public road. When he pays this one rupee, what is wrong, I ask, Sir, in the trustee saying, 'let the archaka take fourteen annas or fifteen annas and let the balance of one anna or two annas go to the temple'? I see absolutely no reason why this should not be done. The people go to a particular temple because they are interested in that temple . . ."

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SRI K. R. KARANTH :—" But why should the Commissioner interfere? "

* THE HON. SRI K. MADHAVA MENON :—" The Commissioner is there only to lay down the conditions under which the amount should be collected. It is the trustee that fixes it and the conditions put down by the Commissioner need not be as to how much should be collected. He would suggest the method of collection. If the conditions go against the wishes of the trustee it is a different matter. The person who is asked to fix the rate is the trustee.

4-45 p.m. " The scope of the Clause is to determine what fee shall be levied for the performance of the ' archana ' and what portion of such fee shall go to the ' archaka ' and the temple. It has been said and particularly, the hon. Member Sri Viswanatham said that we should not have a law for that, custom must be respected and settlements that might have been given by Courts should not be disturbed and all that. It is not an uncommon thing that when a legislature passes a law, the Court interprets it in a particular way. The Courts interpret the law according to the wording of the law though it might not be the intention of the legislature. The Courts say ' Though it might not be the intention of the legislature the thing has not been properly worded and it is our duty to interpret it only according to the wording of the legislation. ' In such cases do we not amend the legislation. To do so is not showing disrespect to the Court, it is only trying to put it in the proper form so that the intention of the legislature might be brought forward correctly. By amending the legislation after the decision of a Court has gone against the legislation, we do not insult the Courts, we only get guidance from the Court and correct the legislation. Have we not also cases where Judges have pointed out particular flaws in certain legislations and expressed that those flaws should be removed. To remove a flaw in the legislation because the legislature wants it, is it an insult to the Court? Not at all. I say all this because it was contended that there are settlements by Courts or schemes by which it has been sought to fix a fee for the ' archana ', the trustee collecting it and giving a receipt and all that and therefore the Government should not now pass a law. The trustee is only a collecting agency. It is not paid to him out right. In such cases it is open to the trustee to say that he should be paid a portion of the ' archana ' fee for the temple.

" Again it is not only the question of ' archana ' and ' archana ' alone. In Tirupathi if you pay six annas and take a ticket you can get your head shaved. It seems, before this system was introduced, it was a regular auction business and there was lot of trouble in such cases. ' Tirupathi kshavaram ' has become proverbial to indicate that the people are entirely at the mercy of these barbers. But now it has been fixed. If you pay the prescribed

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fee you can get yourselves shaved. Of this fee of six annas five annas go to the barber and the balance of an anna goes to the temple. What is wrong there in fixing the fee. I do not see anything wrong in doing it. This Clause says that in such cases the trustee might fix a fee for the performance of the thing. In cases where there are no settlements and where the temple does not get anything there is nothing unreasonable or unconscionable by legislation to take power to make the levy of the fee reasonable and conscionable. That is why we say in the clause—

" Notwithstanding anything contained in any scheme settled or deemed to be settled under this Act, or any decree or usage to the contrary, the trustee of a temple shall have power, subject to such conditions as the Commissioner may, by general or special order, direct, to fix fees for the performance of archanas and to determine what portion, if any, of such fees shall be paid to the archakas or other office-holders or servants of the temple."

There is a principle involved in this. It is that the worshippers are entitled to have the worship without harassment and worry. At the same time the ' archaka ' also will be assured of his share of the fee. Particularly in cases where the ' archaka ' is not bound to do the ' archana ' the trustee must fix the fee, take the money, pay the share of the fee prescribed to the ' archaka ' and see that when the money has been paid, the ' archana ' or the worship necessary is done. That is the principle involved in this Clause. Only, we can understand it, if we think in this way. We should extend our consideration and sympathy to the temple and the worshippers. After all there is nothing wrong in having sympathy for the ' archaka ' but we should show equal consideration and sympathy for the temple and the worshippers. If you view it from this point it won't look outrageous, or obnoxious as was attempted to be made out in this House.

" The hon. Member Sri N. S. Varadachari said ' Do you realise what would be the result if this Bill is passed. ' I say, Sir, I perfectly realise what it will be. The ' archaka ' will be helped, the worshippers will be helped, the worship will be performed for the money that is paid and the temple may get a share to which it is entitled to.

" There is nothing harmful in this Clause if viewed from these standpoints. This Clause is very necessary and if worked properly it will be to the good of all concerned."

* SRI K. BHASHYAM :—" I think, Sir, the Hon. the Law Minister has exhibited lot of vehemence in the matter which is wholly unnecessary. The only question before the House is whether old usages, things settled by schemes, things settled by decrees, should be interfered with by the Commissioner to-day. That is the only question. We are not disputing the fact that there should be some order in respect of these matters, that there should be a fee fixed. In fact, our forefathers have been wiser than we and fixed the fees and determined by custom as to what has to be done in particular cases. They have done it in the case of every temple. I tell you, Sir, if you go to a temple and ascertain the custom,

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they will give you all details, namely, the fee for the 'archana', how much of it will go to the 'archaka', how much to the temple and to other servants. They know how to divide it among themselves. It is a 'mamool'. It is not as if we introduce it for the first time. The Hon. the Law Minister assumes that they start from scrap, as if there is chaos and therefore they must bring order into that chaos and therefore they must have this Bill and all these powers. It is certainly not so, Sir. I deny any such thing happening. I ask the Government why they should interfere now. In cases where there is no such fees fixed they can do so now and I can understand power being taken by Government in such cases. But in cases where there is already the usage, where a scheme has fixed it and a decree of a Court has fixed it, why should the Government intervene in this matter. Things have been going on for a long time. Why then interfere with all these small matter now. Therefore much of the vehemence shown by the Hon. the Law Minister as if we are against fixing any fees is wholly irrelevant to the point at issue. I say when things are orderly why disturb them and make them disorderly and try to bring order over again.

"Sir, it is not as if we are here, persons who want to support the 'archakas' only. The Hon. Minister referred to his experience at Gaya. We don't treat those people as priests. They are quite different from the 'archakas' in these temples. Perhaps my Hon. Friend wanted to perform the 'Sradha' on the banks of the Ganges and therefore certain fellows demanded from him a fee for the performance of the 'Sradha.' When I was there I refused to perform it. I had my own 'purohit' for the performance of the ceremony. Why do it at all under those conditions. That is my point. It is a case where the Hon. Minister could have found his own remedy."

SRI V. RAGHAVAYYA:—"He succeeded in his bargain and had it performed for a rupee and twelve annas."

* SRI K. BHASHYAM:—"A Malayalee will do it. (The Hon. Sri Madhava Menon stood up to protest) I am sorry I do not yield. Sir. But that is a different matter. What I want to say is there are ways of doing it. I do not know whether my Hon. Friend went there when he was a Minister. They might have thought he was a Minister and so demanded a big fee."

THE HON. SRI K. MADHAVA MENON:—"I went there as early as 1922."

* SRI K. BHASHYAM:—"Then perhaps he went there with a lace cap and lace clothing, or they might have supposed that he was a rich man, a very rich man. (An hon. Member: He looks a rich man even now.) It all depends on the appearance. Indeed if you look at him he looks rich. That is the whole trouble. I say, Sir, all these illustrations are no good. We are dealing with

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institutions and practices that have been there for years and centuries. Certain customs and usages are there in these things. Are the Government going to interfere in these things. If you really say that the trustee should do it, why allow the Commissioner to interfere with the trustee. It is the local opinion that should count, the persons there, the worshippers in the temple should do it. The worshippers know what to do. They won't give what is demanded of them by the 'archaka', and the 'archaka' also knows his business. If they feel that the demand is extraordinary, they know how to moderate it. These are mere bargains, each person knows how to deal with the other side. There won't be any trouble or difficulty in respect of these matters. By enacting this Clause Government are trying to raise a devil and then exorcize it. That is what is happening to-day. The Government are creating trouble where there is no trouble. This Clause is wholly unnecessary."

* THE HON. SRI K. MADHAVA MENON:—"My hon. Friend Sri Bhashyam said that I thought it was a thing started now, a thing which was not in existence before. I do not want the hon. Members to be misled. It is not my purpose to mislead them now. I have not attempted to do it at any time. About that I am sure. I ask the hon. Members to say where the clause is misleading. I would request them to read the clause and then say whether I have misled them. I simply said that the clause empowers the trustee to fix the fees and also the share that should go to the 'archaka' and the temple from the fee collected. That is the only thing that I said."

"As to my being less clothed or looking rich, at the time I went to Gaya and referred to by my hon. Friend Sri Bhashyam, I may tell him that I was there in 1922 as a poor non-co-operator, a student, not with the 'Kavi vasthram' and all that. Still the 'archaka' thought that I must pay 250 rupees."

The amendment was put and lost.

SRI K. RAJARAM NAYUDU:—"Mr. Speaker, Sir, are we sitting even after 5 o'clock this evening?"

THE HON. SRI K. MADHAVA MENON:—"We will sit till 6 o'clock, Sir."

* SRI K. BHASHYAM:—"No, Sir. I don't think we can sit till 6 o'clock. We have got other business to attend to. We agreed to sit yesterday till 7 o'clock. This was done to show my sincerity in the matter and to prove that we are not unduly delaying the consideration of the matter. Now, if longer sittings are to be imposed upon us every day, we cannot tolerate it, Sir. I do not think we can accept the suggestion made that we should sit till 6 o'clock to-day. I protest it most vehemently but respectfully and you ought not to do it, Sir."

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SRI N. S. VARADACHARI:—"I cannot sit till 6 o'clock, Sir. Even as it is I could not attend the session of the Assembly for very proper reasons. Sitting up to 6 o'clock will really be a great hardship to us. We have made considerable progress and most of the amendments are being withdrawn and several have not been moved. The progress may be said to be very fast. I therefore request you, Mr. Speaker, to adjourn the House now, and allow me to move my amendment as the first item in to-morrow's programme."

SRI T. VISWANATHAM:—"Sir, I want to bring before the House one very important consideration; these are days when all people are fighting for shorter hours and higher wages."

THE HON. SRI K. MADHAVA MENON:—"I can only say, Sir, there are two or three clauses more to complete the chapter. This we can finish in quarter of an hour."

MR. SPEAKER:—"Shall we sit till 5-15?"

* SRI K. R. KARANTH:—"Sir, at 5-30 we have got an engagement somewhere else, two or three miles away from here and the names of myself and some friends have been announced in the papers in connection with it. With your permission, I want to go now, Sir."

MR. SPEAKER:—"The hon. Member, Sri Varadachari, may move his amendment."

SRI N. S. VARADACHARI:—"Sir, fifteen minutes will be too short a time to dispose of an important amendment as this. This really is the centre of the whole thing."

MR. SPEAKER:—"In view of the request of the hon. Member shall we adjourn now?"

THE HON. SRI K. MADHAVA MENON:—"I have already said that we can sit till 5-15. If the hon. Member says he wants more time to move the amendment, I cannot prevent him. The House may be adjourned now."

MR. SPEAKER:—"I adjourn the House till 11-30 a.m. on Thursday, the 23rd November 1950."

The House then adjourned.

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

* G.O. No. 4045, Public (Services), dated 24th October 1950 amending the Madras Public Service Commission Regulations, 1937, regarding the recruitment of Under Secretary to Government, Legal Department.

* Laid on the table on 21st November 1950.

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APPENDIX I.

[Vide answer to starred question No. 487, asked by Sri V. Raghavaya at the meeting of the Legislative Assembly held on 22nd November 1950, page 639 supra.]

Statement showing the quantities of rice moved to each district of Madras State during August 1950. (All figures in tons.)

Serial number and name of the district.	Quantity moved from sources within the State.	Quantity moved from other States.	Quantities moved from overseas allotments.	Total of columns (2), (3) and (4).
(1)	(2)	(3)	(4)	(5)
1 Anantapur	..	..	..	..
2 Bellary	469	..	..	469
3 Chingleput	2,592	1,498	..	4,088
4 Chittoor	1,058	..	..	1,058
5 Coimbatore	2,478	1,065	1,654	5,197
6 Cuddapah	..	..	..	..
7 Kurnool	300	..	..	300
8 Madras	4,976	2,198	..	7,174
9 Mathurai	3,468	900	..	4,368
10 Malabar	4,013	10,064	1,799	15,876
11 North Arcot	3,237	320	..	3,557
12 Ramanathapuram	4,329	900	..	5,229
13 Salem	2,199	776	1,691	4,666
14 South Kanara	1,545	4,780	1,151	7,476
15 The Nilgiris	363	900	1,495	2,758
16 Tirunelveli	4,793	900	..	5,693
17 Tiruchirappalli	448	..	..	448
18 Visakhapatnam	..	835	..	835
19 Srikakulam	..	..	..	..
Total	36,259	25,134	7,790	69,183
			32,924	

APPENDIX II.

[Vide answer to starred question No. 499 asked by Sri P. R. Kandaswami Goundar at the meeting of the Legislative Assembly held on 22nd November 1950, page 659 supra.]

STATEMENT I.

Total amount of remission granted in fasli 1359 for the lands damaged by the cyclone of October 1949 in the Andhra districts:—

	RS.	A.	P.
1 Visakhapatnam (Composite district)	1,54,444	11	5
2 East Godavari	5,91,507	3	8
3 West Godavari	25,62,598	9	4
4 Krishna	15,21,073	12	0
5 Guntur	2,98,248	1	0
Total	51,27,873	1	5

[22nd November 1950]

STATEMENT II.

Total amount of remission granted in fasli 1359 due to the failure of the North-East Monsoon:—

Tamil districts:—	RS.	A.	P.
1 Chingleput	7,27,512	7	0
2 North Arcot	7,67,568	0	0
3 South Arcot	11,76,000	0	0
4 Salem	18,262	9	0
5 Coimbatore.. .. .	6,69,215	12	1
6 Tanjore	1,05,229	14	0
7 Tiruchirappalli	4,58,246	0	0
8 Mathurai	6,20,591	0	0
9 Ramanathapuram	2,31,170	4	6
10 Tirunelveli	5,34,991	5	0
Total ..	53,08,787	3	7

Andhra districts—

1 Nellore	2,24,460	2	0
2 Chittoor	68,847	5	5
Total ..	2,93,307	7	5

APPENDIX III.

[Vide answer to starred question No. 503 asked by Sri S. Dorairaja Pandian at the meeting of the Legislative Assembly held on 22nd November 1950, page 662 supra.]

STATEMENT I.

Statement showing names of zamin tanks under execution under Food Production Circle in Tenkasi taluk in Tirunelveli district.

Serial number and name of work.	Amount of estimate.	Expenditure up to 20th September 1950.
(1)	(2)	(3)
RS.	RS.	
1 Special repairs to Urmelalagian anicut across Karuppanodai in Urmelalagian mitta.	14,000	9,183
2 Silt clearance to the supply channel branching off above Urmelalagian anicut for Peria eri of Urmelalagian mitta.	5,000	4,508
3 Repairs to Peria kulam, Urmelalagian mitta ..	11,900	7,337
4 Special repairs to the anicut below the head of Arunthavapiratti channel.	1,770	1,560
5 Repairs to Arunthavapiratti kulam in Rajagopalaperi village.	7,200	6,023
6 Repairs to Peria eri of Kilveeranam channel ..	30,000	12,570
7 Repairs to Kurukkal kulam in Rajagopalaperi village.	4,650	1,934
8 Repairs to Rettai kulam in Rettaikulam village	8,050	6,101
9 Repairs to Nagal kulam in Uthumalai zamin ..	14,500	1,027
10 Repairs to Kavalakurichi tank in Uthumalai zamin.	6,200	660
11 Repairs to Marundankinar tank in Marundankinar village, Uthumalai zamin.	3,650	2,138

[22nd November 1950]

STATEMENT II.

Statement of works proposed to be taken up for investigation with approximate cost.

Serial number and name of work.	Amount of estimate.
RS.	
1 Restoring Rettai kulam anicut and tank supply channel ..	1,00,000
2 Repairs to Kaduvetti kulam in Uthumalai zamin ..	5,000
3 Repairs to Thuthi kulam in Uthumalai zamin ..	5,000
4 Repairs to Kasikuvaithan kulam in Uthumalai zamin ..	6,000
5 Repairs to Peria kulam in Uthumalai zamin ..	4,000
6 Repairs to Rukmani Ammalpuram tank, Uthumalai zamin ..	6,000
7 Repairs to Parankuntrapuram in Uthumalai zamin ..	3,000
8 Repairs to Mela kulam in Inam Sumathirthapuram village ..	3,800
9 Repairs to Keela kulam in Inam Sumathirthapuram village ..	5,800
10 Repairs to Peria kulam in Nambaneri Pudukudi village ..	3,800
11 Repairs to Minnadeseri tank	5,800
12 Repairs to Vadi tank in Uthumalai zamin ..	3,000
13 Repairs to Peria kulam of Sivandanur ..	4,000
14 Repairs to Kaikundar kulam, Uthumalai zamin ..	4,000
15 Repairs to Thippanaampatti Peria kulam ..	6,000
16 Repairs to Paliohlar kulam in Kambaneri Pudukudi ..	2,500

THE MADRAS LEGISLATIVE ASSEMBLY.

Thursday, the 23rd November 1950.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Food shortage in Tirunelveli district.

* 504-A Q.—SRI L. S. KARAYALAR: Will the Hon. the Minister for Food be pleased to state—

(a) whether there is shortage of food supply in several places in Tirunelveli district; and

(b) if so, what steps the Government have taken to meet the situation?

THE HON. SRI J. L. P. ROCHE VICTORIA:—“ There is a temporary shortage of rice in Nangunery, Koilpatti, Tiruchendur and Sankarankoil taluks of Tirunelveli district. The shortage is only in regard to rice. They have a few days' supply of wheat and millet. After hearing the reports, the Government have made arrangements to replenish the stocks and we expect to get over the difficulty, which is only temporary and necessary steps are being taken.”

(At this stage the Deputy Speaker occupied the Chair.)

SRI K. T. KOSALRAM:—“ May I know, Madam, what the stock position of wheat in Tirunelveli district is? ”

THE HON. SRI J. L. P. ROCHE VICTORIA:—“ As I said already, in those four taluks of Tirunelveli district, two days ago only two or three days' stock of rice and a little more of wheat and millet was available. As this was not at all sufficient and the position was difficult, the Collector was trying to meet the situation.”

SRI C. M. KOTHARI:—“ May I know, Madam, since how long this temporary shortage is continuing? ”

THE HON. SRI J. L. P. ROCHE VICTORIA:—“ Only till we get our own January harvest.”

SRI C. M. KOTHARI:—“ Madam, my question was not replied by the Hon. Minister. I want him to say since how long this temporary shortage is continuing? ”

THE HON. SRI J. L. P. ROCHE VICTORIA:—“ Only during this week.”

SRI L. S. KARAYALAR:—“ Madam, was not this state of affairs brought about in Tirunelveli district because 1,000 tons of rice was sent to Ramanathapuram district from Tirunelveli

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district? And, will the Government see the desirability that no foodgrains are exported from Tirunelveli district to other districts?"

THE HON. SRI J. L. P. ROCHE VICTORIA :—" Yes, Madam. During the harvest season, Tirunelveli district was so generous as to go to the help of the neighbouring district of Ramanathapuram which was in a very difficult position. Probably transport of rice might have taken a little more time. That may be one of the reasons why the present shortage has occurred."

SRI P. A. THANGASWAMI :—" May I know, Madam, from the Hon. Minister if, so far as Kailpatti is concerned, there is absolutely no stock of rice at all for this week?"

THE HON. SRI J. L. P. ROCHE VICTORIA :—" Madam, as I have already said, it cannot be that there is absolutely no stock of rice. The stock was very low and naturally they had to cut short the ration. To that extent the stocks were available."

SRI K. T. KOSALRAM :—" May I know, Madam, how many tons of foodgrains are being sent to Tirunelveli district and from what district? What were the special arrangements made for wagons?"

THE HON. SRI J. L. P. ROCHE VICTORIA :—" For the present, some supplies are being rushed to Tirunelveli district from other districts. We are expecting a replacement of about 1,000 tons from Tanjore district and it is on the way. There is also a steamer carrying millet which is expected to arrive at Tuticorin in a week's time."

SRI B. S. MURTHY :—" May I point out, Madam, if the Collector has taken sufficient care to anticipate the shortage, people would not have been put to much trouble and the Government to unnecessary expenditure in taking supplies from one place to another?"

THE HON. SRI J. L. P. ROCHE VICTORIA :—" Madam, the Collector has been sending his reports regularly every week and this difficulty was also expected. But, it is not possible to despatch and see that the foodgrains reach the destination in time. As hon. Members know, transport is one of the bottle-necks which interferes with these supplies."

SRI V. M. RAMASWAMI MUDALIYAR :—" May I know, Madam, whether only rice was in short supply or whether any other cereals like millet, etc., were also in short supply, and whether, as a reason thereof, the overall ration of 12 ounces was kept up or was not kept up in Tirunelveli district?"

THE HON. SRI J. L. P. ROCHE VICTORIA :—" I have already said that shortage of rice was most acute. While they had some supplies of wheat and millet, the overall ration, during the state of scarcity in those particular areas, could not be maintained."

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SRI V. RAGHAVAYYA :—" I think, Madam, that there are nearly 20,000 ghost ration cards in the city of Madras. May I know whether this rice drawn by owners of these ghost ration cards can be diverted to poor Tirunelveli district?"

DEPUTY SPEAKER :—" That is not a direct question at all. It is a suggestion."

SRI A. KALESWARA RAO :—" May I know, Madam, when there is shortage of rice and even other non-rice products in every place every week, how can it be called temporary shortage by the Government? Is there no place where there is no shortage and where the situation is very satisfactory?"

THE HON. SRI J. L. P. ROCHE VICTORIA :—" At present I am dealing with only a few taluks of Tirunelveli district. When I answered the question, I said that there was a temporary difficulty in these taluks because there was plenty of rice a few weeks ago after the harvest season."

SRI R. V. SWAMINATHAN :—" May I know, Madam, whether the Government are aware of the fact that Tirunelveli got foodgrains several times transported from Ramanathapuram district and that no foodgrains were transported from Tirunelveli to Ramanathapuram?"

DEPUTY SPEAKER :—" How does that question arise?"

JANAB M. S. ABDUL MAJID :—" Is it not a fact, Madam, that the tours of the Hon. the Minister for Food in the surplus districts during the critical months, have yielded very good results and solved the food problem in several districts? May I know whether he would conduct similar tours so as to solve the food scarcity position in Tirunelveli?"

THE HON. SRI J. L. P. ROCHE VICTORIA :—" Yes, Madam, provided that, wherever I visit, there are foodgrains to be procured in the different districts. It is no use going to districts where there is no grain whatsoever. It will be time during the next harvest season and I will repeat the same procedure."

Administration of merged States.

* 505 Q.—SRI P. VENKATASUBBIAH : Will the Hon. the Chief Minister be pleased to state whether the Government have received any financial assistance from the Central Government in the matter of administering the merged States of Pudukkottai, Banganapalle and Sandur and if so, how much?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Chief Minister) :—" The financial adjustments to be made between this Government and the Government of India in regard to the administration of the three merged areas with reference to Article 291 of the Constitution of India, are now under correspondence between the two Governments."

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SRI P. VENKATASUBBIAH:—“ May I know, Madam, from the Government whether any definite sum has been allotted by the Government of India for the administration of these merged States as they have given in the case of merged States in Bombay? ”

THE HON. SRI B. GOPALA REDDI:—“ As far as we are aware, Madam, the Government of India are following a uniform policy whether they are merged with Bombay State or Madras State. They have arrived at tentative conclusions in regard to these matters and they have not been finalized. The privy purse to the rulers of these three States is fixed at Rs. 4,10,000 per annum. The Madras Government will receive 50 per cent of the income-tax that is accruing from these States and this Government will receive a contribution from the Government of India to cover the expenditure on administration of federal subjects. It does not require the hon. Members to put this question because everybody knows it. The Central Government have lost certain income and some expenditure also is saved to them by the merger of these three States and the difference between the two will be paid to this Government for a period of five years. Later, it will be reduced, say, 20 per cent this year, 10 per cent next year and so on and in five years it will be wiped out.”

JANAB MUHAMMAD RAZA KHAN:—“ Apart from the figures given by the Hon. Minister, may I know, Madam, how much expenditure was incurred by this Government since the date of merger? ”

THE HON. SRI B. GOPALA REDDI:—“ If a separate question is put, I will certainly give the information. I remember I said this in my budget speech. We are spending much more than what we get from these States.”

SRI R. V. SWAMINATHAN:—“ May I know, Madam, whether this Government have submitted any proposals to the Government of India regarding development schemes in these States and particularly in Pudukkottai? ”

THE HON. SRI B. GOPALA REDDI:—“ Development schemes have to be taken up by this Government and I do not think that the Government of India need have any trouble about these. If necessary Government of India Officers come and discuss with our officers.”

SRI A. KALESWARA RAO:—“ May I know, Madam, whether the Government treat Paritala and other villages taken over from the Hyderabad State for the purpose of taxation and development, in the same way as merged States, or are they treating them on the basis of our own villages? ”

THE HON. SRI B. GOPALA REDDI:—“ It is not a State. It is only a village and my answer was only with regard to merged States. With regard to Paritala, our rules will apply.”

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Central Planning Committee.

* 506 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether it is a fact that the Central Government have appointed a six-man Central Planning Committee at the technical and administrative level to draw up comprehensive plans for the development of Malnad areas;

(b) if so, who the representative of our Government in that Committee is;

(c) what the Malnad areas in our State are; and

(d) in what districts they are situated?

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

“ (b) Sri P. S. Viswanatha Ayyar, I.C.S., Secretary to Government, Development Department, Madras.

“ (c) & (d) The Malnad area in this State comprises certain portions in the South Kanara, Malabar and Nilgiris districts. In South Kanara district the area extends from the eastern portions of the Coondapoor taluk in the north up to the eastern part of Puttur and Kasaragod taluk in the south with the eastern portion of the Karkal taluk in the centre consisting of more than half the taluk. In Malabar the western ghats including the Wynaad and Attapady Valley form the Malnad area in the district. In the Nilgiris the entire Gudalur taluk is the Malnad.”

SRI S. NAGAPPA:—“ May I know, Madam, whether our representative on the Committee has submitted any scheme for the development of this area and, if so, what is likely to be the cost of it and when it is going to be completed? ” 11-45 a.m.

THE HON. SRI H. SITARAMA REDDI:—“ The Committee was only recently constituted and it is going round the country to various places and examining several proposals of the various Governments. It will take some time before any definite answer on the lines asked for can be given.”

SRI V. RAGHAVAYYA:—“ May I know what the highlights of this development scheme for the Malnad area are and whether they are going to benefit the hill tribes of the Attapady valley? ”

THE HON. SRI H. SITARAMA REDDI:—“ The hon. Member must be aware that this area is a backward area and the highlight of the Committee is the development of that backward area. Naturally the depressed or backward people of that area will receive prior attention.”

Representation of aboriginal tribes in services.

* 507 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Chief Minister be pleased to state—

(a) the number of gazetted officers in this State belonging to aboriginal tribes, namely, Enadi, Yerukula, Chenchu, Sugali Koya, Bhagata, Toda and such other tribes; and

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(b) the number of non-gazetted officers from among the above tribes in this State?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Chief Minister):—"The hon. Member is informed that the Government consider that the time and labour involved in the collection of the information will not be commensurate with the public interest served."

SRI V. RAGHAVAYYA:—"In view of the fact that the aboriginal tribes have been given priority over others by the Government of India in the new Constitution, whatever be the expenditure—enormous or small—that may have to be incurred in the collection of those statistics (the amount has to be found) may I ask the Hon. Minister who is shrewd very often, whether to the knowledge of the Government any of these tribes have been given any of these posts till now?"

THE HON. SRI B. GOPALA REDDI:—"There is an instruction to the Public Service Commission that, whenever these people apply for any post, provided they have the necessary qualification, etc., they must be given a little priority consideration."

JANAB MOHAMED ABDUL SALAM:—"May I ask the Hon. the Finance Minister whether he is in a position to take note of the fact that not even one per cent of these communities is represented in the gazetted ranks of this State?"

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

JANAB M. S. ABDUL MAJID:—"May I know how much it has cost the Government to answer this question and whether that time could not have been spent more usefully in giving a full answer to this question?"

THE HON. SRI B. GOPALA REDDI:—"The number of gazetted officers runs into thousands and the number of non-gazetted officers runs into lakhs. To furnish the answer to this question we would have to verify from each one of these officers whether they belong to Venadi, Yerukula, Chenchu and so on. That would have meant that the Heads of Departments and District Officers will be involved in a statistical survey of these communities."

JANAB MUHAMMAD RAZA KHAN:—"Will the Hon. the Minister be pleased to state whether it is not advisable to have a representative of the aboriginal tribes in the House to redress their grievances rather than clamouring for representation in the services?" (Hon. Members: 'Raghavayya'.)

THE HON. SRI B. GOPALA REDDI:—"There is hon. Mr. Veeranna Padal to represent the Backward Areas and Tribes, and there is hon. Sri Raghavayya to champion their cause everywhere."

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SRI V. KURMAYYA:—"May I know, Madam, whether the Enadis and Yerukulas living in the plains come under the category of aboriginal communities?"

THE HON. SRI B. GOPALA REDDI:—"Recently the President of India issued a special communique where all the Scheduled Tribes entitled to representation in the House have been shown. I am not sure whether Enadis and Yerukulas are included; perhaps they are."

SRI G. RAJAMANNAR CHETTY:—"May I know whether, instead of finding out the number of people among the tribes who are educated and are holding Government jobs, the Government could go through the list of officers and find out whether there is among them any member of the backward tribes?"

THE HON. SRI B. GOPALA REDDI:—"The list of officers contains some two or three thousand names. Sometimes the name of the community is shown as 'Backward' and sometimes simply as 'Non-Brahman'. We will have to verify in each individual case whether that person comes under this category. That means again, labour."

SRI D. V. RAMASWAMI:—"As the policy of the Government has been to bestow special attention to the uplift of the aboriginals and other backward classes, may I know whether it will not be possible to give the answer to the question some time later, after collecting the information? Government have always given ample latitude in the matter of answering interpellations concerning Harijans. Therefore I am asking why it is not possible to give a reply to this question put down by hon. Sri Raghavayya?"

THE HON. SRI B. GOPALA REDDI:—"More collection of data will not improve their social condition or economic welfare. On the other hand to give them practical help, we will certainly see that they are given all facilities in service and the expenditure devoted to their care is increased in the next few years."

Deep-sea fishing in Adirampattinam.

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

(a) whether the Government have started deep-sea fishing in Adirampattinam and if so, when;

(b) how it is working;

(c) whether it is a fact that the steam launch which was used for deep-sea fishing was taken away by the Government and if so, when and why; and

(d) whether any representation has been made by the fishermen regarding this and if so, what it is and what action the Government have taken on it?

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THE HON. SRI J. L. P. ROCHE VICTORIA :—“(a) A deep-sea fishing centre was opened at Adirampattinam in the year 1943.

“(b) The centre is working fairly satisfactorily.

“(c) It is not correct to say that the steam launch was taken away by the Government. Eight motor fishing vessels were purchased by Government in 1945 and one of them was named ‘Adirampattinam’. This was stationed at Adirampattinam and was engaged for deep-sea fishing during favourable seasons. The vessel used to be moved to Nagapattinam, Pamban, etc., when fishing was more favourable in such places. It is a well known fact that conditions are favourable for fishing at certain centres only during certain periods.

In addition to this vessel, a motor boat constructed departmentally at Adirampattinam was put into operation for deep-sea fishing and off shore fishing from November 1948. This was operating off Adirampattinam till 1950 and afterwards it was sent to Nagapattinam for the reasons mentioned above.

“(d) No.”

SRI A. VEDARATNAM PILLAI :—“May I know, Madam, whether the Government have received any representation for expansion of the scheme further in the coastal districts, and if so, what it is and whether they intend doing?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“Yes, some schemes are under consideration. The Government are trying to improve the fishing operations as early as possible and the construction of a few more suitable vessels for fishing is being undertaken.”

SRI C. M. KOTHARI :—“May I know, Madam, how much has been invested in the scheme and whether it pays any return to the Government?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“It is not possible to measure the expenditure by means of the revenue we get. The fact is that the Department has been working and we are now reaping the benefit of all the years of research and increasing the food supply. That is a great point in its favour. Sooner or later the Department hopes to show better results by way of satisfactory returns on the money invested.”

SRI P. NATESAN :—“May I know, Madam, whether fish is served as food in any part of the State, and if so, in what part?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“Everywhere where people are prepared to take fish.” (Laughter.)

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Electric power supply to Visakhapatnam.

* 509 Q.—SRI S. NAGAPPA : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that the Government have issued instructions to the District Magistrate of Visakhapatnam regarding the control and restriction of electric power supply to the town of Visakhapatnam, Vizianagaram, Bobbili and Anakapalli; and

(b) if so, for what reasons?

THE HON. SRI M. BHAKTAVATSALAM :—“(a) & (b) Owing to deterioration of the power position at Visakhapatnam Power House, instructions were issued to the District Magistrate, Visakhapatnam, in May 1950 to issue orders rationing the supply of electricity in both Government and licensees' areas in the Visakhapatnam Thermal System. These instructions to the District Magistrate have subsequently been cancelled in view of the recent improvement in the power position at Visakhapatnam consequent on the commissioning of the diesel sets at the power house.”

SRI S. NAGAPPA :—“Did the Government not take into consideration the deterioration of the machinery and repair it in time in order to see that the supply is not cut off?”

THE HON. SRI M. BHAKTAVATSALAM :—“It was not a question of repair. It was a question of substitution with Diesel sets and adding to the sets. That takes some time.”

SRI S. NAGAPPA :—“Why did not the Government foresee this and substitute the spare parts required in time in order to see that electricity was not stopped to the consumers?”

THE HON. SRI M. BHAKTAVATSALAM :—“Madam, I may say that the Government had taken all possible steps in the matter.”

SRI D. V. RAMASWAMI :—“In view of the unsatisfactory position with regard to the distribution of electricity in Visakhapatnam and Anakapalle and as the policy of the Government is to nationalize electricity supply, may I ask when the Government are likely to include Visakhapatnam in their nationalization scheme?”

THE HON. SRI M. BHAKTAVATSALAM :—“We have improved the Visakhapatnam power station and now the supply position will certainly improve.”

SRI M. R. APPA RAO :—“May I know when the Government expect to get electricity from the Machkund Project to these areas?”

THE HON. SRI M. BHAKTAVATSALAM :—“In 1953.”

Communist detenus in the State.

* 510 Q.—SRI K. LINGA RAJU : Will the Hon. the Chief Minister be pleased to state—

(a) the number of Communist detenus at present in the various jails in the State;

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- (b) how many of them are given family allowances;
 (c) the total amount spent on family allowances every month;
 and
 (d) whether a full list of those detenus that receive family allowances will be placed on the table of the House?

THE HON. SRI K. MADHAVA MENON (on behalf of the Hon. the Chief Minister):—“(a) (1) Those against whom detention warrants have been executed up to 31st October 1950 was 417; (2) Those actually in jails on 31st October 1950 was 334.

“(b) 200 as on 31st October 1950.

“(c) Rs. 6,529-12-0 was disbursed for the month of August 1950.

“(d) The Government consider that no useful purpose and public interest will be served in making the list available.”

SRI V. RAGHAVAYYA:—“What is the lowest amount granted to the detenus and what is the highest amount?”

THE HON. SRI K. MADHAVA MENON:—“The amount ranges from Rs. 10 to Rs. 100.”

Loans to ryots.

* 511 Q.—SRI M. A. EASWARAN: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the amount of loans given to ryots on the mortgage of lands in the four taluks of Erode, Dharapuram, Udumalpet and Palladam; and

(b) the rate of interest charged?

THE HON. SRI H. SITARAMA REDDI:—“(a) The amount of loans granted up to 30th September 1950 to the ryots under the Land Improvement Loans and Agriculturists' Loans Acts respectively on the mortgage of lands in the four taluks mentioned are—

	Agriculturists' Loans Act.	Land Improvements' Loans Act.
	RS.	RS.
Erode	9,800	1,44,460
Dharapuram	7,94,990	68,400
Palladam	10,82,255	68,400
Udumalpet	3,20,645	78,750

“(b) The rate of interest charged is $4\frac{1}{2}$ per cent per annum.”

SRI M. A. EASWARAN:—“May I know, Madam, in how many years the loans are to be repaid?”

THE HON. SRI H. SITARAMA REDDI:—“The loans are given under the Takkavi Loans Act. I cannot say off-hand the exact number of years in which they are repayable. I think it is three years, if I remember aright.”

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SRI B. S. MURTHY:—“May I know why there is this difference between the four taluks, one taluk getting more and another taluk getting less? Is it due to lack of applications or any discrimination made by the officers concerned?”

THE HON. SRI H. SITARAMA REDDI:—“There is no question of any discrimination, Madam. These are all loans granted to agriculturists in the affected areas to help them to pursue their activities. There is no question of any discrimination.”

SRI S. NAGAPPA:—“May I know whether any applications for loans from the people of these taluks have been rejected and if so, for what reasons?”

THE HON. SRI H. SITARAMA REDDI:—“Notice, Madam.”

SRI P. VENKATASUBBIAH:—“May I know, Madam, whether this policy of giving loans uniformly adopted in other areas also which are affected by famine?”

THE HON. SRI H. SITARAMA REDDI:—“There is a uniform policy with regard to the grant of loans to agriculturists when they are in distress. It applies to the entire State.”

JANAB M. A. MUHAMMAD IBRAHIM:—“May I enquire whether the rate of interest, $4\frac{1}{2}$ per cent, is not a bit high?”

THE HON. SRI H. SITARAMA REDDI:—“No, Madam.”

Auctioning the right of cultivating lands.

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

(a) whether it is a fact that Government will auction the right of cultivating lands for three years, if those lands are kept without cultivation by the landlords;

(b) if so, since when this order has come into effect;

(c) the extent of land that comes under food-crops cultivation; and

(d) the increase in foodstuffs expected?

THE HON. SRI A. B. SHETTY:—“(a) Yes. Clause 3 (d) of the Madras Land Utilization Order, 1950, recently issued by this Government under the powers delegated to it under the Essential Supplies (Temporary Powers) Act, 1946, gives powers to the Collectors to arrange for the sale in public auction of the right to cultivate waste or fallow or uncultivated land for a period which shall end on the 30th June and shall ordinarily cover three years. Such sale will be held only in cases of default to cultivate waste or other lands for which due notices have been served on the landholder and after hearing his objections.

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“(b) The order has come into force from the date of its publication in the *Fort St. George Gazette*, i.e., from the 19th September 1950.

“(c) & (d) Presumably the hon. Member has referred to the extent of land under food-crops that can be brought under cultivation by the application of the above order and not to the existing area under cultivation of food-crops in this State. It is not possible to give any advance information about the total extent of waste or uncultivated lands that could be brought under cultivation by the application of this order, as there are several reasons contributing to cultivable lands being kept fallow. The Collectors have been asked to compile before the middle of November 1950 lists of lands that can be brought within the scope of the above order and to take further action by the 1st of December 1950.”

SRI S. NAGAPPA :—“ May I ask, Madam, wherever such lands are available, will the Government consider the desirability of granting them to agricultural labourers generally or to field labour co-operative societies wherever they are in existence and also give them some money to enable them to raise food-crops? ”

THE HON. SRI A. B. SHETTY :—“ That question will have to be considered. No consideration has been given to that aspect of the question, so far.”

JANAB M. MUHAMMAD ISMAIL :—“ May I know whether the list of lands which the Collectors have been asked to prepare before the middle of this month has been submitted to the Government and if so, what is the acreage of the lands included in such lists by the Collectors? ”

THE HON. SRI A. B. SHETTY :—“ No information is available, Madam.”

SRI S. NAGAPPA :—“ Madam, may I ask the Government, when they auction the lands, to see that rich people who already own lands do not come and compete with poor people and that the auction is held only among the landless labourers? ”

THE HON. SRI A. B. SHETTY :—“ It is a very good suggestion coming from the hon. Member but the order provides for sale in public auction of the right to cultivate the lands to the highest bidder.”

SRI R. V. SWAMINATHAN :—“ May I know whether any auction has been held under this order which empowers the Collectors to arrange for the sale in public auction of the right to cultivate waste or fallow lands left uncultivated by landowners? ”

THE HON. SRI A. B. SHETTY :—“ No auction has so far been held. Information is awaited regarding the lands available for cultivation in the different districts.”

JANAB M. MUHAMMAD ISMAIL :—“ May I know whether the lists which the Collectors were asked to prepare and submit

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by the 15th of this month have been received by the Government and whether they can give us an idea of the acreage of such lands, if the information has been received? ”

THE HON. SRI A. B. SHETTY :—“ I presume complete information has not yet been received.”

SRI G. SANYASI RAO :—“ May I know whether grazing lands come under the category of uncultivated lands? ”

THE HON. SRI A. B. SHETTY :—“ Lands suitable for cultivation of food-crops only will be taken into consideration.”

(At this stage Mr. Speaker took the chair.)

SRI A. KALESWARA RAO :—“ May I know, Sir, whether it is not the policy of the Government to give land free to the landless and house-sites free to the houseless and instead of auctioning the lands to the highest bidders, why not distribute them free on the above basis? ”

THE HON. SRI A. B. SHETTY :—“ That is a question of general policy, Sir. A separate question may be put.”

Amount spent on irrigational works.

* 513 Q.—SRI V. M. RAMASWAMI MUDALIYAR : Will the Hon. the Minister for Public Works be pleased to state—

(a) the amount that has been spent so far on irrigational works for the past ten years in North Arcot district;

(b) what the average rainfall is and whether the ryots have to depend on well cultivation mainly;

(c) the steps that are being taken to bring freshes in the Palar river;

(d) whether steps are being taken to link the Palar with any other perennial river like the Cauvery or the Krishna-Pennar Project; and

(e) the steps that are being taken to build a reservoir across the river Palar?

THE HON. SRI M. BAKTAVATSALAM :—“ (a) Rs. 33,30,029.

“(b) The annual rainfall in the district averages between 36 inches and 40 inches. The average for the past ten years was 40.17 inches.

It is only when the North-East Monsoon fails completely that the ryots have to depend on well cultivation. In years of normal rainfall the ryots mainly depend on water-supply from tanks for their first crop and for the second crop water is drawn from the tanks in the beginning of the season and from wells towards the end of the crop period to mature the crop.

“(c) No special steps have been taken in the recent past to augment supply in the Palar river. Certain suggestions made in this regard are however under examination by the Chief Engineer (Irrigation).

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"(d) There is no proposal to link Palar with Cauvery because of the long and winding route which the connecting canal would have to take, apart from the fact that sufficient supplies are not available in the Cauvery even for the several schemes relating to the river which are already on hand. Various suggestions made for linking the Palar with any other perennial river including the suggestion to link it with Krishna-Pennar Project are under examination by the Chief Engineer (Irrigation).

"(e) The detailed investigation of two alternative schemes for the construction of a reservoir across the Palar near Kangundi village in Kangundi Estate limits has recently been sanctioned and is being taken up."

SRI V. M. RAMASWAMI MUDALIYAR :—" May I ask whether the Government will consult the various interests in the Palar basin before the plans for the Krishna-Pennar Project are finalised? "

THE HON. SRI M. BHAKTAVATSALAM :—" The Government have already discussed this matter at a conference of representatives of various interests concerned. This is a question relating to technical matters. It is no good discussing it with the representatives of the ryots."

SRI V. M. RAMASWAMI MUDALIYAR :—" Sir, at the conference referred to in the answer to the supplementary question, it was understood that further progress with regard to the exploration of the feasibility of connecting Palar with the Krishna-Pennar Project will be discussed. May I suggest that that discussion might usefully take place so that we may also give some constructive suggestions in the matter? "

THE HON. SRI M. BHAKTAVATSALAM :—" The question of the technical feasibility of this proposal is under examination by the Chief Engineer for Irrigation. If the hon. Member or any other person interested has any suggestion to make, I would welcome it, Sir. I will have it examined by the Chief Engineer."

Detention of the blackmarketeers.

* 514 Q.—SRI S. NAGAPPA : Will the Hon. the Chief Minister be pleased to state—

(a) whether it is a fact that the Government are contemplating to detain the blackmarketeers in jail as a preventive measure;

(b) if so, when it will be given effect to;

(c) whether it is a fact that Sri M. Kannappan, M.L.A., and others waited in deputation on the Government and submitted a memorandum regarding the ways and means of putting down blackmarket;

(d) if so, what the deputationists have urged in the memorandum and what action the Government have taken thereon so far;

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(e) if action has been taken, when it will be given effect to; and

(f) if no action has been taken, why not?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Chief Minister) :—" (a) & (b) Under sub-clause (iii) of section 3 (1) (a) of the Preventive Detention Act, 1950, the State Government is empowered to detain persons who act in a manner prejudicial to the maintenance of supplies and services essential to the community. Blackmarketeers are liable to be detained under this provision. The Government will resort to this provision whenever necessary.

"(c) The Government have no information.

"(d), (e) & (f) Do not arise."

SRI S. NAGAPPA :—" In spite of the fact that black-market is rampant in this State, although the Government have the power to detain blackmarketeers, may I know why they have not detained even a single member from the blackmarketing class? "

THE HON. SRI B. GOPALA REDDI :—" Certainly, if it is necessary we shall detain them, Sir."

SRI B. S. MURTHY :—" Is the Hon. Minister aware that he once said in the Ceded districts that blackmarketing was everywhere? May I know what steps he has taken to prevent blackmarketing from becoming more virulent? "

THE HON. SRI B. GOPALA REDDI :—" We are taking all possible steps, Sir."

SRI G. RAJAMANNAR CHETTY :—" Even if the Government find it difficult to detain all the blackmarketeers, is it not possible for them to keep under preventive detention at least the chronic blackmarketeers, that is, those who repeatedly commit this offence? "

THE HON. SRI B. GOPALA REDDI :—" It is all very good to say that blackmarketeers should be detained, but it is very difficult to find out who are chronic blackmarketeers and who are casual blackmarketeers and things like that."

SRI P. NATESAN :—" May I know, Sir, whom the Government will consider a black-marketeer; what type of person will they consider a blackmarketeer? "

SRI HON. SRI B. GOPALA REDDI :—" When we detain a person we consider him a blackmarketeer."

Service conditions of labour in Andhra districts.

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

(a) whether any memorandum was presented by the Indian National Trade Union Congress, Andhra Branch, regarding the service conditions of labour in the Andhra districts;

(b) the main features of the memorandum; and

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(c) the action the Government propose to take with reference to the memorandum?

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

“(b) The salient features of the memorandum are—

- (1) Increased ration to industrial workers.
- (2) Reconstitution of Industrial Tribunals with judges having knowledge of labour problems.
- (3) Rectification of faulty awards.
- (4) Speeding up of conciliation and adjudication proceedings.
- (5) Providing deterrent punishments for violating awards of Tribunals.
- (6) Legal assistance to workers by Government before Tribunals.
- (7) Revision of service conditions of municipal workers, Public Works Department workers and paper mill workers and other Government employees.
- (8) Checking of growing victimization and unfair labour practices on the part of employers.
- (9) Consulting Indian National Trade Union Congress in matters of Labour legislation.

“(c) The representations are being examined by the Government.”

SRI B. S. MURTHY :—“Is the Hon. Minister aware that the lot of the municipal workers is the worst and may I ask whether the Government will make any effort to give them some speedy help?”

THE HON. SRI H. SITARAMA REDDI :—“That is a matter that is dealt with in the Local Administration Department. Though the Labour Department is using its good offices to see that certain improvements are made in the conditions of work of this class of people, it is a matter primarily resting with the municipality and the Local Administration Department.”

SRI B. S. MURTHY :—“May I know when the Government will be introducing the Minimum Wages Act, so that all the labour in the State may benefit?”

THE HON. SRI H. SITARAMA REDDI :—“I will draw the attention of the hon. Member to the fact that we have already constituted committees for the purpose of fixing minimum wages, and municipal employees have got a committee which is going to look into the question of minimum wages in respect of employees in local boards and municipalities.”

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Fisheries department.

* 516 Q.—JANAB M. S. ABDUL MAJID : Will the Hon. the Minister for Food be pleased to state—

(a) when the Fisheries department was separated from that of Industries and for what reasons;

(b) when there was a separation, what the special reason is for going in for the services of an I.C.S. director instead of a departmental man with suitable technical qualification;

(c) the revenue and expenditure for the department before separation and for the present year;

(d) whether there is any increase and decrease in the staff of the department in the gazetted and non-gazetted posts;

(e) the total number of non-gazetted posts of technical staff;

(f) whether the communal G.O. is followed for recruitment and promotion;

(g) whether any member of the department was deputed for overseas training and if so, the number deputed, the periods of deputations and the special subjects for which deputed and the total amount spent on them for training abroad;

(h) whether adequate facilities and necessary powers are given to those candidates on their return to utilize their knowledge and experience and if not, why not;

(i) whether the overseas trained candidates are given the opportunity to concentrate on Research Problems relating to Biological and Technological aspects of Fisheries and if not, why not;

(j) the persons sent for training Overseas; what they were before and what post they hold now;

(k) the number of power vessels used for Fisheries Researches; and

(l) whether there is any proposal to send some more people for training?

THE HON. SRI J. L. P. ROCHE VICTORIA :—“The answer^a to the question is placed on the table of the House.”

JANAB M. S. ABDUL MAJID :—“Sir, in view of the fact that Government are not utilizing the services of people whom they depute on foreign service and also the students for whom they pay scholarship, may I know definitely what really is the policy of the Government with regard to such deputations?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“Out of the four people who were sent outside for foreign training, three are already occupying definitely responsible positions. One who is still an Assistant Director of Fisheries in Visakhapatnam is also in the research section, and we are utilizing the services of these trained people as much as possible. In

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one of the answers I have already stated that it is not proposed to send anybody else for the present for foreign training."

BEGUM SULTAN MIR AMIRUDDIN :—" May I know whether the Government could not get a technically qualified officer with the requisite drive and may I also know whether drive is the monopoly of I.C.S. officers? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" When the drive is combined with a qualification, Sir, it is very desirable that such an officer should be selected for the post."

Audit charges.

* 517 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Finance be pleased to state whether it is a fact that the audit charges of the Local Fund Audit Department are cheaper than that of the India Government's Audit staff (Accountant-General and his staff)?

THE HON. SRI B. GOPALA REDDI :—" The answer is in the affirmative, but the Local Fund Audit Department is at present not in a position to spare the trained staff required by the State Transport Department."

SRI V. RAGHAVAYYA :—" Arising from the answer given by the Hon. Minister, may I know what is the difference in charges that are collected per unit of account and what the total savings would be to the Government by entrusting the audit to the Audit department? "

THE HON. SRI B. GOPALA REDDI :—" The Local Fund Audit department deals with District Boards, Corporation, Universities, Municipalities, etc., and the Accountant-General is responsible for whatever expenditure the Government incur. Since the State Transport department is one of the departments of Government, the Accountant-General has to look into the accounts of the Transport department."

SRI V. RAGHAVAYYA :—" This being a State matter where the State Government have got complete control over the transport system and since audit by the Audit department is much cheaper, as I am told, than the Accountant-General's audit, may I know why this Government should not immediately take to the Audit department's audit rather than the Accountant-General's audit? "

THE HON. SRI B. GOPALA REDDI :—" It is one of the responsibilities of the Accountant-General to look into the accounts of every department of Government. Since the Transport department also is one of the departments of Government, it is the responsibility of the Accountant-General to look into its accounts, and we cannot get it done by the Examiner of Local Fund Accounts."

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Boat building yard at Adirampattinam.

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

(a) whether there is a boat-building yard at Adirampattinam and if so, for how long it is there;

(b) whether the boat-building industry is going on there now; and if not, the reason for it; and

(c) the number of boat-building yards in this State and where they are situated?

THE HON. SRI J. L. P. ROCHE VICTORIA :—" (a) There is no boat building yard at present at Adirampattinam. A temporary boat building yard was established in 1945 and two boats were constructed and sold to local fishermen. In 1947-48 one motor launch was constructed and was launched off Adirampattinam. No regular boat building was done at Adirampattinam either for private use or for departmental use subsequently.

" (b) No. It had to be stopped on account of the non-availability of timber and other materials at Adirampattinam and on account of the lack of demand from the public for the supply of boats through the department.

" (c) There is no boat building yard as such run by the Government in the State. Boats required for departmental fishing in inland water is however being built under the personal supervision of the Special Officer, Craft and Tackle, at his office at Madras. Recently Government sanctioned the construction of six motor launches for inshore fishing off West Coast. For the construction of these boats a temporary boat building yard has also been ordered to be opened at Tellicherry in Malabar."

SRI A. VEDARATNAM PILLAI :—" May I know whether the Government have got any proposal to encourage the age-long industry of boat building in this area? If so, what it is? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" As already explained, if there is a demand, Government are prepared to reopen the centre and build more boats."

SRI B. S. MURTHY :—" In view of the fact that there is a lot of demand for boats and in view of the fact that the Hon. Minister has been pleased to state that there is no boat building yard now, may I know whether the Government will consider whether in the East Godavari district . . . "

MR. SPEAKER :—" This question relates to Adirampattinam and has nothing to do with East Godavari."

SRI B. S. MURTHY :—" But in answer to clause (b), the Minister has replied 'no'."

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

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SRI V. KURMAYYA :—“ With reference to the reply given by the Hon. Minister that the boat-building yard at Adirampattinam was abolished for want of adequate supply of wood, may I request the Government whether the place of building the boats may be shifted to another place from Adirampattinam? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ Yes; if the facilities are there and if there is also a demand, Government, as I have said, are prepared to open centres where there will be such facilities and such demand.”

Harijans in the Collectorate of Malabar.

* 519 Q.—SRI K. ISHWARA : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government have received a complaint from the Additional General Secretary of the All-India Depressed Classes League that the Collector of Malabar is not appointing any Harijan candidates in his office; and

(b) if so, what action the Government propose to take on it?

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

“ (b) On enquiry it is found that out of 102 clerks in the Collector's office, 82 are regular hands (permanent and acting). They were appointed by the Collector from the list prepared by the Madras Public Service Commission in accordance with the communal rule. The communal rule is, however applicable to the district as a unit and not to individual offices. When making emergency appointments the Collector and subordinate gazetted officers usually consult the Sub-Regional Employment Exchange. The total number of Harijans who are technically qualified and who have registered their names with the Employment Exchange and who were awaiting employment as on 26—9—50 were only six. Even these few qualified Harijans are not keen on getting employed as some of them failed to report before the Sub-Regional Employment Officer when called upon for being introduced to the employer, or, after having been selected by the employer, did not join duty. One Harijan candidate who was recommended by the Employment Exchange and who was found suitable has been appointed as an attender in the Collector's office. His case will be considered for temporary appointment as clerk when a vacancy arises next. The Collector of Malabar has stated that his office and the offices of his subordinates will in future intimate to the Exchange the names of the communities which are under-represented so that the communal rule may be followed as far as practicable in the case of temporary appointments also for each office separately. In the circumstances the Government do not consider it necessary to take any further action in the matter.”

SRI B. S. MURTHY :—“ May I know whether the Government will do away with the employment exchange as the medium

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for approaching the Collector and the Revenue Divisional Officers for appointment, as that will be easier for the Harijans to get appointments? ”

THE HON. SRI H. SITARAMA REDDI :—“ No, Sir. It is a necessary institution. I was under the impression that my hon. Friend was one of those people who wanted an employment exchange because that is an essential asset to any country, in order to see that employment is provided for people who want employment, and that is the best machinery we have provided.”

SRI S. NAGAPPA :—“ Sir, arising out of the Minister's reply that out of the six candidates who were recommended by the employment exchange only one Harijan candidate was absorbed by the Collector and that too as an attender, am I to understand that all the people who were recommended by the employment exchange were not qualified or they were qualified but were not allowed to continue in the job because of the unfavourable conditions created by their employers? ”

THE HON. SRI H. SITARAMA REDDI :—“ I am afraid the hon. Member is imagining things which I never answered. I said and I may repeat, that the total number of Harijans who were technically qualified and who had registered their names with the employment exchange and who were seeking employment were only six.”

SRI B. S. MURTHY :—“ Sir, I welcome the idea that employment exchange should be a permanent feature of any Government and much more so in our Government; but what I am anxious about is this: that a speedy approach by the Harijans who are in need of jobs could be facilitated by a direct approach. Therefore, may I know whether the Hon. Minister in charge will issue instructions so that the claims of candidates approaching the officers direct may also be considered? ”

THE HON. SRI H. SITARAMA REDDI :—“ There is nothing preventing those who seek employment from applying when there are vacancies; but the machinery of the employment exchange is one which will register their names and whenever there are vacancies in any department, the department concerned will inform the employment exchange. It is therefore to the advantage of those who seek employment to register themselves in the employment exchange, but that does not debar them from applying for vacancies independent of the employment exchange.”

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

II.—NON-OFFICIAL BUSINESS.

A. Bills.

(1) THE MADRAS CATTLE-TRESPASS (AMENDMENT) BILL, 1950.

* SRI K. R. KARANTH :—“ I beg to move for leave to introduce the Madras Cattle-Trespass (Amendment) Bill, 1950.”

SRI T. VISWANATHAM :—“ I second it.”

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Mr. SPEAKER :—“ I wish to know whether anybody opposes it.”

THE HON. SRI K. MADHAVA MENON :—“ The Government oppose the motion for leave for the introduction of the Bill, Sir.”

Mr. SPEAKER :—“ The rule says :

‘ If a motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from a member who opposes the motion, may, without further debate, put the question thereon.’ ”

* SRI K. R. KARANTH :—“ Sir, the object with which I have brought forward this Bill is important. I have been told and it has appeared already in the Press that Government are contemplating some Bill on this subject and therefore I should not introduce it here. I can see no point in that; because, if they are anxious to do it, they have had more than four years of time, and even now if they want to bring in a Bill, I shall be the first man to stop my Bill and not go forward with it. But from Bellary, the district from which the Hon. Minister for Land Revenue hails, and from many other parts of the State, there is a great cry that persons who are in charge of cattle simply leave them off without any sense of responsibility with the result that they eat and destroy large extents of foodcrops. To-day, Sir, the State is in great distress for want of sufficient food. The Cattle-Trespass Act of 1871 was passed nearly 80 years ago and I prefer this amending Bill which my friends from Bellary prepared and sent to me seeing that there is great need for this Bill. They are suffering great losses on account of these stray cattle. Nobody is responsible for them; they are simply let loose on the foodcrops and therefore there is much damage caused. The Bill is nothing new; it is only a copy of the Bill which already the Madhya Pradesh Legislature has recently passed. A more stringent measure has been introduced in the Bombay Legislature. All that this Bill provides is that in the case of stray cattle which are let loose and which will destroy all crops, some safeguard should be provided and some security afforded. If the people do not comply with the provisions of the Bill and give a deposit, the cattle will be sold and the proceeds will be realized—a most innocent measure, so far as I can see. I shall be most glad, Sir, if the Government bring forward a Bill at the earliest time.

“ Just one word more, Sir. My experience with regard to legislation is most unhappy. When I was a Minister myself, before I left office, I signed a Bill to prevent eviction of tenants in the ryotwari areas of this State who were being harassed and evicted. Four years have gone by and nobody knows what has happened to it. Again, two years ago in about November 1948, I sent in a Bill to the Party Leader and said : “ Either let me introduce it or let Government do so. To this day, I have not had an answer to it and it was never placed before the party. Sir, you know the tradition in this House, that leave to introduce

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a Bill is never ordinarily opposed. I submit the Bill as a non-controversial measure and there is nothing at all injurious in it; the heavens are not going to come down if leave is granted and no serious harm will be done. But if the Government want to have the pleasure of opposing it, they may oppose.”

THE HON. SRI K. MADHAVA MENON :—“ Sir, Government do not ordinarily oppose a Bill if they agree or at least if they think there is nothing objectionable in it. But in this case, intrinsically the Government think that the Bill, as it is, is objectionable. It is true that the Madhya Pradesh Government passed a similar Bill and according to that Bill, if an animal is impounded, in order to release that animal the owner has to deposit a certain amount as security. It will be very dangerous under present circumstances in view of the average poverty of the agriculturist here to ask him to deposit money with a pound-keeper, almost amounting to the cost of the cow before the cow is released. We have examined the Madhya Pradesh Bill even before this Bill came in and a Bill is being drafted with a view to making it more practicable and not work hardship on the agriculturists concerned. So, intrinsically Government think that it is wrong if leave is given to introduce this Bill, because it means cost of publication and other things and so they do not want to incur such expenditure knowing, according to their view, the Bill is intrinsically wrong. 12-30 p.m.

“ Then, Sir, hon. Mr. Karanth took this opportunity to give expression to his other grievances with the party in regard to particular matters, which he and I know what they are about. But I may tell him that is not the ground on which the Government do not agree to this Bill being introduced.”

Mr. SPEAKER :—“ The question is—

“ That permission of the House be granted to hon. Mr. K. R. Karanth to introduce the Madras Cattle-Trespass (Amendment) Bill, 1950.”

The motion was lost.

(2) THE MADRAS HINDU (BIGAMY PREVENTION AND DIVORCE) (AMENDMENT) BILL, 1950.

SRI T. VISWANATHAM :—“ I am not moving the Bill to-day, Sir.”

B. Resolution.

(1) NECESSITY TO EXEMPT FROM INCOME-TAX THE SUMS BROUGHT TO INDIA BY THE OVERSEAS INDIAN EVACUEE MERCHANTS.

SRI M. G. NATESA CHETTIYAR :—“ Sir, I am not moving my resolution.”

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(2) APPOINTMENT OF A COMMITTEE FOR INVESTIGATION OF CHARGES AGAINST MINISTERS AND EX-MINISTER.

SRI T. PRAKASAM :—“ Sir, I move the resolution of which I have given notice :

That a Committee be appointed to investigate and report on the charges I have formulated and presented to the House against the Ministers and an ex-Minister and also against some Members of the Assembly, which is as follows :—

“ This House is of opinion that a Committee of five Members of the Assembly be appointed to investigate the charges detailed below against certain Ministers and ex-Minister :—

I. The Hon. Sri B. Gopala Reddi, Finance Minister :

- (1) For granting Rs. 10 lakhs State Aid loan to Sudarsan Oil Mills, Limited.
- (2) For granting Rs. 10 lakhs State Aid loan to Rayalaseema Mills, Limited, Adnoi.
- (3) For granting Rs. one lakh State Aid loan to Mohan Industries, Limited, Tenali.
- (4) For granting Rs. 1.25 lakhs State Aid loan to Radhakrishna Oil Mills, Limited, Pamidi.
- (5) Purchase of Italian buses and paying monies in lakhs of rupees towards the business.

II. The Hon. Sri H. Sitarama Reddi, then Minister for Industries and The Hon. Sri M. Bhaktavatsalam, Minister for Public Works :

Both for granting permits of steel and iron to :

- | | |
|--------------------------------|----------------------------|
| (a) Sri Ramnath Goenka. | } Sri Sitarama Reddi only. |
| (b) Sri M. Chitti and others. | |
| (c) Sri M. Venkataraju, M.L.A. | |

III. The Hon. Sri M. Bhaktavatsalam, Minister for Public Works and Sri V. Kurmayya, ex-Minister :

Grant of permit of cement to Mrs. Kurmayya and Mr. Kurmayya and others and father-in-law of the Hon. Sri H. Sitarama Reddi.

IV. The Hon. Sri H. Sitarama Reddi, then Minister for Industries :

- (1) Grant of bus routes to Sri O. V. Alagesan, brother-in-law of the Hon. Sri M. Bhaktavatsalam.
- (2) Grant of bus routes to Sri M. Somappa.

V. The Hon. Sri K. Chandramouli, Minister for Local Administration and Co-operation :

- (a) abuse of executive power by the supersession of unfriendly municipalities or panchayats in Tenali and Attili.

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- (b) stopping of annual auction of the right to collect market fees, etc., in Guntur municipal market against law and continuing it in favour of the existing lessee in order to help the supporters of his group.

(c) removal of Chairman, Tadpatri Municipality.

(d) interference in Bezwada Municipal Market suit.

VI. The Hon. Sri H. Sitarama Reddi, then Minister for Rent Control :

- (a) exemption of the Bossotto Hotel building belonging to Sri Ramnath Goenka from the operation of the Rent Control Act.

(b) passing of validating legislation to circumvent the decision of the High Court which set aside Hon. Sitarama Reddi's order granting a bus permit to his old partner-friend M. Somappa.

VII. The Hon. Sri A. B. Shetty, then Minister for Health :

Misuse of radium needles from the Government X-Ray Institute by Dr. Rai, brother-in-law of Mr. Shetty.

and report the same to this House as expeditiously as possible and that the Committee have power to send for persons, papers and record the evidence on both sides.

“ Sir, there are a number of items against several persons and I would like to take these items and group them under different heads.

“ The first one relates to iron and steel that were given to one Sri Ramnath Goenka, a Member of the Parliament in Delhi and also iron and steel supplied to some others, particularly non-Members of the Assembly, namely, one M. Chitti of Vijayavada and Gottipadi Brahmayya of Krishna district. That will be the first head under which I would like to deal with the items.

“ The second item relates to the cement that has been given to an ex-Minister, Mr. Kurmayya, and also to the father-in-law of the now Revenue Minister Mr. Sitarama Reddi.

“ The third item under which I would like to deal with the resolution is in regard to moneys given to various persons as State Aid to Industries, namely :—

(1) to the Finance Minister's own family or concern ;

(2) to another concern of the Revenue Minister, Mr. Sitarama Reddi ;

(3) to certain M.L.As. who constituted themselves into a limited company and who applied for a loan under the State Aid to Industries Act and got it ; and

(4) to one oil crushing concern of Pamidi in Anantapur district.

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"The next heading under which I would like to deal with the resolution is the scandal relating to what was known as the Italian Bus Scandal, in the nationalization of the buses in the City; and also relating to the bus routes granted to M. Somappa, a friend and partner of the Hon. Mr. Sitarama Reddi, now the Revenue Minister and another item relating to the bus routes given to one Mr. Alagesan, a closest relation of the Hon. Mr. Bhaktavatsalam. Under these heads I would like to deal with the bus question.

"Next, Sir, there is the Minister for Local Administration and there are several items relating to the administration of the Hon. Mr. K. Chandramouli, including the municipal market of Guntur.

"Again, Sir there is a charge against the Hon. Mr. Shetty relating to radium needles.

"So, Sir, I would like to deal with the items referred to in this resolution one by one and place the salient facts to enable the Members to understand and consider the demand I have made for the appointment of a committee to go into all these questions.

"Sir, one thing I may say in this connexion. The other day, in some place, which perhaps you will not permit me to refer

Mr. SPEAKER:—"What has taken place outside cannot be referred to in the House."

SRI T. PRAKASAM:—"What I want to point out is what took place outside affects the position of the Members of this Assembly. There it was stated that Mr. Prakasam might be called upon to withdraw the resolution and if he did not do it, it must be voted down on the Floor of the House. With all respect, to all those hon. Members who came to that view, I must submit to you, Sir, and to the members of this House and to the very same members who were called upon to vote down the resolution even before it came up or even before knowing what I was going to say, that that is not fair dealing, nor that is the way in which hon. Members of this House or the leader of those members should deal with this matter and give a direction to that effect. It would be prejudicing the proceedings of this House, particularly when you are trying to conduct the business here without showing any the least partiality to anybody. It encourages me to consider the seriousness of the situation that has arisen on account of one gentleman here calling himself the leader of a group of his own men and telling them, 'ask that man to withdraw' and so on."

Mr. SPEAKER:—"What has that to do with the Chair? That happened at the party meeting and that has nothing to do here."

SRI K. R. KARANTH:—"There is the whip that we should not vote and that was distributed here to Members."

Mr. SPEAKER:—"That is the whip of the party and that has nothing to do with us here. The hon. Member may go on."

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SRI T. PRAKASAM:—"The hon. Member over there is angry and you must take note of it, Sir. I do not know with whom he is angry. He said openly, 'we have no confidence at all and that is why we displaced that man and so on.' That same gentleman is getting angry now. You must maintain order in the House, Sir."

Mr. SPEAKER:—"I know my duty and the hon. Member need not advise me."

SRI T. PRAKASAM:—"As regards the Finance Minister 12-45 p.m.
the Hon. Mr. Gopala Reddi, the charge referred to in this resolution granting for Rs. 10 lakhs State aid loan to Sudarsan Oil Mills, Limited, he is responsible for all the moneys given, not only the money given to Sudarsan Oil Mills, Limited, in which his family has got personal interest but also to the other concerns to whom moneys had been distributed. The charge against him is for granting Rs. 10 lakhs State aid loan to Rayalaseema Mills, Limited, in which the Revenue Minister is interested and that concern is being managed by his undivided brother. The third charge is for granting a loan of Rs. 1 lakh to Mohan Industries, Limited, Tenali, and the fourth is for granting Rs. 1.25 lakhs to Radhakrishna Oil Mills, Limited, Pamidi, and the last one relates to the payment of moneys towards the purchase of Italian buses and the Hon. the Finance Minister is responsible for that also along with the others.

"The Hon. Mr. Sitarama Reddi and the Hon. Mr. Bhaktavatsalam, Minister for Public Works, both of them are liable for granting permits for iron and steel to Sri Ramanath Goenka and Hon. Sri Sitarama Reddi alone is charged with having allotted iron and steel to M. Chitti and others and also Sri M. Venkataraju, a Member of this Assembly.

"In regard to the issue of permits for cement, Mr. Bhaktavatsalam, Minister for Public Works, and Sri Kurmayya have to be dealt with for the grant of permits to Mrs. Kurmayya and Mr. Kurmayya and others and the father-in-law of the Hon. Sri Sitarama Reddi.

"The Hon. Sri Sitarama Reddi has to be dealt with for the grant of bus routes to Sri O. V. Alagesan, brother-in-law of the Hon. Sri Bhaktavatsalam and the grant of bus routes to Sri M. Somappa, who was his partner and also a friend of his.

"The charges in this resolution regarding the Hon. Sri K. Chandramouli, Minister for Local Administration and Co-operation, are abuse of executive power by the supersession of unfriendly municipalities or panchayats in Tenali and Attili, stopping of annual auction of the right to collect market fees, etc., in Guntur municipal market against the law and continuing it in favour of the existing lessee in order to help the supporters of his group, the removal of the Chairman of the Tadpatri Municipality and interference in Bezvada municipal market suit.

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“Against the Hon. Sri H. Sitarama Reddi the then Minister for Rent Control, the charges are for exempting the Bosotto Hotel building belonging to Sri Ramnath Goenka from the operation of the Rent Control Act and for the passing of validating legislation to circumvent the decision of the High Court which set aside the Hon. Sri Sitarama Reddi's orders granting bus permit to his old friend and partner, Sri Somappa.

“Regarding the Hon. Sri A. B. Shetty, the then Minister for Health, the charge refers to the misuse of radium needles from the Government X-Ray Institute by Dr. Rai, brother-in-law of Mr. Shetty.

“These are the items, Sir, which we have mentioned in this resolution stating that the Committee which I am requesting to be appointed, should report on the same after investigation to this House as expeditiously as possible and that the Committee should have power to send for witnesses and take documentary evidence and all such necessary things. That is the resolution which I have moved with your permission and with the permission of the House.

“Before proceeding further, I will take the question of permits for iron and steel to Sri Ramnath Goenka. The Hon. Sri Sitarama Reddi who was the Minister for Industries until some time ago had to answer a set of questions put to him on the Floor of the House and during the course of the answers, he said that the supply of iron and steel to Sri Ramnath Goenka was not made by him as Industries Minister in the new Government which came in but it was given by the previous Government. In the previous Government, the Industries Minister was Mr. V. V. Giri. Mr. Giri had no knowledge whatever of the grant of iron and steel permit to Sri Ramnath Goenka; he did not know anything about it and he was not in a position to know that because Sri Ramnath Goenka was a person who was attacking the Government of which Sri Giri was the Industries Minister. He was attacking the Government both through the press and also through other means with a view to overthrow that Government; he had been active in that direction starting from some time in October or November, the eighth or the ninth month of the administration of Sri Prakasam. It is not a small item, it was not 10 or 12 tons or 20 tons, it was a big item of 244 tons; 244 tons of iron and steel, how did he get it? To say after all this that it was Mr. Giri who gave the permit is a thing which must wound one's sense of reasoning. How did he manage to get this big item of 244 tons? I have to tell you, Sir, that there was a conspiracy hatched in that direction with a view to get it for Sri Ramnath Goenka. I may be asked, Sir, between whom was the conspiracy? It was between Sri M. Bhaktavatsalam who was then Minister for Water Works who could not have anything to do with iron and steel permits entering into an agreement or an arrangement with the Director of Industries. How did it come about; how did this conspiracy come about and how do I stand up here before this House which is supposed to be backing this Mr. Bhaktavatsalam and other

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Ministers of this Government. Sir, this is a very serious matter and so, I am taking the responsibility of placing this before the House knowing as I do that during the last three years and a half, the ministerialists have created their own block of partymen to vote with them upon anything which they may propound here because we will have somehow to do our service to the country. How, Sir, did Sri Bhaktavatsalam come into this matter? I am telling hon. Members of this House who have been backing this Ministry and imagining that they will support them at all costs, for Heaven's sake not to do so. It is a privilege and honour to me that I should stand here and address all those who are pledged to support the Ministry, pledged for the leader's election or for any other matter that may come up; I am telling them this is a public matter of the greatest importance for the country. Ordinarily when we go into the country the cultivators ask me: 'Why are we not able to get our iron and steel for our ploughs and for our wheels?' They ask questions of this nature. 'Where is all the iron gone; the iron which comes from the Government of India in large quantities worth crores and crores of rupees and stocked by this Government?' 'What became of the iron and steel received here?' I am now pointing out how Mr. Ramnath Goenka got his quota of steel. He was not able to approach Mr. Giri, the then Minister for Industries. He therefore avoided that Minister and approached this Public Works Minister. How much did he want? About six hundred tons of iron and steel, he wanted. How did he approach for it? Not by the straight road or through any other unobjectionable method. You know, Sir, and all the hon. Members of this House know that there is in this City a Corporation, there is an Act for it, governing the business of that Corporation. That Corporation has to be applied for, if any man wants a building to be erected within the limits of this City. Under the Madras City Municipal Act, that man has to prepare a plan of the building he wishes to construct, he should show therein what are the halls for the printing press he wishes to construct; and the dimensions of those halls should comply with the rules framed for that purpose. All these things must be shown, and the Corporation must be convinced that this gentleman has applied for a genuine purpose; and there should be a plan showing the measurements of iron and steel required for the purpose. That is the law; not a private law; it is a public law; and unless that is complied with, one could not get his requirements of iron and steel. This Ramnath Goenka, Sir, wanted to avoid the cumbersome procedure; because he felt he might not succeed in asking the Corporation, by placing a plan before them, for a supply of six hundred tons of iron and steel. Why did he want to do that? For, they would ask him what is the value of the building he would wish to construct, what are the measurements of the several portions of the building and so on? Now, as you pass along the road, you will see a certain building rising up after such a long time. So, Sir, all the details will have to be submitted to the Corporation, and then the Corporation would send its officers, who would measure out the

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site of the building to find out, whether the application is all right. If it is found out to be not correct, then, the Corporation is entitled to reject the application, and there is an end of the matter. Therefore, this gentleman, this Member of Parliament of India wanted to avoid the Corporation; he wanted to avoid those rules or rather restrictions, how did he get out of these restrictions to get this six hundred tons of iron and steel for himself without any loss of time. Sir, he did not go to Mr. Giri; but he approached the Water Works Minister; he approached the Water Works Minister. (Loud laughter.) I mean the Public Works Minister; I was responsible, Sir, for appointing him also as Minister." (Laughter.)

Mr. SPEAKER:—"Order, order, let the hon. Member continue his speech."

SRI T. PRAKASAM:—"He approached the Hon. Sri Bhaktavatsalam. How? In a demi-official letter. In that letter, he related all circumstances. 'Well, my friend, I want about six hundred tons of iron and steel. I must somehow get round these restrictions of the Corporation. I must be saved from observing all those rules and regulations. Somehow you must help me to get this six hundred tons.' What did this Hon. Minister do? He posed for Mr. Giri, the real Minister for Industries; and he wrote on that letter, 'Referred to the Director of Industries for urgent remarks.' The Public Works Minister writing with regard to iron and steel asking the Director of Industries, who was serving under Mr. Giri, without referring the letter to Mr. Giri! All those who have been in office know, that if a letter is addressed to a Minister wrongly, at once he writes on it, 'this is wrongly sent to me' and sends it to the concerned Minister. Instead of doing that, the Hon. Sri Bhaktavatsalam writes on the demi-official letter 'Referred to the Director of Industries for urgent remarks.' Was the Director of Industries serving under him? What was the urgency for the remarks to be passed? I am going to read an extract from that letter presently. I have got it from the Government records when Mr. Kumaraswami Raja and myself and some others were sitting together and going through the files to find out whether there was any ground for those charges which were alleged, those vapouring of Mr. Prakasam (loud laughter) and some others—we have not become such lunatics, as it were; Mr. Kumaraswami Raja was helpful to me to the extent to which he could; poor man! (Laughter) he belongs to a party, a wonderful party! We took a copy of that letter from the Government records. I shall presently read it to the House. Sir, this Minister wrote on the demi-official letter, 'referred to the Director of Industries for urgent remarks.' And was he entitled to give? And that wonderful Director of Industries—you can imagine, Sir—as if nothing had happened, replies to this demi-official letter, saying that Ramanath Goenka had seen him on the previous day and presented an application; he had received it and had sent it to the Iron and Steel Controller in Calcutta to be dealt with favourably. That was how this great attempt on the part of Ramanath Goenka to get this iron and steel

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was started; this six hundred tons of iron and steel, or perhaps it was reduced to 588 tons, the original quantity of iron and steel which Goenka wanted to have, for which he sought the help of Sri Bhaktavatsalam, as if Mr. Bhaktavatsalam could treat himself as Mr. Giri, the Industries Minister and get the iron and steel. Now to continue the story. The application was sent to Calcutta. But, there, they are very clever people; they took good care in it; they took the whole of November, December and January—full three months. Goenka was working in Delhi to get the six hundred tons. But they found out that they had nothing to do with it; it was the work of the Local Government to allot it and so they turned it down, and said that such a large quantity of iron and steel could not be given by them; it was only for the Local Government to help him. Therefore, Sir, the original pact was like that to get this iron and steel for Ramanath Goenka without having to comply with the rules and regulations of the Corporation with regard to the building of the press. That was the understanding. When I use the word 'conspiracy' on the floor of the House against a Minister who is sitting in front of me, of course, I should have the responsibility for it. Therefore, Sir, when the whole thing was returned to the Director of Industries—where is he now?; he is not here; he is now in Pakistan. (Laughter.) Now, was this paper, at any time, allowed to go to Mr. Giri, the Minister for Industries; at any stage, all these months, when these people were recommending to the authorities in Calcutta to help this gentleman without caring for those rules of the Corporation, till the time when he found that it was not possible to get anything from Calcutta. Having failed, they wanted to change the whole plan of the building. Originally it was meant to be a three-storeyed building. For that purpose they had asked for six hundred tons of iron and steel. But they now reduced their demand to 244 tons. That is the figure that was budgeted and that was sought to be given to Goenka finally. Sir, for such a long time since that date we were holding our breath, for, there was no opportunity to tell this House and the whole world about it. I urge and request all Hon. Members who are pledged to support the Ministers in every respect not to feel bound to stand by that pledge in considering a matter of this magnitude. It is a privilege of the hon. Members to do so, whatever their shortcomings so far, to consider what the nature of the subject is, to hear what I am saying and give a reply. Let them not prejudice the issue. I am prepared to take the consequences, if there is anything wrong in what I am saying. Every member should know that he is responsible not only for to-morrow but for the future also. Whatever you may have been doing during the last three years, you should not prejudice the issue now. It is a very serious matter and especially in the context of to-day. Therefore I am appealing to all hon. Members not to be swayed away by any personal feelings, feelings of affection to those affected by my resolution, or even by the command, which has gone round, issued by the gentleman who calls himself 'Whip' to vote down the resolution. If you vote it down, you will be voting yourself down. That is the position.

"So, Sir, it has come to 244 thousand tons."

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JANAB M. MUHAMMAD ISMAIL:—"Sir, on a point of information?"

MR. SPEAKER:—"On a point of information, now, at this stage!"

JANAB M. MUHAMMAD ISMAIL:—"Sir, the point of information I want to make, has an important bearing on what hon. Mr. Prakasam is saying now. From what he has been saying, it appears, the demi-official letter which Hon. Mr. Bhaktavatsalam seems to have received, has a vital bearing, on the question, whether Mr. Prakasam is justified in referring to it; are we justified in taking the statement of hon. Mr. Prakasam in this matter; or, is the House entitled to see the letter, which seems to have a vital bearing on this question."

1-15 P.M. SRI T. PRAKASAM:—"The Leader of the Opposition is perfectly quite right in saying that my word alone should not be taken. I will read the relevant portion of the letter. Sir, what I am reading now is not the original that is in the files with the Government. What I am reading now is what Sri T. Viswanatham, who was helping me along with Sri Karanth in investigating into this matter with the Hon. Sri Kumaraswami Raja, noted down from the original record. If a committee is appointed, it is for the committee to send for the original also."

"Sri Ramnath Goenka wrote a demi-official letter to Bhaktavatsalam, Minister for Public Works, that 600 tons of steel might be sanctioned for the construction of newspaper offices for the Indian Express known as Misquith Buildings and Madras Club and that the practice or rule for the allotment of steel only after the sanction of the Corporation of Madras is obtained must be waived, as the sanction of the Corporation would take a long time."

This is what I said. This letter was deliberately addressed to the wrong Minister Hon. Sri Bhaktavatsalam avoiding the right Minister Hon. Sri. Giri, because he was working against Sri Giri and Sri Prakasam in the Prakasam Ministry. If the application were made by mistake, this Hon. Sri Bhaktavatsalam should have written on it and redirected it to the Hon. Sri Giri, the Industries Minister. Sri Goenka knew that the Hon. Sri Giri would not countenance any such application. Particularly Sri Goenka and his group, including Sri Kamaraja Nadar, were working against the Prakasam Ministry to overthrow the same. The Hon. Sri Bhaktavatsalam was working in collusion with Sri Kamaraj and Goenka. Sri Goenka believed that he could put through his Indian Express buildings with the support of the Hon. Sri Bhaktavatsalam. Therefore the Hon. Sri Bhaktavatsalam posed himself as Industries Minister and wrote on the application as follows:—"For urgent remarks." This application was given to the Public Works Minister who has nothing to do with iron and steel. What urgent remarks this Gentleman could have expected we can understand. These are all matters for argument at a later stage if and when that stage is reached. Instead of sending the letter to Sri Giri, Industries Minister, the Hon. Sri Bhaktavatsalam sent it to

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the department with a copy to the Director of Industries through the Development Department. The words written there were 'For urgent remarks.' The Director of Industries on November 7th, 1946, replied that Sri Ramnath Goenka saw him in connection with his application for the acquisition of iron and steel and that an application was taken from him and that it was forwarded with Director's remarks to the Iron and Steel Controller, Calcutta, on November 6, 1946. This communication of the Director of Industries was not brought to the notice of Sri Giri, Minister for Industries and Labour, then or at any time later. All this was taken from the papers in Government records. This recommendation was rejected by Mr. F. G. Spooner (Steel Section) and he wrote to the Regional Deputy Iron and Steel Controller at Madras as follows:—

"It was doubtful if the provincial authority would find it possible to supply 700 tons to a newspaper office. However, it is a matter for the provincial authority to decide for itself."

On this, the Director of Industries wrote a demi-official to the Director-General of Industries and Supplies, New Delhi, requesting him to render such assistance as was possible and suggesting that the quota could come from the allotment made for industrial developments. On January 4, 1947, the Director-General of Industries and Supplies, Co-ordination Steel, replied that the quota reserved for private industrial development was not intended to cover the requirements such as the one under consideration, that this particular case was further discussed with the Iron and Steel Controller during his last visit and that it was decided that the steel required by Sri Goenka should come out from the provincial quota. The application was for 568 tons of steel for a building to be constructed in three floors. Later on another estimate was put in on February 11, 1947, which showed only the requirements for the foundation, ground-floor and first-floor, dropping the third floor, and showing a total requirement of 340 tons. On this estimate there is an endorsement by the then Director of Industries. 'We may issue permit for the above categories stating categories also' and it purports to bear the date 17th March 1947. These are said in the records and the original records may come before the committee that may come into existence."

Sri K. T. Kosalram rose to speak.

MR. SPEAKER:—"The hon. Member is not yielding."

SRI T. PRAKASAM:—"Let me understand him, Sir."

MR. SPEAKER:—"Then let the hon. Member yield."

SRI K. T. KOSALRAM:—"May I know from the hon. Member Sri Prakasam which Minister signed on the order?"

SRI T. PRAKASAM:—"He did not catch the point. It is not a Minister, it is the Director of Industries who has signed there."

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Now, Sir, let me come to the main point. What was said by Sri Sitarama Reddi was: 'No doubt I am the Minister for Industries now. It is not I that gave it; it is the previous Minister, Sri Giri, that gave it.' He asserted it positively.

You will have to know the dates of the happenings in this Assembly and in this Government during that period. There was a no-confidence motion against Prakasam and his Government and that was considered and disposed of on 27th February. On 27th February, this Hon. Sri Bhaktavatsalam and three others of his group along with Sri Kurmayya of another group suddenly resigned their ministership. The next day, i.e., on 28th February, the election of the leader was to take place. For that purpose, they wanted to free themselves, resigned their offices and got the support of all the Members who were attacking them when they were Ministers. On the 28th, they voted against the Ministry and in favour of the new leader. On February 27, all these gentlemen resigned and came into office the next day when the new Government was formed. All the five of them remained in tact as Ministers."

THE HON. SRI P. S. KUMARASWAMI RAJA:—" Except one."

SRI T. PRAKASAM:—" I speak subject to correction."

MR. SPEAKER:—" That point has no bearing on the motion before the House."

SRI T. PRAKASAM:—" That has got a most direct bearing. I will come to that later. You just take it for granted now."

" Sri Ramnath Goenka was granted iron and steel under two permits bearing Nos. 2311 and 2312. The permit relating to 241 tons was the one bearing No. 2311. The original of that permit disappeared from the records."

JANAB MOHAMED ABDUL SALAM:—" How?"

SRI T. PRAKASAM:—" The hon. Member asks: 'How?' The original disappeared completely from the records and we had to write to the Controller of Iron and Steel asking for the original document during the investigation we were carrying on with the Hon. Sri Kumaraswami Raja in this Secretariat. He wrote back to say 'not traceable.' So the original disappeared altogether. Very very strict rules have been made with regard to iron and steel, because that is a most important item for the Government of India or any other Government. We have got very strict printed rules and regulations to prevent fraud being committed. When a permit is issued, the permit-holder must go to the stock-holder's place where iron and steel is stocked and ask for the supply of the quantity specified in the permit. Sembudoss street is not very far from here; it is just nearby. When we were investigating into the case, Sri Kumaraswami Raja was the Premier with all the authority in his hands. We were challenging that the date of the duplicate

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permit purporting to bear the date 19th March 1947 was not genuine and that it was a bogus one. We wanted to know how it was possible for these people to have fixed up these dates so as to show that it was the previous Ministry that gave the permit and not their own Ministry. The previous Ministry went out of office on 23rd March."

MR. SPEAKER:—" If the hon. Member wants, he can continue after lunch."

SRI T. PRAKASAM:—" Yes, Sir, if you please."

(After lunch—2-30 p.m.)

SRI T. PRAKASAM:—" Mr. Speaker, Sir, I was telling hon. Members of the House how the original of the permit became not traceable and why it became so. According to the rules relating to the administration of iron and steel control, the original permit must be sent back by the stock-holder who keeps the stock and delivers the goods, to the Controller of Iron and Steel and it should be in the file of the office of the Controller of Iron and Steel, Calcutta. Now that file is missing in his office. In our investigations all we could find out was Permit No. 2312 which was only for 12 tons. On the back of the permit, the date on which the goods were delivered and other particulars will be furnished from which we will be able to understand on what date the original permit was issued. Probably in order to prevent us from tracing the date of the issue of the original permit, this thing seems to have been resorted to. The original having disappeared and become untraceable, the duplicate was examined and it simply contained the date 19th March. Therefore the permit should have been given three or four days before the previous Government had handed over charge. As I have already told the House, it would be absurd to say that the whole thing was finished within a few days, i.e., between the day on which the 'No Confidence' motion was brought in, and the day on which the new leader of the party was elected and that it was the out-going Ministry that had issued the permit. During our investigations we found that several other permits had been issued within those days. On 25th or 26th March 1947 an order came from the Government of India stating that the function of the issue of iron and steel permits were passed over from the Government of Madras to the Director of Controlled Commodities, and the stock in the hands of the stock-holders would be taken over by him and distributed to the permit-holders after that date. That is the evidence which we were able to secure from the Assistant Steel Officer in this City. The Assistant Steel Officer gave us the dates and the particulars of the orders that came from the Government, and said that because of those orders there had been a rush on the part of the permit-holders to redate their permits in order to get over any objection for the supply of iron and steel by the stock-holders. That is how, Sir, we were able to trace out various things which had been going on and we have put them down in this note."

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With your permission, Sir, I should like to distribute it among hon. Members of the House so that they may be able to follow the trend of my speech, and judge for themselves whether what I am narrating is true or not and that it may also serve as material for the Committee that I am asking to be appointed to investigate into these charges.

" Sir, Permit No. 2312 was for 12 tons and the date on the duplicate was 19th March 1947, but the original of it was not traceable. The Controller of Commodities was addressed in the matter, and his reply also said that the original was not traceable.

" The duplicate copy of Permit No. 2311 contained on its back certain particulars and also about the date on which the delivery was taken of the goods, by the permit-holder. As I said earlier, in the course of our recent investigations, we came across with a number of duplicate copies of permits, the dates on which were altered and a previous date was put on it, and also with ever so many discrepancies and we asked the Steel Officer to explain how all these things had happened and why were the permits pre-dated and made to appear as if they had been issued earlier and so on. I have already given a gist of the explanation of the Steel Officer. He said that the orders of the Central Government, dated 26th March 1947, addressed to the Madras Circle and to the registered stock-holders—and of copy of the same had been also sent to the Director of Industries and Commerce, Madras—were to the effect that the Madras Government should no longer exercise control over iron and steel, that the Central Government themselves had taken into their hands the administration of the Iron and Steel controls and that they were going to distribute iron and steel to the quota-holders and permit-holders from that date onwards. They had also referred to their previous letter, dated 30th November 1946, in which the Madras Stockholders' Association had been declared to be no longer their authorized stockholder and dealers and stated that stock of iron and steel in their hands should be ceased and put under the control of the Madras Government and that in future the Controller of Iron and Steel would issue permits and allot quotas to the authorized dealers for the supply and distribution of iron and steel. The Steel Officer said that therefore with a view to disburse the then existing stock as much as possible, the dates of the several permits which had expired by that time, had to be pre-dated by the Director of Industries and Commerce and that was how the date 19th March 1947 came to be put on the duplicate copy of Permit Nos. 2311 and 2312, the original of which had disappeared altogether. I may tell you, Sir, that it is a very serious matter and should be inquired into either by the Government or by the Committee which I want to be constituted by this House. I may also tell you, Sir, and the hon. Members of the House that there are ample evidence available to show when the original permit was actually issued and who were responsible for the issue of such a permit. The Government had not cared to call for the records and files and documents from the Iron and Steel Controller's office at

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Calcutta, which they are competent to do, nor had they called for and examined the books of the Madras Stockholders' Association at Sembudoss street. I have no doubt, Sir, that the permit had been ante-dated in the duplicate, in order to give the impression that the original permit had been issued by the previous Ministry, although in fact, it was the present Minister who was responsible for issuing it.

" I now call upon the Government on the floor of the House to call for those papers and documents again from Iron and Steel Controller's office at Calcutta and verify them with the records in the Association at Sembudoss street and find out the truth of the matter. If the Government are unwilling to do so, the only alternative is for the Committee which I am asking to be appointed to go and investigate into the matter. What happened in the Steel officer's office and how they came to be disappeared, or missing? That is a matter which should be probed into. I shall presently read the note of the present Steel officer, who succeeded one Mr. Savarinathan, in whose time, so many files had disappeared. In that note he says that there is nothing on record to show that any mistake was committed by anybody. If that was so, why was Mr. Savarinathan removed from service? Another officer who was in charge of cottage industries and who was also responsible for these muddles had been compelled to retire. If the Government were earnest and serious about this matter, they should have engaged some C.I.D. officer to investigate into the missing files relating to the original order. I ask them to trace the original papers now and whoever is responsible for the issue of that permit, let him be hanged. If I am responsible for it, let me be hanged. But let the original records be found out.

" Sir, speaking on the issue of permits for iron and steel, there is another thing that I want to state for the information of the House. I said that a permit was issued for the supply of 244 tons. 2-45 p.m.

" Over 1,500 permits were given. All of them were for small quantities of 10, 12, or 20 tons. The maximum was 20 tons. No permit for 50 or 100 or 200 tons was issued. During that period nearly 200 tons were given to two non-members (Gottipadi Brahmayya and M. Chitti of Vijayavada). The complaint was made that non-members were given. When these applied for a bigger quantity, they were advised 'do not apply for bigger quantities; there are 60 or 70 people to be allotted at the rate of two tons each'. The advice was given, and they gave the application in that form, and that quantity was disposed of. Similarly 50 tons in favour of Sri M. Venkataraju was also disposed of. But not one single paper is traceable in office. All have disappeared. All these facts were stated in the original complaint that was filed before another gentleman for investigation. That complaint was given in Bombay on the 26th April 1948 by my friends, and a copy thereof was handed over to hon. Mr. Ramaswami Reddiar who was then the Premier of this State. Every one of these Ministers seemed to know it. Their explanations were taken by Mr. Ramaswami Reddiar. But none of the

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complainants were told anything about the explanation given by these Ministers. Even now we do not know what explanation they gave. They knew about this complaint in May. In the original charge-sheet the issue of 200 tons to two persons and another 50 tons to M. Venkata Raju was mentioned. How did the papers disappear? They must be there. The contention put forward was that 'somebody' imagined all these things'. The details were given in the original charge-sheet. Mr. Kumaraswami Raja in our investigation stated 'papers are not forthcoming'. The head of a Government of a State of this size and magnitude, when he came to know of this for the first time, could have ordered an enquiry. If the C.I.D. people had been told about the disappearance of these files, they would have been able to trace them out. Even to-day, I say, the matter has not come to an end. The methods established by the British Government or by our own Government have not disappeared. Where could these 200 tons of steel given to these two gentlemen go? They could have been traced out in the market of Vijayavada if only expert C.I.D. people had gone there to hunt out the whole thing. To-day, it is nobody's concern. Everybody seems satisfied that the files have disappeared and the records have gone. After all these happened, they were taken to the notice of the Director of Industries, Mr. M. T. Raju. In the end Mr. Rāmaswami Reddiar sent away this M. T. Raju to Hyderabad before the Police action in Hyderabad. Mr. Savarinathan, the Steel Officer, was sent out. When I was studying the files to find out whether the charges were true or not, I sent a letter to Mr. Kumaraswami Raja asking him 'why have you brought the same gentleman (Mr. M. T. Raju) for enquiry, during whose period alone all these things happened?'. Mr. Kumaraswami Raja stated 'you are interfering with the ordinary course of my administration'. That is the position, Sir, with regard to iron and steel. It cannot be brushed aside when we are standing here pointing out that 200 tons of steel have been disposed of in that manner. We gave the fullest opportunities at the very beginning for them to answer. Nobody challenged the charge. Whatever explanation they gave to the Premier and what explanations the Premier had from the officers, we do not know up to now. My hon. Friend Mr. B. Gopala Reddi, as the Leader of the House, was saying 'it was pending for two and a half years; we have not offered any explanation'. Sir, they did offer explanations."

THE HON. SRI B. GOPALA REDDI:—"That was not a public occasion to reply to that."

SRI T. PRAKASAM:—"The Hon. Mr. Gopala Reddi offered an explanation to the Premier. It was not in public; in open street, or in the legislature. That is why we are struggling here to make the world and this House know them. Explanation was given. Then, Sir, there was an administrative change in the Congress organization in Delhi, and another gentleman came here for enquiry. He stated that he was going to make a

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preliminary enquiry. He thought he was an officer of the Government, and he called for various files. You may remember, Sir, that we had a discussion on the subject whether this gentleman could call for Government files, etc. Then also, we did not get any opportunity to speak to this gentleman and explain our charges. The correspondence that passed between Mr. Karanth and that gentleman is on the files. That shows clearly that that gentleman came here, made enquiries, and then went. I am telling you, Sir, there was no occasion for us to know exactly what these Ministers had been telling, and what explanation they gave. Finally, the tragedy was enacted when the matter was left in charge of some other great friends. They also did not call for us, and did not enquire about anything we had to say. Hon. Friends opposite had the privilege and honour of distributing the report, that was presented by the enquiry committee, not only among themselves but among others also, and they have been saying 'everything had been proved and there was nothing in it'. I challenge them that, that enquiry was an one-sided enquiry. We were never called upon to say what we had to say. I pointed out how absurd it was to say 'there was nothing in it'. I was in Delhi then, and I sent a contradiction. I asked for explanations. Until now no explanations have been forthcoming. I was obliged to say all these because a report was distributed the other day with a view to make others understand that we are trying to dig out things which have been buried. That is not so. I am placing at your disposal my letter to them and other facts. They must also be in the hands of these hon. Members."

JANAB M. MUHAMMAD ISMAIL:—"Sir, the hon. Member Mr. Prakasam refers to the copy of the report of the sub-committee of the Working Committee of the Indian National Congress which has been circulated to the Members of this House. I also have received a copy of it. I have gone through it, and I suppose other Members also have gone through the report. We have got an idea and an impression about the case. Instead of the hon. Member Mr. Prakasam following the procedure which he is adopting now, if he takes up this report and criticizes it and tells us wherein it is wrong, it will be helpful. It will simplify matters and it will also make us understand things better. This is what I want to suggest to the hon. Member."

SRI T. PRAKASAM:—"Sir, before coming to this House we had a meeting in your room about the time that would be taken by me or by my side. I offered that report with the letter on the front page, which will explain the whole thing. The Hon. the Leader of the Opposition asks me to take that report. That report is an one-sided report I say." (Cries of hear, hear and no, no.)

MR. SPEAKER:—"Order, order."

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SRI T. PRAKASAM :—" Sir, these are the friends who have come to work as a Government elected by the people."

MR. SPEAKER :—" Let it not be a personal attack on any hon. Member."

SRI T. PRAKASAM :—" This is what has happened under your guidance and control, Sir." (Laughter.)

MR. SPEAKER :—" Order, order. I did not hear the hon. Member. Let him repeat what he said."

SRI T. PRAKASAM :—" It is difficult to repeat what I have stated." (Laughter.)

MR. SPEAKER :—" What I want to know is whether anything unparliamentary has been said."

SRI T. PRAKASAM :—" Especially when you are there, I would never use an unparliamentary word, Sir. (Laughter.)

3 p.m. " Sir, the next item is cement, with which Sri V. Kurmayya is concerned. The cement portfolio belongs to the Hon. Mr. Bhaktavatsalam. He is responsible for the way in which cement has been distributed to Sri V. Kurmayya, his wife, his friends and others. If the Hon. Leader of the Opposition asks me to give all the items here, that alone will take time till the evening. But I am stating the contents of the documents which I propose to give to all the Members here.

" Regarding this cement business, what happened? Who is responsible for all this maladministration? When people went and asked Sri Bhaktavatsalam, 'Why are you allowing' this cement to be distributed like this? The cement is not being utilized for the purpose for which it was applied; it is being sold in the black-market. Why are you allowing all this? . . ."

Sri Kurmayya rose in his seat.

MR. SPEAKER :—" I will allow the hon. Member to have his say on the matter afterwards."

THE HON. SRI M. BHAKTAVATSALAM :—" On a point of personal explanation, Sir, I may at once say that nobody talked to me anything like that and I have never talked with anybody as quoted by Sri Prakasam."

Again Sri Kurmayya rose in his seat.

MR. SPEAKER :—" Order, order. Sri Prakasam must speak now. Does Sri Kurmayya want to speak on a point of personal explanation? If it is personal explanation, he can speak."

SRI V. KURMAYYA :—" I never approached Sri Bhaktavatsalam on this."

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SRI T. PRAKASAM :—" PERMITS FOR CEMENT ISSUED IN THE NAME OF THE WIFE AND UNCLES OF THE HARIJAN MINISTER SRI KURMAYYA.—Permits were issued for cement to Srimathi Syamala Devi, wife of Sri Kurmayya, the Minister for Rural Development, ostensibly in the name of the company called Anjalidevi Cement Company, for the benefit of the aforesaid lady and were being utilized to sell the cement in the black-market. Similar permits were issued in the name of a Harijan company, Bezwada, for the benefit of Sri Thirumalayya, maternal uncle of the said Minister. Similar permits were issued for cement in favour of Natangi Rudrakshudu and another in the name of the same Minister. It is understood that there were about 15 persons who applied for cement permits for building purposes to the municipality but who got cement only for black-marketing.

" *Public Works Minister and Rural Development Minister.*—The cement scandal has been the biggest of the scandals of this State during the last two years. Sri V. Kurmayya and his wife Srimathi Syamala Devi have become most known figures in this connexion. Sri Kurmayya was Rural Development Minister of the Government of Madras. His wife Srimathi Syamala Devi has been in charge of Harijan Hostel, Bezwada. She made an application to the Honorary Cement Controller for the grant of cement quota for using the same for repairs of the Harijan Hostel partly and for starting and carrying on cement concrete works, for making bricks and various other products with cement and for selling the same in a market and utilizing the profits for maintaining about 85 students of the hostel. Large quantities of cement were also allotted to various other persons on the recommendation of Sri Kurmayya, Rural Development Minister. They did not really carry on any concrete works in cement in any of the places mentioned by him. All were black-marketeers. Before Sri Shanker Rao Deo—this is important, Sir—Sri Kurmayya confessed the truth of the business which he and his wife and friends and relations had been engaged in for a very long period continuously, getting monthly supplies of cement, and if there was any failure in getting monthly supplies, they applied again even after four months and they got cement for all the four months also. If they did not get the supply, they pressed the authorities and succeeded in collecting monthly quotas together with arrears. Sri Kurmayya who called himself Rural Development Minister confessed more than once that the profits realized by sale of concrete cement works were utilized for maintaining the hostel. He said that as a Harijan Minister he was entitled to carry on such trade while continuing as a Minister. He confessed that he and his wife were using the cement for purposes, for which they had no authority. On the top of this he had to say that he believed that he was utilizing such profits for charitable purposes. He believed that it was his duty to do such things. Nowhere in the world could anybody say that one in the position of a Minister made such an act and made such a confession and continued in office so long snapping his fingers at anybody who questioned him.

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Cement is not anybody's private property. It is public property; it is the property of the Madras Government or it is the property of the Government of India. It is admitted that the State has the Honorary Cement Controllers. They were also appointed for carrying on the administration of cement on behalf of the Public Works Minister who had been made the head of the administration of the Public Works Department. On behalf of the Government of India, there have been two Honorary Cement Controllers in the Madras State each drawing an honorarium of only Rs. 200. Anything done by these Cement Controllers is done on behalf of the head of the administration, the Public Works Minister, who has made himself responsible to the Government of India. I am saying this, because it was said somewhere that the Public Works Minister who was the head of the Department had nothing to do with it and that these Honorary Controllers each one of whom was drawing only Rs. 200 was responsible for distribution of cement and that Sri Kurmayya and others might get any quantity. Therefore, it was said that it was none of my business. That, the Public Works Minister who was put in charge of this business formally and legally cannot be put forward as a ground.

Sri Shanker Rao Deo referred to the doings of Sri Kurmayya at some length in his report. Sri Kurmayya's activities were not confined to the activities of his wife Syamala Devi who was the Secretary of the Anjalidevi Hostel. Sri Kurmayya as Rural Development Minister thought that he might utilize his position for establishing a newspaper called 'Vyavasayakuli'. He conducted the paper in his own house where there was an editor nominally. Sri Shanmugam Ganu, M.L.A. He collected large sums of money and printing materials worth several thousands from certain zamindars and also others. He made no secret of it.

8-15 p.m. "He made an application for the supply of cement, iron and other things for the construction of a house for the printing press and the newspaper. He succeeded in getting what he wanted. Sri Bhaktavatsalam, the Public Works Minister, cannot pretend to have been ignorant of the several acts talked of now. To some of the letters written to him questioning why he was distributing cement, etc., on such a large scale to Sri Kurmayya, the reply given by him was, 'He has asked for it. What could be done if a fellow Minister comes and asks?'"

THE HON. SRI M. BHAKTAVATSALAM :— "On a point of personal explanation, Sir, the hon. Member, Sri Prakasam, once before said this and I contradicted it flatly."

SRI T. PRAKASAM :— Sri Shanker Rao Deo suggested a full enquiry into all matters connected with Sri Kurmayya—supply of cement for construction of his house, construction of buildings for his press and newspaper, etc., for which Sri Bhaktavatsalam is primarily responsible for, without his knowledge a scandal of this magnitude would not have continued to be perpetrated by the Cement Controller. For everything done in this connexion, the name of Sri Kurmayya was not used as Kurmayya but as the

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Rural Development Minister in the Government files. The whole thing looked like the Rural Development Minister demanding and commanding the Public Works Minister who is the head of the administration of Cement Control, to issue permits. Thundering demands came from the Rural Development Minister although all these were meant for his personal benefit. He writes as Rural Development Minister to the Public Works Minister and it has been all done as between two departments.

"About the constitutional and legal position of the Public Works Minister as the head of the administration of Cement Control, let me read, Sir, the relevant portions of G.O. No. 3981, Public Works, dated 22nd December 1947, and the Press Note No. 140, dated 31st May, 1948. These were issued after the Madras Government had come to some agreement with the Central Government on the question of administration of Cement Control. This was the position, Sir.

After examining the various complaints, the Government of Madras have decided to take over the administration of Cement Control—distribution, etc., and to place the whole scheme on legal basis under the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946 (Madras Act XIV of 1946).

That was the legal position regarding the liability of the Public Works Minister in the matter. I feel, Sir, it is necessary that there should be an enquiry into this matter. As has been pointed out already, the total quantity of cement given on the recommendation of Sri Kurmayya, Minister for Rural Development, then, in favour of his own wife was 235 tons between December 1947 and December 1948. Srimathi Syamala Devi was given another permit for the starting of a weekly paper called 'Vyavasayakuli' for 40 tons. The earliest application for the starting of the Anjali Devi Cement Works was made on 19th November 1947. She stated in that application that she was going to start a Cement Works in the girls' hostel at Arundelpet in Bezawada, that it was receiving a Government grant of Rs. 10,000 and that a portion of the profits from the new works—in the application itself it was mentioned and this has to be noted—would be utilized for the hostel. She wanted a monthly quota of 40 tons. On 1st December 1947, without disclosing the fact that the applicant was his wife, Sri Kurmayya wrote on the application:

"The applicant is the Honorary Superintendent of Sri Anjali Devi Adhi-Andhra Girls' Hostel."

The application, dated 21st February 1948 for the monthly quota bears the following recommendation of the Minister made on 23rd February 1948 :—

"The above Cement Works is doing very useful work. The grant of a monthly quota of 30 tons is recommended. The profits go to the Hostel."

The monthly quota was thereupon increased from 20 to 25 tons. Another application, dated 10th March 1948, was recommended by

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the Minister on the same date and the covering letter which accompanied it bore the following :—

‘ I am glad that you are granting Sri Anjali Devi Cement Works, Arundelpet, Bezwada, permits for cement every month, since December 1947. I have already apprised you of the fact that the profits go to the maintenance and other expenses connected with the administration of the Hostel.’

He added :

‘ I shall be glad if you can grant them a monthly quota of 30 tons.’

The quota was increased to 30 tons. Yet another application was made in April 1948 and the recommendation of the Minister runs thus :

‘ Last month, a quota of 30 tons was granted to the Hostel. The Hostel is doing very useful work for the Harijans. A similar quota may be granted for this month also.’

Then, Sir, on 10th December 1948, Srimathi Syamala Devi said in a letter that the Cement Works began operation in December 1947, the profits for the first five months were Rs. 200 per month and the profits were donated to the hostel in the shape of bricks, labour for the construction of additional rooms, etc.

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p.m.

‘ It further says that it is the only concern in the whole of the Province and quota for four months was received. The application was endorsed by the Minister on 10th December 1948 and the permit was asked to be sent to the Minister himself. The application is by Mrs. Kurmayya signing herself for ‘ Vyavasaya Cooli ’—the newspaper of the Minister. She says that she has started a weekly on 5th August 1947 and the Raja of Chellapalli was pleased to donate the required press material for running the press of their own. It was stated that the press building was being constructed at Bezwada for which the necessary iron material were obtained but 40 tons of cement was required. On this Sri Kurmayya recommended as follows : ‘ Forwarded to the Honorary Cement Controller for favourable consideration. The work has already commenced and more than 4 tons of iron and steel is sanctioned for this work’. The permit is received the next day by the Minister’s peon from the Controller as per a letter of the personal clerk. As per the application of the Minister made by himself for his own residential building at Bezwada 640 bags of cement were granted. The application was originally, dated 23rd December 1948, altered to 30th March 1949 and finally altered to 28th April 1949. The contents show that it was written by Sri Kurmayya himself when he was Minister and the dates altered later on and he was granted a quantity of 24 tons and 5 cwt. The recommendation on another application, dated 8th May 1948 is ‘ Forwarded and recommended strongly. The applicant is a good worker.’ The application says applicants and only one has signed belonging to agricultural labourers families of Harijans. Others also made applications saying that they were going to start cement works. They were all recommended and granted by the office through Sri Kurmayya.

‘ So far as the cement is concerned I have taken a little time, Sir. I want the patience of the House because everything is denied.

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I am placing before the House the dates, the manner in which it was worked and so on. When such a challenge is made by the public there must be a proper enquiry into the matter. There was no enquiry at all and therefore we were forced to come before the House because it retains its name as the legislature of this State. This is the only forum where these things should be brought and should be enquired into.

‘ From the Government files we saw, we also find that the father-in-law of Sri Sitarama Reddi was given 2,000 bags of cement. (The Hon. Sri Sitarama Reddi shook his head indicating dissent.) Sri Sitarama Reddi is shaking his head. I hope he will have the strength to shake his head and defend his position before a properly constituted tribunal. I am telling all these from the Government files which we have seen. This gentleman at one time said : ‘ Oh ! it is all nonsense, these files and other things.’

THE HON. SRI H. SITARAMA REDDI :—‘ I maintain it is so.’

SRI T. PRAKASAM :—‘ Yes, he maintains it. I am maintaining the position that I have taken here; that from the records of the Government, it is seen that this gentleman, the father-in-law of Sri Sitarama Reddi was given 2,000 bags of cement.’

THE HON. SRI H. SITARAMA REDDI :—‘ I challenge you to show it.’

SRI T. PRAKASAM :—‘ Yes, you had not had the goodness to ask for it or know it but you now challenge me.’

MR. SPEAKER :—‘ Let it not become a personal attack.’

SRI T. PRAKASAM :—‘ The Hon. Member will know it very soon. Therefore, Sir, so far as the cement business is concerned I have stated everything in detail with a view to convince the hon. Members of this House that it cannot be pleaded by the Public Works Minister who is made the head of the department and who is made responsible for the distribution of cement that he did not know anything. The Government Order that I have read just now will show how he was made responsible for the proper distribution of cement in the administration of this country, and how complaints reached them before final orders were passed by the Madras Government. I read out from the Government Order, of course I am not creating anything new, in regard to the responsibilities of the Minister about distribution of cement. So far as cement is concerned an enquiry is absolutely necessary and I do not think that after hearing all that I have stated the date of applications, the conduct of the Minister and everything—nobody would say that no enquiry need be made into these grievances of the public.

‘ Now, Sir, let me pass on to another item, and that I submit is the bus affair. (Laughter). The bus affair has become a very big affair also. Poor Mr. Daniel Thomas is no more. He was in charge of that bus business. The Madras State Bus Transport scheme was started by him and 300 buses he wanted. (Sri Kallur

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Subba Rao : Are there charges to be brought against dead person also? I do not know, Sir, who has put that question whether complaints could be started against dead person also. Long after persons have died, complaints will be brought forward because these matters did not end with that man's death. They have continued (laughter). Curiously, in this picture, the Italian bus scandal, here are persons in charge of it, persons who came in the place of Daniel Thomas. How much money was given! How many lakhs of rupees have been given on that account even after Mr. Daniel Thomas was dead? How much money was spent? I think three persons signed the papers, that is what we see from Government papers, the Hon. the Finance Minister, Sri Bhaktavatsalam and Sri Daniel Thomas. Mr. Daniel Thomas died alone, and I want to make my position clear to his associates who are here, in regard to that deal. There are friends here who have to account for that business. They have been thinking that nobody could question them because the whole administration has come into their hands and they can do this or that or any other thing as they pleased. Therefore with regard to the Italian bus affair, let me tell you why I want an enquiry. Mr. Daniel Thomas placed an order for it. Who is the person that sanctioned it? Which is the company in Bangalore that supplied the buses? There is a cinema gentleman in Bangalore, who offered for this huge transaction of Italian buses. Purchase of 25 buses was sanctioned at one stretch, at terrible cost. When persons went to see the place from which this business was carried on, from where this offer was made to the Madras Government and this Government accepted the offer, there was nothing. When you go into the cinema business nothing could be got about this Italian bus business. The other day the Hon. the Finance Minister was replying to the questions on the floor of the House with regard to these Italian buses, what are all the conditions for the purchase of these buses, what are all the contracts, who are the persons that were responsible for them. Sri O. P. Ramaswami Reddiyar, the then Prime Minister wrote on the files : 'Who is responsible for this scandalous business. Everybody is talking ill of us when we go out into the streets.' After all he got the support of some good friends in the department itself and he cancelled the second order for another 25 buses. It is a tragedy. In the papers that I am distributing you may read them and check them for yourself. Then you may call upon me to explain if there is anything wrong in what is stated about the whole of the Italian bus affair.

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p.m.

"Fortunately there are persons here who are responsible for it. The Hon. Finance Minister surely will not say and cannot say that his department and himself are not responsible for distribution of moneys so far as the Italian buses are concerned. I have just indicated and I will not be taking you, Sir, and also the hon. Members of the House through the long pages which will certainly take time. For the sake of convenience, I am distributing these pages to you, Sir, and the hon. Members of the House, chapter and verse, before anybody can challenge and say that that could be done in the enquiry which I am asking for."

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THE HON. SRI B. GOPALA REDDI :— "Sir, is it the contention of the hon. Member that for all the expenditure incurred by the Government in the various departments, the Finance Minister is responsible? I want to know whether I am in charge of so much responsible work."

SRI T. PRAKASAM :— "The Hon. the Finance Minister has been getting on well with the administration. It should not be for him to put the question whether he is responsible."

THE HON. SRI B. GOPALA REDDI :— "I want to know whether the Finance Minister is responsible for all the expenditure so that I may know how the matter stands when I bring charges against Sri Prakasam."

SRI T. PRAKASAM :— "That is the real feeling of my friend, Sir. You may frame charges against me and I will not shirk as you are doing to-day." (Laughter and clapping of hands.)

MR. SPEAKER :— "Wherefrom is the clapping of hands? Is it from the gallery? If it is from the gallery I will have the gallery cleared. Let hon. Sri Prakasam continue his speech."

SRI T. PRAKASAM :— "They are welcome to bring any motion here and I am ready here to accept the motion and ask them to enquire into the matter so that the House may decide. There is no question about it. This is a mere motion for the appointment of five Members of this House to go into all these tragic matters that have been agitating the whole country however much you might not have cared or others might not have cared. The whole country is perturbed and the people have no confidence in the present Government. You don't want to resign even if you are asked to resign. You want to hold on and bring other enquiries also immediately. Let the Committee that is to be appointed, see and go into all these questions. Nobody should run from that."

SRI P. NATESAN :— "Mr. Speaker, Sir. I want to ask

MR. SPEAKER :— "Hon. Sri Prakasam has not yielded. Hon. Members should know parliamentary rules. If hon. Sri Prakasam yields, the hon. Member may speak."

SRI P. NATESAN :— "Hon. Sri Prakasam said that these Italian buses were ordered by Mr. Daniel Thomas and his associates. Now, would he tell us what the value of the buses is, from whom they were bought and what his definite charge against the Ministers is. He said he was going to distribute the details chapter and verse about these. Sir, hon. Members do not know about it. I would like him to tell us the amount involved in the purchase of these buses, with whom the order was placed and who were the people, and which Minister was practically responsible for definitely placing the order because somebody must have signed the order. Who signed the order and how did a Minister have to pay against the buses that were ordered by others?"

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SRI T. PRAKASAM :—“ Sir, he is perfectly justified in asking for this information. I will tell him. The bus affair is a most extraordinary case where one of the biggest frauds was attempted but was not successful. The Minister in charge Mr. Daniel Thomas was laid in hospital for some time and died shortly afterwards. He was taken home while he was in hospital and before his death agitation was going on in the Assembly through questions and answers regarding the purchase of the Italian buses. The facts which my hon. friend wanted, are as follows.

“ Mr. Daniel Thomas, Minister for Transport, ordered for 25 buses at a cost of Rs. 50,000 each with a company by name the Indo-British General Exchange, Bangalore. This is a bogus company and, as I said then, it had no show room in Bangalore and its business premises was confined to a small room in a street in Bangalore. The proprietor of this great motor concern had never been in motor business and was running a cinema house. How was the order issued? I am now stating, Sir. The order was issued direct by the Minister after certain secret negotiations under the guise of Nationalization of Transport. This order was given by the Minister before the time given by the notice calling for tenders, expired. The tender notice was published in all Madras and other All-India Papers and a certain date was fixed in the tender notice as the last date for receiving tenders. But, before the date expired and before the tenders could be opened, the Minister placed the order for 25 buses at a cost of Rs. 50,000 for each bus with the company called the Indo-British General Exchange of Bangalore. I have taken a photograph of the building of the company, Sir, and it will be placed before the House if necessary. The proprietor of this great motor concern had never been in motor business before and was only running a cinema house.

“ The price that was agreed to be paid to this unknown firm was Rs. 50,000 for each bus. With this money, four Chevrolet buses could be had and they will carry four times more passengers and load. Another serious aspect of the case, Sir, is that the manufacturers are unknown persons. They are said to belong to some place in Milan in Italy and these Italian buses are equally unknown there also.

4 p.m. “ Another significant factor is that the Government, after placing the order for 25 buses with this Italian firm, placed another order for 25 buses and a third order for 75 which was cancelled at the last moment. The trouble inside was that the order for all these buses was placed under the original scheme of 300 buses they wanted to acquire and then nationalize the transport. The order for the second 25 buses also has been cancelled later. This was done because the Government realized the mistake and the criticism on the floor of the House has become too much for them. The total cost of the 25 buses was Rs. 12,50,000. Rupees 12,50,000 had already been paid even though only six or seven buses had been actually delivered. That is another secret of the administration of our Government. Before all the 25 buses ordered had been actually delivered, when only six or seven had been delivered, we

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pay Rs. 12,50,000 to that Italian firm of Milan. The buses are not worth more than Rs. 4,00,000, at the rate of Rs. 16,000 each. Thus a waste of a sum of Rs. 8,00,000 of valuable money in one single transaction occurred. This has to be explained. It must be explained also how it happened that the cost of all the 25 buses ordered was paid when only six or seven buses had been delivered actually. This firm was in Bangalore and not in Madras. The question whether such a big order could not be executed by a Madras firm must be investigated. How did this unknown firm get into the good graces of the Government and secure such an order involving so much money when there was in Madras a number of motor firms in the city, apart from other well-known firms in the State? ”—(At this stage the hon. Member was seen to assume a sitting posture on the table in front.)

MR. SPEAKER :—“ Order, order.”

SRI T. PRAKASAM (resumed the standing posture) :—“ To give a satisfactory answer to Mr. Natesan's query, I will quote the answers given on the floor of the House. The Madras Government ordered 25 diesel buses in July 1948 and 25 more in August. Both these were ordered from Messrs. Seshasayee Company through the agency of a Bangalore firm. The diesel buses were found to give a mileage of 11 to 13, whereas the petrol buses gave a mileage of 15. The diesel buses were of 4½ tons weight and were found to be too heavy for Madras roads. They were low cylinder vehicles making unbearable noise and spare parts for them could not be got anywhere in the local market. The Madras Government was therefore obliged under the contract to employ European technicians from the European firm alone for managing the Government workshop. In spite of these disadvantages, the Minister for Transport, for reasons best known to himself, preferred the Italian buses and caused several lakhs of rupees loss to the Government and to the public.”

SRI V. RAGHAVAYYA :—“ Sir, Mr. Prakasam may be permitted to sit and speak.”

MR. SPEAKER :—“ Order, order. The hon. Member (Mr. Prakasam) is still on his legs. If he yields to Sri Raghavayya, he may have his say.”

AN HON. MEMBER :—“ He is making a request to help Mr. Prakasam.”

MR. SPEAKER :—“ Order, order. If the request comes from Mr. Prakasam, I have no objection to allow him to sit and speak. (Mr. Prakasam was again seen to assume a sitting posture on the table in front.) If the request comes from Mr. Prakasam, I will certainly allow him to sit and speak.”

SRI T. PRAKASAM :—“ I will make a request when I feel it absolutely necessary to sit down.”

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MR. SPEAKER :—“ If the hon. Member wants to sit, he must sit on the bench provided. If he wants permission I will give him. But he must sit on the bench and speak.”

AN HON. MEMBER :—“ What about the mike? ”

MR. SPEAKER :—“ It will be adjusted near his seat.”

SRI T. PRAKASAM :—“ I thought my sitting or leaning on the table is not objectionable.”

MR. SPEAKER :—“ Sitting on the table in front is objectionable, I have no objection to the hon. Member leaning on the table.”

SRI T. PRAKASAM :—“ I do not want to give you any trouble about this. Now resuming my speech, I say that under the guise of nationalization of motor transport in Madras, the ministry purchased 25 Italian buses at a cost of about Rs. 12,50,000. This created a furore certainly in the Province. This make of bus was unknown in India. When actually tenders for buses could have been called for, this private transaction was entered into by the late Mr. Daniel Thomas, the Minister in charge of Transport, with an alleged firm called the Indo-British General Exchange of Bangalore. Except for a name board and a single room in Bangalore, this firm had no motor business in Bangalore and, as stated already, the proprietor is running a cinema concern there. Mr. Natesan wanted all this information and so I say further, that private correspondence seems to have taken place between the Minister and this man and the order was placed for 25 buses at Rs. 50,000 each. The price was exorbitant and the purchase should not have been made at all. And yet, before all the 25 buses had been delivered, when only six or seven had been delivered, the cost of all the 25 buses was paid by the Government.

“ Now, Sir, I am coming to the officers who are responsible for this. There was one I.C.S. Officer who was made responsible for all this business. (The Hon. Sri B. Gopala Reddi : ‘ Mr. Sathe.’) and various questions were asked and answered on the floor of the House as to how the matter was disposed of and what was done with any person responsible for such miscarriage of work and duty. These are all matters which should not have been left to the whims of any responsible Government. If anyone felt any responsibility in the matter, he could have gone into the whole question and dealt with it appropriately. It was not done. Unfortunately it was left only to Sri Omandur Ramaswami Reddiyar to say who was responsible for this scandalous business. Everybody was abusing us in the country. Ultimately one gentleman, a great officer, helped him and thereupon the order for the second batch of 25 buses was cancelled. I should not say anything more than what I can find support in the records. So many things were said about this matter about which I should not concern myself, nor you nor

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the House. I hope, Sir, I have endeavoured to give as much information as possible to the question raised by Mr. Natesan Mudaliyar.”

SRI P. NATESAN :—“ Sir, I want this point to be clarified. After all this long explanation given by Sri Prakasam, he has not been able to tell the House how he connects the two Ministers Sri Bhaktavatsalam and Sri Gopala Reddi with what was done by the late Daniel Thomas. According to Sri Prakasam it was the late Daniel Thomas who ordered buses costing half a lakh of rupees each. The second lot of 25 buses was cancelled later on. I want to know how the other Ministers are connected with what Mr. Daniel Thomas did. I would like him to tell the House about it.” 4.15 p.m.

THE HON. SRI B. GOPALA REDDI :—“ The hon. Member may leave it to me. I will fill in the ellipsis.”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ Sir, the point raised by Sri P. Natesan is this. From the information given so far by Sri T. Prakasam, we find that he has not referred to any of the present Ministers. The House is not made aware, from the statement of Sri Prakasam, how this relates to any of the present Ministers.”

THE HON. SRI B. GOPALA REDDI :—“ Money is involved and so the Finance Minister is involved; that may be the argument.”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ But so far, Sri Prakasam has not made out a case against any one of the present Ministers with regard to the diesel buses. That is Sri Natesan's point.”

SRI T. PRAKASAM :—“ In the very first day, these Ministers sat together they came to the decision . . . Sir, with your permission, may I ask Sri K. R. Karanth to read to the House that portion of my speech? ”

MR. SPEAKER :—“ Is it a very big one? ”

SRI K. R. KARANTH :—“ After Sri T. Prakasam finishes his speech, I propose to second the motion. In doing so, I shall go into the details of this question. But if he wants and if the House agrees, I shall say a few words now.”

MR. SPEAKER :—“ I will give another opportunity to the hon. Member.”

SRI K. R. KARANTH :—“ I shall speak only on this point as to how the others are connected with this.”

MR. SPEAKER :—“ The hon. Member will have another chance.”

SRI K. R. KARANTH :—“ I will leave it to you, Sir.”

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MR. SPEAKER:—"Let the hon. Member Mr. Prakasam continue his speech. Mr. Karanth will be given another opportunity to speak on this matter."

SRI T. PRAKASAM:—"He can deal with it in his own way. I thought that it would facilitate matters if he refers to the point just now. But even before the scheme was sanctioned as aforesaid some negotiations appear to have been going on between the Indo-British General Exchange, Bangalore (hereinafter referred to as the Indo-British) and the late Mr. Daniel Thomas (Minister for Prohibition and Transport) and Mr. D. D. Sathe, I.C.S., Secretary, Central Road Traffic Board. The Directors of the Indo-British are said to be Rao Bahadur S. V. Govindarajulu and Brothers and Mr. C. R. O'Neil. The Indo-British first wrote to the Government on 19th August 1946 and continued the correspondence with the Transport Commissioner. The then Transport Commissioner called for tenders for the supply of these buses. The matter was advertised in some of the important dailies in Madras, Bombay, Delhi and Calcutta between 29th July and 3rd August. The tenders were to be submitted on or before 10th August 1947. The interval was obviously too short. Even before the tenders were called for, Mr. Sathe appears to have been sent to Bombay to take offers. In response to the tenders a Bombay firm said that the time was too short but the Transport Commissioner was not prepared to extend the time. Messrs. Leyland, Bombay, wrote that they would not send any additional tenders but had given their offers to Mr. Sathe personally.

"The tenders (besides some others which are very costly) were—

Diesels—I.F. Buses—Indo-British 8,715 dollars or Rupees 23,870 approximately F.O.B. Italian port. Chassis alone Rs. 13,420.

"Even before the tenders were received, however, as a result of the negotiations between Mr. Daniel Thomas and the aforesaid Indo-British an order was placed by the Transport Commissioner for 25 diesel buses with Isotta Fraschini, a firm at Milan in Italy at a price of 8,715 U.S.A. dollars, F.O.B., Italy, plus actual freight, insurance charges and customs duty. Such an order should not have been placed at all. It appears that the director of the firm told the Minister for Transport at a meeting they had on the 29th July 1947, that without such an order immediately, the Italian firm at Milan could not secure the necessary raw materials in Italy and manufacture the buses and deliver the first batch by October 15th. This itself should have put on guard anybody dealing with this firm. There was no examination of what the cost of freight or insurance or the customs duty would come to or why the Italian firms should be paid in U.S.A. dollars and not in liras. Anyway, the Transport Commissioner as directed by the Minister for Transport, placed the order for these 25 buses. The

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Transport Commissioner said that he had made it clear to the Indo-British that the order was subject to confirmation by the Government. The provisional order also made it obligatory on the Italian firm to assist the Government in equipping a depot in Madras and supplying it with spare parts for the proper servicing of the buses.

"The Home Department noted on this matter before confirming the provisional order of the Transport Commissioner that it would be better to import chassis only and get the bodies built here in India as bodies built in Italy might not suit this place and that it would also save exchange. The Provincial Motor Transport Commissioner was asked to keep this in view.

"Paragraph 14 of the note-file—which we took from the Government records during the investigation—shows that the Finance Department stated as follows:— 4-20 p.m.

"A new scheme of this magnitude should be approved by the Cabinet. Confirmation of this provisional order would amount to committing Government to an extent of nearly Rs. 8 lakhs or more. As already advised by this department, it would seem that the normal procedure of obtaining the approval of the Cabinet and the Legislature should be followed before Government commit themselves on this question."

This is all the note of the Finance Department, Sir, with regard to this transaction. So, on 5th August 1947, the department suggested postponement of the question. They said, if however, the Home Department wished to issue orders in the present case immediately, they will have to take orders in circulation of Hon. Minister (Transport), Hon. Minister (Finance) and Hon. Prime Minister and His Excellency as was done in certain other extremely urgent cases.

"The following note of Mr. Dodwell, Finance Secretary, of the same date, is important:—

"Finance may agree with the Home Secretary that it would be better to import chassis only and get bodies built here. It is presumed that it would not increase the total cost and might decrease it as there would be a saving of freight and customs duty in respect of the bodies."

In fact, later when the Indo-British failed to deliver the second batch of 25, in their letter of 14th February 1948, they wrote that if bodies were built in India, it would save Rs. 8,000 on each bus or Rs. 2 lakhs on 25 buses and they would supply Fiat chassis and Fiats were as good as 'I.F.' In spite of these notings and the fact that in another two or three days tenders would be received for all buses which had been already advertised for, which was mentioned in the note, Mr. Daniel Thomas, Minister for Transport, Mr. M. Bhaktavatsalam, Minister for Public Works, and Mr. B. Gopala Reddi, Minister for Finance, signed on 6th August 1947 and 7th August 1947, the orders confirming the Transport Commissioner's provisional order for the 25 buses as aforesaid. My hon. Friend wanted the link; the link is supplied here by these three people signing and approving the whole of this business. So far with regard to the first stage which closes with the signature of these three friends confirming the Transport Commissioner's provisional order for 25 buses.

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"The second stage in the matter of these Italian buses is an order for another 25 buses, placed as below. The City scheme having been approved by the Cabinet on 9th August 1947, the Transport Commissioner—who was a very clever man—requested the Government to sanction the purchase of 231 buses as follows:—

Diesel ..	75 (including the 25 for which provisional order had been already placed.)
Ford	75
Chevrolet ..	75
Double Decker ..	6
Total ...	231

That shows how anxious he was and how ambitious he was to put all the 300 buses under order and in execution and also in work. Though the tender details were given, the lowest tenders were not accepted. For example, for diesel buses, Simpson, Madras, quoted Rs. 22,775 as against Rs. 28,870 plus freight, etc., in Italy of the Indo-British General Exchange. The Fords are each Rs. 3,000 more than the Chevrolet. Though the Government Order for nationalization says that the purchase of the 300 buses was to be made by the Central Road Traffic Board in the open market and subject to the conditions of the maximum prices noted therein, Minister Mr. Daniel Thomas convened a conference of himself, the P.M.T.C. Mr. Sathe, the Secretaries for Finance and Home and the Chief Secretary, and it was decided to accept the tenders and order for the following: 50 diesel I.F. including 25 already ordered, 75 Fords and 75 Chevrolets. For the 55 vehicles required to make up the full complement of 300 buses the Indo-British pressed for the purchase of 50 more buses, but the Home Secretary noted:

'The diesel bus is still an experiment and we have to see after their importation how they will work. Before even we have tried it, it seems inadvisable to place an order for 50 more, particularly at enhanced prices.'

So, the office note recommended 50 new Fords and Chevrolets.

"The Transport Commissioner again pressed for purchase of buses from Italy or Leyland and a note said that a conference was to be held at 4 p.m. on 21st October 1947 in the room of Mr. Daniel Thomas. The following was the note of Mr. Dodwell, Finance Secretary:—

'This was handed to me at 2-30 p.m., with the request that I should attend a conference at 4 p.m. There has been no time to get it examined in Finance, nor to study it properly myself, and I am being asked to commit Finance department on a matter of this importance at a meeting without any opportunity for proper prior examination. As I noted in another case, the position with regard to the order already placed for 50 Diesel buses is very unsatisfactory from several points of view. This is no doubt largely due to the fact that the decision to place the order was taken in a great hurry and several important points did not get proper attention.'

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At the conference, it was decided to buy 38 Chevrolets and 12 Fords as Chevrolets were Rs. 3,000 cheaper, a point which should have been noted earlier in placing the order for 75 Fords.

"Not satisfied, the Indo-British still pressed for 50 more I.F. buses and an order for 350 diesel chassis. The Minister, Mr. Daniel Thomas, asked if the matter may be discussed with the Transport Commissioner. The Secretary, Home Department, turned down the suggestion, as the import licence for the previous 50 have yet to be got. But Mr. Daniel Thomas said that the Hon. Minister had moved Delhi in the matter of the import licence and an order might be placed.

"Sir, I have referred to all these matters because very patiently the hon. Member, Mr. Natesan, put the question and he knows more about the business and the dealers in the country. So far about the Italian buses. 4-45 p.m.

"Now, Sir, I will take the House to the bus transaction of Machani Somappa. Machani Somappa was a partner and a friend of the Hon. Mr. Sitarama Reddi. Machani Somappa applied for a licence for a bus route that was running between Uravakonda and another place. The Union Bus Company of Uravakonda also applied for the licence, but the officer who had to pass the order preferred the Union Company and gave the licence to them. On that an appeal was made by Machani Somappa to the Minister himself and the Minister was good enough to say to the officer concerned, 'No, this should not be done like this, you better revise your own order. You will have to give it to Machanic Somappa. So saying, he even gave a temporary licence himself to Machani Somappa.'

THE HON. SRI H. SITARAMA REDDI:—"Who was the Minister?"

SRI T. PRAKASAM:—"Who was the Transport Minister then, you tell me?"

THE HON. SRI H. SITARAMA REDDI:—"You tell me."

MR. SPEAKER:—"Order, order."

SRI T. PRAKASAM:—"Sir, Mr. Sitarama Reddi is still harping upon some old things."

THE HON. SRI H. SITARAMA REDDI:—"I harp upon hard facts."

SRI T. PRAKASAM:—"Well, Sir, what is the good of fighting against hard facts. If it is not a fact, let it be so. But, what is it that ultimately happened. It came to you."

THE HON. SRI H. SITARAMA REDDI:—"No, no. It is a lie."

MR. SPEAKER:—"The expression 'you' refers to the Chair. The hon. Member should address the Chair and not the Minister."

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SRI T. PRAKASAM :—“ It went to the Transport Minister.”

SRI B. S. MURTHY :—“ Can an hon. Member use the word ‘ lie ’ ? ”

THE HON. SRI H. SITARAMA REDDI :—“ If it is wrong, I withdraw it, Sir.”

MR. SPEAKER :—“ The Hon. Minister has withdrawn it. Let the hon. Mr. Prakasam continue his speech.”

SRI T. PRAKASAM :—“ Well, Sir, I am using harsh words against the Ministers and they may as well use harsh words against me. I have got guts enough to take them and show to them that the fact is not on their side and that the truth is on the side I am taking.

“ Then, Sir, the Transport Minister reversed the order in favour of Somappa. If the Hon. Mr. Sitarama Reddi's contention is that he was not the Transport Minister, but it was somebody else

THE HON. SRI H. SITARAMA REDDI :—“ At no time I was the Transport Minister.”

SRI T. PRAKASAM :—“ This sort of interruption he ought stop, Sir.”

THE HON. SRI H. SITARAMA REDDI :—“ Mis-statements must be corrected.”

MR. SPEAKER :—“ Let not the Hon. Minister disturb him. I will allow the Hon. Minister to have his turn. Now, the hon. Mr. Prakasam may continue.”

SRI T. PRAKASAM :—“ It is not correction of any statement, Sir. If I had made any mistake, he can correct. Supposing the Hon. Mr. Sitarama Reddi was not the Minister for Transport, it is open to him to correct me, but I am bound to tell him then that if the Transport Minister at that time was not Mr. Sitarama Reddi then it might have been Gopala Reddi. Sri Sitarama Reddi and Gopala Reddi are one.” (Laughter.)

THE HON. SRI B. GOPALA REDDI :—“ We are two!”

SRI T. PRAKASAM :—“ It is mutual obligation as I would be showing shortly when I come to the charges against the Hon. Finance Minister. It is mutual obligation and they might exchange ideas. Mind may be one but bodies different.”

“ Now, Sir, I am coming to the real point about which any member might be annoyed or worried. That is, after the order was reversed, the matter went up to the High Court. If I am wrong I may be corrected. The matter went up to the High Court and the High Court considered the matter in detail and held that this Minister had no power to reverse the order of that first officer who passed it. When the High Court order was passed, what is the duty of any Minister who swears loyalty to Government and to the

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Constitution? When the High Court passed such an order, instead of respecting it Raghava Menon or no Raghava Menon it makes no difference—this High Court order was defied and thrown to contempt and this gentleman, imagining himself that he came from above, that he was even above the High Court and above law, thought he could introduce a Bill into this House validating all irregularities and providing for a second appeal to the Minister again against the decisions of judicial officers. Sir, it is a gross abuse of power of office by any Minister on earth to commit.”

THE HON. SRI H. SITARAMA REDDI :—“ On a point of personal explanation, Sir. It is wrong and untrue to say that this matter was taken up to the High Court and reversed by the High Court. It is equally untrue to say that I brought in legislation or persuaded anybody to bring in any legislation. I challenge the hon. Member to prove it.”

SRI T. PRAKASAM :—“ Sir, the Hon. Minister has become somewhat touchy. A man in position, a man with power and with all that is wanted for him—he may correct me where I am wrong—denies everything on earth. He maintains and means that he is supreme with regard to all matters. He must stand to correction sooner or later, somewhere or other and I have no doubt about that. Sir, when wrongs have been committed, when serious wrongs have been committed, when I say that legislation was undertaken to validate the whole thing, he does not deny the facts that I am stating with regard to the legislation that was made. The legislation is there. It does not matter whether one Minister introduces a Bill or any other Minister introduces it, but the whole gang or group or any one of them could introduce it and could carry on their work. But, what I am asking you is, was it or was it not provided through legislation?”

SRI P. KANDASWAMI PHILLAI :—“ On a point of order, Sir. Can an hon. Member call the Cabinet as a whole as a ‘ gang ’ and can such an expression be used against such a respectable body as the Cabinet?”

MR. SPEAKER :—“ It is not unparliamentary, but usually such expressions as ‘ gang ’ are not used against the Cabinet Ministers. I hope the hon. Member will be more polite in the use of language in future.”

SRI T. PRAKASAM :—“ The expression ‘ gang ’ also is polite language. (Laughter.)

“ Sir, this charge is rather a serious one and whether it was committed by one Minister or another Minister or any servant of theirs, it makes no difference at all. Here are facts relating to what has happened. Sir, when once the order of the Minister was reversed, he got touchy about it and thought ‘ who can be above us, we have got power, we have got the Legislature, we can introduce a Bill ’—and so many Bills have been passed here without knowing anything. But, I was not present at the time when that legislation

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was brought in here, because I was not willing to come and stand before these gentlemen. This is a matter that has come in point. Sir, no such legislation should have been resorted to in this House. The facts are there and that is why I am requesting you and the hon. Members of this House to throw away all their old prejudices, likes or dislikes and deal with the matter straight taking all the facts that are placed before them and come to a correct decision.

"Sir, we have come practically to the end of our work also sitting here and doing work for four or five years. Therefore, so far as that item is concerned, Machana Somappa's business—hard facts will come to light as vehemently as possible when the occasion for it comes.

"Then, Sir, there is the Tripurasundari Bus Service affair with which Mr. Alagesan is connected. It is a story by itself and even that great man, Shanker Rao Deo, has commented upon this business and how the Ministers were discharging their responsibility. The Ministers simply say, I have nothing to do with it, but that somebody did it. Sir, the Minister's responsibility cannot end there, but the Minister's responsibility remains there from the beginning to end and whether one man commits a crime or another man commits the crime, it makes no difference however, but each one is jointly responsible and that is why even a layman like Shanker Rao Deo was obliged to comment upon that matter. Sir, Mr. Alagesan, who is a Member of the Parliament in Delhi, is a close relation of the Hon. Mr. Bhaktavatsalam. Mr. Bhaktavatsalam took particular interest in seeing that other people did not get the licence and that it was given to Mr. Alagesan, his own relation. On that point it was that even a layman like Shanker Rao Deo had to comment and he regretted that the Ministers were saying that they had nothing to do with that, although the facts are there. The facts are before the public and they can draw their own inferences."

MR. SPEAKER :—"The hon. Member may continue his speech on the next non-official day."

The House then adjourned to meet again at 11 o'clock on 24th November 1950.

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APPENDIX.

[Vide answer to starred question No. 516 asked by Janab M. S. Abdul Majid at the meeting of the Legislative Assembly, held on the 23rd November 1950, page 741 supra.]

(a) The Fisheries department was separated from the Industries department with effect from 21st September 1949.

The Retrenchment and Reorganization Committee was of opinion that the vast scope for fisheries in this State was not being exploited properly and systematically and with a view to the satisfactory working of the department, recommended that the Fisheries section should be separated from the Industries department and constituted into a separate department with a separate Director in charge of the department. The Government accepted the recommendation of the Retrenchment and Reorganization Committee and ordered the constitution of a separate department for fisheries.

(b) It was considered that in the initial stages of the department, a man with plenty of drive and administrative experience would be more suitable as Director than a technical man. That is the reason why an I.C.S. Officer of experience has been posted as the Director of Fisheries.

(c) --

	Before separation of the department (1948-49).	Budget estimate for the present year (1950-51).
	RS.	RS.
Revenue	9,10,059	13,93,200
Expenditure	28,10,805	25,68,300

(d) There has been a decrease both in the gazetted and non-gazetted staff as a result of the separation of the Fisheries department. But subsequently a number of schemes were sanctioned which increased the strength of the non-gazetted staff.

(e) 153.

(f) The rule relating to communal representation is not applicable to the technical posts in this department.

(g) Four members of the department were deputed as follows :—

Name of depute.	Period of deputation.	Special subject for which deputed.	Total amount spent.
(1)	(2)	(3)	(4)
			RS.
1 Sri V. John, B.A.	15 months from April 1947.	Latest methods of exploiting marine fishery resources, fish preservation and utilization.	9,270
2 Sri K. Chidambaram, M.Sc.	About 21 months from September 1946.	Latest development in Fisheries Biological and Technological Research and general practical fisheries.	Not available.
3 Sri R. Venkataraman, M.Sc.	28 months from October 1945.	Latest development in Fisheries Technological Research with special reference to refrigeration and other methods of preservation.	12,040
4 Sri Devidas Menon, M.A., M.Sc., selected by the Government of India as a private scholar.	Two years from February 1948.	General Fishery Research ..	..

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(h) Adequate facilities and necessary powers have been given to these candidates on their return to utilize their knowledge and experience.

(i) Two of the overseas trained candidates have been given the opportunity to concentrate on research problems relating to Biological and Technological aspects of the fisheries. These officers are now in charge of the Marine Biological Research Station and Fisheries Technological Station, Kozhikode, respectively. Of the other two officers, one is acting as Deputy Director of Fisheries (North) and as such supervises the work of two Research Officers and the other officer is working as Assistant Director of Fisheries.

(j) The posts held by the officers before and after overseas training are given below :—

	Post held before training.	Post held after training.
(1)	(2)	(3)
Sri V. John	Deputy Director of Fisheries (Marine).	Deputy Director of Fisheries (North).
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Sri M. Devidas M non ..	Research Assistant	Assistant Director of Fisheries, Visakhapatnam.

(k) The eight motor fishing vessels used for deep sea fishing operations are used for fisheries research simultaneously whenever required.

(l) No.

THE MADRAS LEGISLATIVE ASSEMBLY.

Friday, the 24th November 1950.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Regularization of the services of temporary Government servants.

* 520 Q.—SRI N. GOVINDASWAMY NAYUDU: Will the Hon. the Chief Minister be pleased to state—

(a) whether the Government are considering a proposal to regularize the services of temporary Government servants; and

(b) if so, at what stage the proposal is?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Chief Minister):—“(a) Yes, in the case of temporary clerks and typists in the Madras Secretariat Service, the Madras Ministerial Service and the Madras Judicial Ministerial Service.

“(b) The matter is still under consideration.”

SRI N. GOVINDASWAMY NAYUDU :—“ Sir, தயவு செய்து பதிலை தமிழில் சொல்லும்படியாகக் கேட்டுக்கொள்ளுகிறேன்.”

THE HON. DR. T. S. S. RAJAN :—“(a) ஆம்; மதராஸ் ரெகர்டேரியட் சர்வீஸ் மதராஸ், மினிஸ்டீரியல் சர்வீஸ், மதராஸ் ஜூடிசியல் சர்வீஸ்களிலுள்ள டெம்பரவரி குமாஸ்தாக்களையும், டைபிஸ்ட்களையும்.”

“(b) இவைகள் கவனிக்கப்பட்டு வருகின்றன.”

SRI N. GOVINDASWAMY NAYUDU :—“ Sir, எத்தனை வருஷம் சர்வீஸ் செய்தவர்களை காயம் செய்வார்களாவென்று கேட்கிறேன்.”

THE HON. SRI B. GOPALA REDDI :—“ The matter is under consideration. There is a proposal to regularize people who have been for one year in these services.”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ Sir, when you regularize, may we hope that the period of temporary service will be counted for service also? ”

THE HON. SRI B. GOPALA REDDI :—“ Not the entire period. There are other rules regarding this temporary period of service, for example, whether it will be considered for pension, etc.”

SRI M. G. NATESA CHETTIYAR :—“ Will the Government give an indication of the lines in which their government working in this matter, because so far as persons who leave in one year or two years or three years or four years of temporary

[23rd November 1950]

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RAJA MUTHIAH CHETTIYAR or CHETTINAD :—“ Sir, when you regularize, may we hope that the period of temporary service will be counted for service also?”

THE HON. SRI B. GOPALA REDDI :—“ Not the entire period. There are other rules regarding this temporary period of service, for example, whether it will be considered for pension, etc.”

SRI M. G. NATESA CHETTIYAR :—“ Will the Government give an indication of the lines in which their members in working in this matter, because so far as persons who feel that in one year or two years or three years or four years of

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service, I hope regularizing their service, those temporary periods will be taken into consideration, even though their recruitment for temporary service was wrong in principle?"

THE HON. SRI B. GOPALA REDDI:—"We concede that the recruitment is wrong, though, of course, it was done in an emergency; and so we are trying to see, in the three cases of service I mentioned, namely, the Madras Secretariat Service, the Madras Ministerial Service and the Madras Judicial Service, whether we can regularize."

JANAB ABDUL HAMEED KHAN:—"May I know whether these clerks and typists who were entertained on a temporary basis were recruited without reference to the communal Government Order?"

THE HON. SRI B. GOPALA REDDI:—"Yes, Sir. They are all emergency appointments in most cases; so, the communal Government Order was not observed at all."

SRI M. G. NATESA CHETTIYAR:—"May I know the highest number of years put in as temporary service by employees who are awaiting confirmation?"

THE HON. SRI B. GOPALA REDDI:—"I know certain cases in the Public Works Department of some overseers who have put in 18 years and 20 years of service."

SRI V. I. MUNISWAMI PILLAY:—"May I know, Sir, whether in the case of people who have put in at least three years' regular service and having educational qualification, not in those services mentioned by Government in their reply, but in other departments, may I know whether their case will be considered?"

THE HON. SRI B. GOPALA REDDI:—"We are just now considering these three services, namely, the Madras Secretariat Service, the Madras Ministerial Service and the Madras Judicial Ministerial Service; and after we pass orders on them, the other departments might be considered."

JANAB M. S. ABDUL MAJID:—"May I know, Sir, whether the policy enunciated by the Hon. Finance Minister will apply to people recruited under rule 9 (a)?"

THE HON. SRI B. GOPALA REDDI:—"It only applies to people recruited under rule 9 (a)."

JANAB MUHAMMAD RAZA KHAN:—"Is it a fact, Sir, that the Government of Madras have already sent circulars to the several heads of departments to send up cases of those persons who have put in three years of temporary service, so that their service may be regularized?"

THE HON. SRI B. GOPALA REDDI:—"That is a confidential matter."

JANAB MOHAMED ABDUL SALAM:—"Sir, the Hon. Minister was pleased to say about persons who are acting in temporary service that their matter is under consideration. May I

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know whether they will consider about persons who have put in a temporary service of three or four years, but are not now in service for want of a vacancy at the present moment?"

THE HON. SRI B. GOPALA REDDI:—"That raises a different question. We shall see what could be done with regard to those unfortunate people."

SRI L. N. GOPALASWAMI:—"May I ask the Government whether they are aware that there are persons who have put in such temporary service in the other departments, that is, in the service other than the services to which they have referred to in this question, and if so, will they be pleased to consider those cases also?"

THE HON. SRI B. GOPALA REDDI:—"Suppose a gentleman was working in the Food Department some time back and now he is working in the Revenue Department. Is that the hon. Member is thinking of, or something akin to it? I am not able to understand what he means."

MR. SPEAKER:—"Will the hon. Member repeat his question?"

SRI L. N. GOPALASWAMI:—"My question is, besides the three specific services mentioned by the Government, there are other services in addition to Ministerial and Administrative services similar cases of persons who have put in three years of temporary service; may I know, whether such cases also will be taken into consideration and those people will be given the benefit of this concession now sought to be given?"

THE HON. SRI B. GOPALA REDDI:—"I have already stated in my answer to hon. Mr. V. I. Muniswami Pillay's question that after we pass orders in these three services, we shall consider other services."

SRI S. NAGAPPA:—"Sir, in view of the fact that the candidates belonging to the Scheduled and backward classes are very few in Government departments, may I know whether the Government will consider the question of regularizing the service of all candidates who happen to belong to the Scheduled and backward classes now in service favourably?"

THE HON. SRI B. GOPALA REDDI:—"All cases will be considered favourably; we cannot give any special preferential treatment for Harijans; they must stand in the queue and they must take their chance."

SRI V. RAGHAVAYYA:—"Sir, the Hon. Minister has been pleased to answer that in the recruitment to temporary service, the communal Government Order was not followed. May I know in view of the recent judgment of the Madras High Court, whether in consideration of that, Government will stay or issue orders in the matter of confirmation, pending disposal of any appeal that might have been filed by this Government?"

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THE HON. SRI B. GOPALA REDDI:—"We are not aware of any judgment of the Madras High Court which stops us from following the communal Government Order in regard to the services, and therefore, this question does not arise."

SRI M. G. NATESA CHETTIYAR:—"May I know whether those people who have been serving for a long time of eighteen years and twenty years in the Public Works Department are still holding temporary service, and if so, may I know what steps this Government have taken to make their service regular?"

THE HON. SRI B. GOPALA REDDI:—"This is a question which has been considered by the Finance Department several times before. The principle is that no two people can hold one and the same permanent post. That is a fundamental principle. Sir, one person may be holding a permanent post in one department, and he may be serving in another department; and so long as he is not confirmed in that department, the person who is acting in his parent department cannot be confirmed. In that way there may be several persons acting in a post. So this question has to be considered deeply, when the number of permanent posts are few and there are large number of people acting. In some cases we have to increase the cadre of permanent posts if we are to confirm the acting persons."

SRI V. M. RAMASWAMI MUDALIYAR:—"Will Government give us an idea of the number of clerks who are awaiting regularization in the three services referred to?"

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

SRI D. V. RAMASWAMI:—"May I know from the Hon. Minister whether in the matter of essential services like the Medical department, recently several doctors who have put in five to eight years of regular service, not irregular service, have been asked to go home, as they have been retrenched?"

THE HON. SRI B. GOPALA REDDI:—"We are aware of it."

Skimmed milk powder.

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

(a) whether it is a fact that United Nations International Children's Emergency Fund has given 100 tons of skimmed milk powder to Madras State; and

(b) if so, how the Government propose to distribute it to the poor and deserving children?

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

^a Printed as Appendix I on pages 863-864 infra.

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SRI S. NAGAPPA:—"Sir, from the statement placed on the table of the House, I see only twelve organizations have been supplied with milk powder, whereas there are so many organizations in the State, especially child welfare centres in mufassal districts. May I know whether Government will supply those centres, whether they be in rural areas or in the district headquarters, run by local bodies?"

THE HON. DR. T. S. S. RAJAN:—"As far as Government are aware, these are the organizations receiving supply of skimmed milk powder. If there are other institutions which desire such supply, it is open to them to apply for it."

SRI M. S. PATTABHIRAMIAH:—"Sir, from the paper laid on the table of the House I find that out of an expected consignment of 200,000 lb. of powder, fifty per cent of it is to be allotted to the Guild of Service. May I know whether the Guild of Service has sufficient machinery to reach the cheris all over the State where the children are the most uncared for and most underfed of the whole population?"

THE HON. DR. T. S. S. RAJAN:—"Is it a supplementary question?"

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

SRI A. VEDARATNAM PILLAI:—"May I know whether the Government will consider the desirability of distributing to all recognized orphanages in this State the supply of this milk without their request?"

THE HON. DR. T. S. S. RAJAN:—"I did not follow the question."

MR. SPEAKER:—"Will the hon. Member repeat his question?"

SRI A. VEDARATNAM PILLAI:—"May I know whether the Government will consider the desirability of supplying this milk to all recognized orphanages in this State without any request from them?"

THE HON. DR. T. S. S. RAJAN:—"This is a charitable gift received by this Government, and such of those orphanages that are willing to take it up and come forward will certainly be given."

SRI V. RAGHAVAYYA:—"How does it happen that out of two lakhs of pounds, only 8,960 lb. have been distributed in the Andhra area (laughter) and there too, to one centre only? Why such invidious distinction should be made in a matter of charity given to us, let alone other things?" (Laughter.)

THE HON. DR. T. S. S. RAJAN:—"As far as Government are aware, no distinction was made at all."

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Educational concessions to the children of soldiers

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

(a) whether it is a fact that the Government have amended the rules regarding educational concessions to the children and dependents of soldiers; and

(b) if so, what the rules in force prior to the amendment were and what the rules as now amended are?

THE HON. SRI K. MADHAVA MENON:—“(a) & (b) Prior to July 1949 the Government sanctioned from State funds certain educational concessions to children and dependants of Defence Service personnel provided the income of the Defence Service personnel did not exceed Rs. 200 per mensem.

In view of the heavy cost to State Government on the grant of the concessions they ordered that the concessions need not be granted to new applicants from 1949–50, the concessions already granted being continued till the end of the particular course, viz., primary, middle and high school courses and college courses. But in the cases of children and dependants of Defence service personnel who had been killed or incapacitated as a result of war-service the concessions already granted were continued until they completed their education.

As a result of various representations received about the hardship caused by the orders of Government referred to above the administrators of the Post-war Services Reconstruction Fund agreed to grant the educational concessions from their funds to deserving cases of children and dependants of soldiers who apply for them for the first time and those who had finished a particular stage of their study during the year 1949–50 and wished to continue their education during the year 1950–51 but are not eligible for the concession from the Government funds in view of the orders referred to above. The concessions from the Fund will, for the present, be granted only till the 31st December 1960. The grant of the concessions by the Post-war Services Reconstruction Fund will be subject to the rules under which the concessions from State funds were granted.

The concessions withdrawn by the Government are now granted by the administrators of the Post-war Services Reconstruction Fund.”

11-15 a.m. SRI S. NAGAPPA:—“Arising out of the answer that the concessions will be given only to those children whose parents earn not more than Rs. 200 per mensem, may I ask whether the Government will be pleased to extend the concession at least for collegiate education?”

THE HON. SRI K. MADHAVA MENON:—“The concessions have been extended to primary, middle and high school courses and college courses.”

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SRI S. NAGAPPA:—“I want an extension of the concession to the children whose parents are earning more than Rs. 200 per mensem.”

THE HON. SRI K. MADHAVA MENON:—“The present rules do not permit that. We will consider the question.”

JANAB MOHAMED ABDUL SALAM:—“Are the Government aware that the concessions, which have been withdrawn, were existing in pursuance of the promise given by the previous Government and that this Government ought to have thought twice before withdrawing them?”

THE HON. SRI K. MADHAVA MENON:—“We have examined the promise given by the previous Government and I do not think our action goes against their promise.”

SRI B. S. MURTHY:—“May I know whether the concessions now enjoyed by the children of ex-soldiers will be extended to the children of ex-military personnel also?”

THE HON. SRI K. MADHAVA MENON:—“I do not understand the difference between ex-soldiers and ex-military personnel.”

JANAB ABDUL HAMEED KHAN:—“May I ask whether this action has been taken on account of any political reason?”

THE HON. SRI K. MADHAVA MENON:—“If the hon. gentleman had heard my answer, he would not have asked this question. I have definitely stated that, in view of the heavy cost to State Government on the grant of the concessions, they ordered that the concessions need not be granted.”

SRI M. R. APPA RAO:—“May I know the cost involved and whether the Central Government are not contributing anything towards it?”

THE HON. SRI K. MADHAVA MENON:—“A separate question may be put. I have not got the figure with me.”

SRI B. S. MURTHY:—“My question was not answered perhaps because the Hon. Minister was not able to understand it. I meant the children of military personnel as distinct from soldiers.”

THE HON. SRI K. MADHAVA MENON:—“The hon. Member is perfectly right in saying that I did not understand the question. I do not know the difference between military personnel and soldiers.”

Territorial and Political Pensions.

* 523 Q.—JANAB MOHAMMED ABDUL SALAM: Will the Hon. the Minister for Finance be pleased to state—

(a) whether the payments made by this Government under “Territorial and Political pensions” to the rulers (and families) of Banganapalli, Pudukottai and Sandur are only provisional;

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(b) whether this Government have taken up this matter with the Government of India; and

(c) if so, whether any reply has been received in this matter?

THE HON. SRI B. GOPALA REDDI:—“(a) The amounts included in the Madras Government's Budget for 1950-51 under “54 A. Territorial and Political Pensions” were only provisional, pending the final settlement of the liability as between this Government and the Government of India.

“(b) & (c) The Government of India have agreed to take over the liability on account of the privy purse payable to the rulers (Rs. 4,10,400 per annum) in accordance with Article 291 (1) of the Constitution of India, but they have suggested that this Government should make a contribution to the Government of India to cover the ‘federal gap’ in revenue relating to these areas, with reference to Article 291 (2) of the Constitution. The matter is now under correspondence with the Government of India.”

JANAB MOHAMED ABDUL SALAM:—“Are not the Government spending more on the administration of these States than the revenue they are deriving from them, apart from what they are paying to the rulers?”

THE HON. SRI B. GOPALA REDDI:—“The rulers will be paid by the Government of India hereafter. As I said yesterday, we get 50 per cent of the income-tax that accrues from the State. The federal gap, i.e., the difference between what the Centre gets from, and spends on, these States must be made good by us in a tapering or lowering percentage.”

JANAB MOHAMED ABDUL SALAM:—“Is it not a fact that on administering these States the Government are spending more than the revenue they are deriving from them?”

THE HON. SRI B. GOPALA REDDI:—“Yes, Sir.”

Elections to panchayat boards.

* 524 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether it is a fact that the Government have postponed the elections to panchayat boards for a further period of five months; and

(b) if so, the reasons for the same?

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

“(b) Elections to panchayat boards have been postponed pending the implementation of the Madras Village Panchayats Act and the preparation of the electoral rolls on the basis of adult franchise.”

SRI S. NAGAPPA:—“From the answer given, am I to understand that the elections will be conducted on the basis of adult franchise?”

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THE HON. SRI K. CHANDRAMOULI:—“Yes.”

JANAB MOHAMED ABDUL SALAM:—“Are the Government aware that there had been no elections to panchayat boards for the last twelve years and that since this Government came into office five years ago, they have passed orders postponing the election three or four times?”

THE HON. SRI K. CHANDRAMOULI:—“Several times the question has been answered.”

Leper clinics.

* 525 Q.—SRI B. S. MURTHY: Will the Hon. the Minister for Health be pleased to state—

(a) the number of leper asylums in this State;

(b) the annual money grants given to each one of them by the State; and

(c) the plans, if any, proposed by the Government to arrest the spread of leprosy?

THE HON. DR. T. S. S. RAJAN:—“The answer^a is placed on the table of the House.”

SRI B. S. MURTHY:—“May I know whether there is any contribution from the United Nations Organization towards this?”

THE HON. DR. T. S. S. RAJAN:—“I want to know whether the hon. Member refers to leprosy relief or wants to know whether the United Nations Organization gives anything. If it is the latter, that has nothing to do with this question.”

MR. SPEAKER:—“It does not arise out of this question.”

SRI V. I. MUNISWAMI PILLAY:—“Will the Government consider the desirability of giving grants to private clinics started voluntarily by people for treating acute form of leprosy, apart from the grants given to the institutions mentioned in the paper placed on the table?”

THE HON. DR. T. S. S. RAJAN:—“There is no such thing as acute form in leprosy. Leprosy at all stages is a chronic disease.”

SRI V. I. MUNISWAMI PILLAY:—“My question was whether grants will be given to private leprosy clinics.”

THE HON. DR. T. S. S. RAJAN:—“Such institutions should apply to the Government. The usual contribution that is given to similar asylums will be given on application.”

SRI R. V. SWAMINATHAN:—“Have the Government received any representation from the people of Manamathurai that the Dayapuram Hospital and Leprosy Home is situated very

^a Printed as Appendix II on pages 864-865 infra.

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close to Manamathurai and on the bank of the river Vaigai, that the proximity contributes to the spread of the disease in the village and that the institution should be removed to a distant place?"

THE HON. DR. T. S. S. RAJAN:—"The Government have not received any such representation."

SRI D. V. RAMASWAMI:—"In view of the importance of anti-leprosy work, have the Government taken any steps to train additional staff for making them available to leprosy centres?"

THE HON. DR. T. S. S. RAJAN:—"The Government now have sufficient number of hands. If difficulty arises in getting the required number of hands, the Government will certainly train additional staff."

SRI A. VEDARATNAM PILLAI:—"Will the Government consider the desirability of giving grants to private doctors who are treating leprosy more effectively than the Government agencies?"

THE HON. DR. T. S. S. RAJAN:—"Any man may say that he is treating leprosy. It is the Government that should decide whether he is treating leprosy or not."

SRI B. S. MURTHY:—"May I know whether any leprosy census was taken within the last decade?"

THE HON. DR. T. S. S. RAJAN:—"Only the usual census was taken."

SRI R. V. SWAMINATHAN:—"Will the Government consider the desirability of shifting the Leprosy Home at Manamathurai to a distant place as its proximity affects the health of the place or ask the authorities concerned? The people of the area are prepared to help the Government or the authorities of the institution."

THE HON. DR. T. S. S. RAJAN:—"It is open to the people to tell us what exactly they want. As far as the Government are aware, leprosy is not so communicable as the hon. Member suggests."

SRI B. S. MURTHY:—"I want to know if the Government have any information as to whether the incidence of leprosy is increasing or decreasing in this State?"

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

Conference of Education Ministers of South India

* 526 Q.—SRI B. S. MURTHY: Will the Hon. the Minister for Education be pleased to state the decisions reached and the programmes chalked out at the recent Conference of the Education Ministers of South India held in Madras on 24th October 1950?

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THE HON. SRI K. MADHAVA MENON:—"The conclusions reached at the recent Conference of the Education Ministers of the States and the Vice-Chancellors of the Universities in South India are as follows:—

The consensus of opinion was that English as a medium of instruction for the college courses should not be prohibited or discouraged till facilities are available for the federal or any of the regional languages to be made the medium of instruction. It was agreed that if different States choose different languages as media in the place of English, cultural contacts at higher levels will be more difficult.

As regards the study of English in the secondary schools, it was felt that the existing facilities for English should not be reduced.

No programme as such has been chalked out at the Conference."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"May I, with your permission, offer my congratulations to the Hon. Minister for Education on the conference coming to the conclusion that English should be retained?"

MR. SPEAKER:—"This is question hour and the hon. Member should not utilize it for offering congratulations."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"This is a question in which I am offering congratulations."

JANAB MOHAMED ABDUL SALAM:—"Who took the initiative for this conference and met the expenses?"

THE HON. SRI K. MADHAVA MENON:—"The initiative was taken by the Government of Madras. The expenses were borne by the Ministers of the respective States and the Vice-Chancellors of the Universities concerned."

SRI B. S. MURTHY:—"As such conferences will help to decide policies and programmes for spreading higher education in the State, will they be held annually?"

THE HON. SRI K. MADHAVA MENON:—"There was a particular necessity for convening this conference. We had a reference from the Government of India as to how we propose to implement the University Commission's Report. This Government thought that mutual consultation by all the South Indian States would be helpful and that was the reason why the conference was convened. If necessity arises, I shall certainly take up the suggestion of the hon. Member."

BEGUM SULTAN MIR AMIRUDDIN:—"May I know, Sir, whether the decision of the Conference in effect does not amount to a resolution that much attention need not be paid in this State to the federal language?"

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THE HON. SRI K. MADHAVA MENON:—"Not at all, Sir. I thought that the hon. lady Member had really understood the intention of the resolution of the Conference, namely, that English as a medium of instruction for the college courses should not be prohibited or discouraged till facilities are available for the federal or any of the regional languages to be made the medium of instruction."

JANAB MUHAMMAD RAZA KHAN:—"From the way in which our energetic Minister for Education has taken the initiative to convene a conference, is it not necessary that other Ministers also should take the initiative and convene similar conferences with regard to their respective departments?"

THE HON. SRI K. MADHAVA MENON:—"Other Ministers also will certainly take the initiative if there is any necessity and the encouragement given by the hon. Gentleman will be appreciated."

Sanitary Engineering Course.

* 527 Q.—SRI N. S. VARADACHARI: Will the Hon. the Minister for Health be pleased to state whether the L.S.E. Course and diploma are considered as qualifications equivalent to those prescribed for the post of supervisor in the Sanitary Engineering Department?

THE HON. DR. T. S. S. RAJAN:—"The question of recognition of L.S.E. diploma of the Central Polytechnic, Madras, for purposes of employment as supervisors in the Sanitary Engineering Branch and for appointment to posts in the water-supply and drainage branches of Municipalities is under the consideration of Government."

SRI N. S. VARADACHARI:—"Will the Hon. Minister be pleased to expedite the consideration of the matter, because a number of students have taken up this course now, and some of them have already obtained diplomas after completing their study?"

THE HON. DR. T. S. S. RAJAN:—"As I said, Sir, the matter is under consideration and very soon orders will be issued."

Production of yarn by Mills.

* 528 Q.—SRI A. J. ARUNACHALAM: Will the Hon. the Minister for Industries be pleased to state—

(a) the total number of bales of yarn produced during the months of June, July and August 1950, in each count and out of this the actual quantity made available to this State for the same period;

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(b) whether it is a fact that some of the Mills are producing unwanted counts like 26s, 36s, 44s, 50s and 56s, and if so, what steps the Government have taken to regulate the production by the mills of such counts as are really needed by the handlooms;

(c) whether it is a fact that our State is a surplus one in the production of yarn, and if so, the reasons for the acute scarcity of yarn to the weavers in our State;

(d) whether it is due to the mills being permitted to export huge quantities;

(e) the basis governing the issue of such export permits; and

(f) whether any suggestions have been made by the State Handloom Committee in regard to the yarn supply and if so, what the action so far taken by Government on them is?

THE HON. SRI C. PERUMALSWAMI REDDI:—" (a) to (f) The answer^a is placed on the table of the House."

SRI A. J. ARUNACHALAM:—"From the answer placed on the table of the House, it is clear that our State is a surplus State so far as the production of yarn is concerned. The total quantity of yarn produced in August was 43,417 bales and the quantity allotted to the handloom weavers in the State was 18,675 bales. But in spite of the requests of the Madras Government to the Central Government to allot more bales to this State, it appears that the Central Government have refused to do so. May I know, how under those circumstances, the State Government are going to solve the present crisis among the weavers on account of yarn shortage? May I know whether they have any other scheme to solve this crisis?"

THE HON. SRI C. PERUMALSWAMI REDDI:—"My answer to the clauses (c) and (d) will make the position clear to the hon. Member. Anyhow, let me tell the hon. Member that exports of yarn of counts up to 32s, 80s and 100s produced by mills have been stopped and only one-fourth of their production in other counts has been allowed to be exported. That will take effect only from the month of December. But we will, however, do our best to supply enough yarn to the handloom weavers and see that they are not allowed to suffer by shortage of yarn."

SRI V. S. SANKARASUBRAHMANYA MUDALIYAR:—"May I know whether this Government will urge upon the Central Government to cancel the existing contracts which have been entered into by the mills with foreign countries in order to relieve the acute shortage of yarn to the handloom weavers?"

THE HON. SRI C. PERUMALSWAMI REDDI:—"Yes, Sir, we have been urging upon the Government of India to cancel some of the existing contracts also, but it is a matter for the Central Government to decide."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Does the Hon. Minister realize that the yarn position will become more

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acute in the coming months, and that unless the Madras Government urge upon the Government of India to arrange for more cotton supplies to the mills, production of yarn would suffer and that the handloom weavers would have to face greater hardships, and that they should take up this question seriously? "

THE HON. SRI C. PERUMALSWAMI REDDI:—"Steps have already been taken in this direction, Sir. There was recently a conference of the officials of the Government of India and of the Madras Government at Bombay in which this matter was considered and certain conclusions arrived at. We are doing our best to solve this question as far as possible."

JANAB ABDUL HAMEED KHAN:—"It is stated that the distribution of yarn is made to the various States equitably on an all-India basis by the Textile Commissioner. May I know whether the Textile Commissioner has been informed that the Madras State requires a larger quantity of yarn on account of the fact that our handloom industry is the largest in the whole country? "

THE HON. SRI C. PERUMALSWAMI REDDI:—"Yes, Sir. The hon. Gentleman may refer to the answer to clause (f)."

SRI B. S. MURTHY:—"May I know, Sir, whether the Hon. Minister is aware that because the mills are given the option to open depots of their own for the distribution of yarn, that there is a lot of unhealthy distribution,—otherwise known as blackmarketing—and if so, may I know whether the Government will consider the desirability of cancelling the permission given to the mills to open depots and of distributing the yarn either through co-operative societies or through some other agencies which will be immune from these anti-social activities? "

THE HON. SRI C. PERUMALSWAMI REDDI:—"That is under the consideration of the Government, Sir."

JANAB M. S. ABDUL MAJID:—"May I know what effective steps the Government have taken for making available the required types of cotton for our mills? "

THE HON. SRI C. PERUMALSWAMI REDDI:—"I am not able to answer the question now, Sir."

JANAB M. S. ABDUL MAJID:—"Sir, it is said in the printed answer, that due to the want of required types of cotton, it was not possible for the mills to produce larger quantities of yarn in the country. I am asking what effective steps have been taken by the Government to get the required type of cotton in order to enable the mills to produce more yarn in the country? "

THE HON. SRI C. PERUMALSWAMI REDDI:—"What I said was that the shortage of required types of cotton is responsible for not being able to spin the required counts of yarn, by the mills. For spinning certain counts of yarn, certain types of cotton is required and the Central Government are not able to supply them in sufficient quantities.

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Anyhow, sir, we have represented to the Government of India the necessity to supply these mills with the proper type of cotton to enable them to produce more yarn."

SRI N. M. R. SUBBARAMAN:—"May I know, Sir, whether the Hon. Minister knows that a spinning mill in Madurai has stopped one shift, because of cotton shortage, and if so, have the Government taken any steps to provide it with sufficient quantity of cotton? "

THE HON. SRI C. PERUMALSWAMI REDDI:—"I have no information, Sir. I take the information from the hon. Member."

SRI V. S. SANKARASUBRAMANYA MUDALIYAR:—"Are the Government aware that for the past one year, the weavers were having only a short supply of yarn? Sometimes it was due to the short-supply of electricity to the mills, sometimes it was due to the shortage of cotton and sometimes it was due to the export of yarn to foreign countries. During the last quarter, the supply of yarn to the weavers has gone far below the usual quota, and each weaver was getting only half a bundle and he has not been able to earn even Rs. 5 per month. May I know what steps the Government are going to take to relieve this acute shortage in the supply of yarn, because even if export is stopped from January, there will still be the same shortage? "

THE HON. SRI C. PERUMALSWAMI REDDI:—"This Government cannot supply cotton to the mills. We can only ask the Government of India to supply more cotton to the mills and this Government have already made enough representations and the Government of India have assured that the mills will be supplied enough cotton in future, by import from other countries."

SRI A. KALESWARA RAO:—"May I know from where do we expect the cotton to come? "

THE HON. SRI C. PERUMALSWAMI REDDI:—"From Africa and America, Sir."

SRI V. M. RAMASWAMI MUDALIYAR:—"Arising out of answer to clause (f) that the Government of India have been addressed by this Government to allot a definite quota of 29,780 bales, being earmarked exclusively for the handloom industry, and of the Central Government's reply regretting their inability to allot increased supplies of yarn owing to the overall shortage of yarn in the country, may I know, how many bales are expected to be received in this State and what is the requirement of the whole State? "

THE HON. SRI C. PERUMALSWAMI REDDI:—"We cannot anticipate what exactly the quantity of yarn that will be allotted to this State. It is the mills alone that will be able to say about quantity of yarn that they should supply to the weavers."

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SRI A. J. ARUNACHALAM:—“ In the answer placed on the table of the House, it is stated that in the absence of other popular counts, the weavers using 20s and 30s are using 26s, since there is no other way for them except to use the 26s. May I know why the mills are producing only popular counts for exports and why not they be asked to produce 30s yarn instead of this 26s for supply to the handloom weavers of this State? ”

THE HON. SRI C. PERUMALSWAMI REDDI:—“ We have addressed the Government of India not to allow these mills to manufacture the 26s yarn, but the Government of India are not able to insist the mills to produce any other popular counts for local distribution. But, however, action is being taken to instruct the Directorate of the Government of India at Coimbatore to control and regulate the production of the mills in the State to ensure regular supplies of the particular counts required in this State for handloom weavers.”

SRI S. NAGARAJA MANIGAR:—“ Is it not a fact, Sir, that this link with the Centre is a very unholy link even in the matter of food and cloth, because we have to go to the Centre for anything and everything connected with food and cloth in this State? May I ask, whether it is not possible for the State Government to have the freedom at least with respect to the control of food and cloth from the Central Government? ”

SRI M. S. PATTABHIRAMIAH:—“ Will the Government consider the desirability of supplying hand-spun yarn to the handloom weavers to solve this chronic shortage of mill-yarn in this State? ”

THE HON. SRI C. PERUMALSWAMI REDDI:—“ I am not able to answer that question now, Sir.”

SRI V. M. RAMASWAMI MUDALIYAR:—“ May I know, Sir, whether the Government have an idea or an estimate of the output from our mills and the quantity that will be made available to the weavers in this State for the coming quarter? ”

THE HON. SRI C. PERUMALSWAMI REDDI:—“ It is very difficult to forecast that with any degree of accuracy.”

JANAB M. S. ABDUL MAJID:—“ Sir, the Hon. Minister has assured the House that the cotton crop in this season is all right and there will be no shortage of cotton hereafter. May I know whether it will be possible to improve the yarn position before April 1951? ”

THE HON. SRI C. PERUMALSWAMI REDDI:—“ The Government of India are having enough imports of cotton from foreign countries and I think they will be able to supply enough yarn at least by January to the handloom weavers.”

SRI L. N. GOPALASWAMI:—“ May I know, Sir, on what basis this quota of 29,780 bales of yarn were asked for from the Central Government, though it has been refused, and whether that will suffice for all the handlooms in our State? ”

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THE HON. SRI C. PERUMALSWAMI REDDI:—“ That is the recommendation made by the Madras Handloom Committee.”

SRI N. M. R. SUBBARAMAN:—“ With reference to the answer to clause (d), that distribution of yarn is made to the various States equitably on an all-India basis by the Textile Commissioner, Bombay, may I know on what basis is this equitable distribution made? Is it on the number of handlooms that are working in this State or on this basis, viz., that is quantities manufactured by local weaving mills and powerloom factories and mill goods imported in the State are considered? As it is only the balance of the quantity required is given to the handloom weavers in the State in the shape of yarn for manufacture into cloth.”

THE HON. SRI C. PERUMALSWAMI REDDI:—“ The distribution is made on the basis of handlooms working in the whole of India, Sir.”

JANAB M. MUHAMMAD ISMAIL:—“ May I know whether it is not a fact that certain mills are given permission to sell yarn by themselves or through their agency, because of the reason that they do not have baling machinery with them? ”

THE HON. SRI C. PERUMALSWAMI REDDI:—“ That question has already been put and answered, Sir.”

SRI P. NATESAN:—“ May I know, Sir, which are the mills that are allowed to sell yarn through their depots? ”

11-45
a.m.

THE HON. SRI C. PERUMALSWAMI REDDI:—“ Notice.”

SRI P. NATESAN:—“ May I know, Sir, roughly how many mills were allowed to sell yarn through their depots? ”

THE HON. SRI C. PERUMALSWAMI REDDI:—“ Notice.”

JANAB M. MUHAMMAD ISMAIL:—“ Sir, certain mills are given permission to sell a portion of their products, on account of over-capitalization and other reasons, through their own agencies. I want to know whether the want of baling machinery was one of the reasons for giving them that permission.”

THE HON. SRI C. PERUMALSWAMI REDDI:—“ No, Sir.”

SRI B. S. MURTHY:—“ Are the Government aware, Sir, that recently there were hunger marches in the Andhra districts by handloom weavers, and they also met the Director of Controlled Commodities when he visited the Andhra areas? If so, may I ask what action they propose to take to give them succour and relief? ”

THE HON. SRI C. PERUMALSWAMI REDDI:—“ The Government are aware of the agitation. The Government are taking necessary steps to supply yarn to these people though they are not able to meet their full requirements.”

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House. I want to know the further programme if the Endowments Bill is finished to-morrow; and if it is not finished to-morrow, whether it will be taken up next week, and on what day."

THE HON. SRI B. GOPALA REDDI:—"The House may not sit beyond Saturday, Sir. To-morrow we will be able to conclude the discussion on the Endowments Bill. We meet again on the 4th December 1950 to transact official and non-official business for three or four days."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, we were told by the Hon. the Leader of the House that he was expecting a reply to the communication from this Government to the Government of India regarding the food position, and that he would be able to announce the date of the food debate. We requested him to expedite the reply from Government of India in the matter. I would ask the Hon. the Leader of the House to tell us whether this Government have received the expected reply from the Government of India, and, if so, when the food debate will take place. If they have not received the reply, may I ask, whether this Government would inform the Government of India that the reply should come at least before the 4th December so that the food debate may take place on any day suitable to the Government after the 4th December."

THE HON. SRI B. GOPALA REDDI:—"Sir, we have not so far received the reply from the Government of India. Instead, they have arranged for a food conference in the beginning of December. Perhaps, our Food Minister has to attend that conference. After his return, and if time permits, we will be able to give out to the Assembly all the salient points we can safely reveal. I am not in a position now to definitely promise a food debate in December."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Particularly in view of the impending Food Ministers' Conference, might I appeal to the Government that it is of imperative necessity for this House to sit for a day and have a debate on food on any day before the Food Minister goes to Delhi so that this House may have an opportunity to express its views on the grave situation facing us? This is suggested with all good intentions and to strengthen the hands of the Hon. Food Minister of this State at the Conference."

THE HON. SRI B. GOPALA REDDI:—"As I stated, already, if the Endowments Bill is over to-morrow, the only day available is Sunday."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"We are ready to sit on Sunday."

THE HON. SRI B. GOPALA REDDI:—"But that may not be convenient to Christian friends. We expect the Endowments Bill to be finished to-morrow, and we want to meet again on the 4th December. In between these two days, we cannot meet, unless it be on Sunday."

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SRI K. R. KARANTH:—"Sir, from the 6th to the 10th December, the Joint Select Committee on the Malabar Tenancy (Amendment) Bill, 1950, has programmed to visit Malabar. The people have been informed accordingly. Of course, if the date is fixed unalterably, we can say nothing. We have informed the Malabar people that the Joint Select Committee of thirty people will be touring in Malabar from the 6th to the 10th December. Therefore, 11th December will be quite all right if it is convenient to the House. I would also like to know what is the business for the December session. We were told at one time that the next sitting would be only in January 1951. I want to know whether there is sufficient work for us in December."

THE HON. SRI B. GOPALA REDDI:—"With regard to the Malabar Tenancy (Amendment) Bill, 1950, the Hon. Mr. Madhava Menon is taking steps to inform all concerned that the Joint Select Committee will tour Malabar some time later. As will be seen from to-day's Agenda, there are two official Bills to be considered, namely, the Madras Estates Land (Reduction of Rent) Amendment Bill, 1950, and the Madras Buildings (Lease and Rent Control) Second Amendment Bill, 1950. There is another Bill regarding Sales Tax Tribunal, etc., which is being published in a day or two. These three official Bills and any non-official business, will come up in December."

III.—GOVERNMENT BILL.

THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS BILL, 1949 (L.A. BILL NO. 10 OF 1949)—DISCUSSION—cont.

Clause 55—cont.

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, while I appreciate the anxiety of Government to conclude the debate on the Hindu Religious Endowments Bill before to-morrow evening, I would urge that such a thing would be possible only if they exercise some amount of consideration for reasonable amendments. Otherwise, a full debate will have to be gone through. Clauses which are very contentious cannot be rushed through this House in the manner in which they are sought to be rushed. My amendment to Clause 55 is as follows:—

"For existing Clause 55, substitute the following:—

"55. The Trustee of a temple shall have power subject to such conditions as the Commissioner may by special or general order direct to fix fees for the performance of archana and to determine what portion if any of such fees shall be paid to the archakas or other office-holders or servants of the temple but in doing so he shall not depart from the settled usage where it has been clearly laid down either in the temple records or by decrees of courts of law."

"Sir, I consider that this amendment is vital to the whole Bill since it touches upon a principle that we shall not ordinarily depart from immemorial custom where it has been sanctioned by

[Sri N. S. Varadachari] [24th November 1950]

the force of public opinion for thousands of years or where in cases of disputes it has been settled by a clear statement in the record of the temple itself or by decrees in Courts of Law. The object of this amendment is not to defeat the Government's purpose. I am not opposing clause 55 but am only seeking to put it in a proper setting. The Hon. Minister made a very unhappy reference to the Sraddha ceremony while talking about archakas. Obviously the Hon. Minister while on a visit to North India thought of performing a Gaya Sraddha and sought the service of some family or other there for it. But there is very little meaning in its reference to temple customs and the performance of archakas. The Hon. Minister does not even have full knowledge of this custom of archakas. He said, 'We must safeguard the interests of the worshipper. Why are you only thinking of the underdog called the archaka in the temple? Are not all the poor worshippers to be safeguarded in their rights?' Yes, Sir, they ought to be safeguarded. That is why I ask the trustee of a temple whom the Government appoint to be given the right to fix the fees where they have not been fixed already. But in cases where they have been fixed either by custom or by decrees of Courts of law and the apportionment of the shares of money realized from such archanas has already been determined, I say that the trustee shall not disturb that arrangement. I think the Government could at once concede that it is a very reasonable amendment.

"The Hon. Minister may say that in most of these cases the worshippers have the upper hand and not the poor archaka. The worshippers sometimes crowd in a temple and then say, 'Please offer an archana.' The archana takes usually some 5 to 10 minutes. It consists of a number of recitations of names of God; sometimes it may be a thousand and sometimes it may be only 108. The time taken varies and if the gathering visiting the temple is very large and the worshippers are large in number, naturally the number of archanas performed cannot be more than a few for the whole day. The fee given for these archanas is also very very little. It has never exceeded 2 annas to my knowledge and the richer the worshipper the less he gives. Let me tell the Hon. Minister that I have never seen a rich person in my company opening out his heart in the most liberal fashion and after hearing all the thousand and odd names of God uttered in his presence for His blessings on the worshipper give more than a couple of annas while poor worshippers of my own place, taking a real back seat in the queue that stands for archanas, sometimes give of their hard-earned money a few annas more, perhaps 4 or 8 annas. Four annas perhaps is the top fee paid in any temple for archanas. My hon. Friend will know that in certain temples the archana itself forms the routine for worship as in the Tirupati temple. There is no separate archana performed for each worshipper but the right to be present when an archana is performed is sought to be regulated by the issue of tickets by the Devasthanam. It is then

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that they pay Rs. 7 and 5 persons of a family are allowed to be present at the time of the archana. Even this is not surely an exorbitant rate. In the Tirupati temple what will happen if archanas are made free or if the fee is reduced? There are thousands of worshippers daily. You cannot even accommodate them. At present the Devasthanam is obliged not to issue the archana ticket if there is not enough space for all the ticket-holders to stand beside the sanctum sanctorum. That is the custom even to day. This arrangement is only for the convenience of pilgrims. It is only to take off the rush that occurs at times in the ordinary queue, that attendance at archanas is made subject to a ticket fee of Rs. 6 or 7. In the case of the other temples, what happens? The fee is a few annas and perhaps that is the only income earned by the archaka. The Hon. Minister referred to a case where recently the High Court had held that the trustee would be merely a collecting agent and that all the proceeds of the archanas would be handed over to the archakas. What is the mistake in that arrangement? What are the other emoluments which these archakas get? The present practice in Tiruchanur is nearly the same. The High Court held in a decree that any offering below a particular sum shall belong exclusively to the archaka but that any offering above that sum shall without any apportionment belong in its entirety to the Devasthanam. It is a very reasonable arrangement. The archakas in these cases have no inams and no villages and have not even a few acres of land in their possession. If a trustee takes it into his head to-day to disturb the arrangement very properly legalised by Courts of Law, what will happen? He will simply be disturbing the worship in the temple and give the archakas an inducement to be slack. They may perhaps not perform their duties with the same ardour and zeal with which they are performing them to-day. In the sacred name of religion and with a view to safeguard the rights of worshippers, I suggest that the Government may accept my amendment. It still gives power to the trustee to fix the fees where they have not been fixed already either by custom or by law and also to fix the apportionment. The only exception that I make is with regard to cases where decrees have already been passed by Courts of Law fixing the arrangement or where custom has already fixed the arrangement far in advance of the legislation.

"On a very reasonable consideration of the entire case, I suggest in all humility that this amendment would meet Government's case and they ought to accept it in fairness and reason."

* SRI T. VISWANATHAM:—"Sir, it is necessary that the Government should recognise the rights which have been established already in this matter."

MR. SPEAKER:—"The point has already been made by the hon. Member while speaking in support of the amendment moved by Sri Bhashyam."

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SRI T. VISWANATHAM:—“Then I will resume my seat.”

* SRIMATHI V. LAKSHMI AMMAL:—“கனம் அக்கிராசனாதிபதி அவர்களே, கனம் ஸ்ரீ வரதாச்சாரியார் அவர்கள் கொண்டு வந்திருக்கும் திருத்தப் பிரேரணையை நான் ஆதரித்து இரண்டொரு வார்த்தைகள் பேசுகின்றேன்.

“இந்த பில்லின் 55-வது கிளாஸில் கோவிலில் அர்ச்சனை பண்ணுவதற்கு அர்ச்சனை பண்ணப் போகிறவர்கள் இவ்வளவுதான் தக்ஷிண கொடுக்க வேண்டுமென்றும், அதில் இவ்வளவு தேவஸ்தானத்தைச் சேர்ந்தது என்றும், இவ்வளவுதான் கோவில் அர்ச்சகர்கள் எடுத்துக் கொள்ளவேண்டுமென்றும் வற்புறுத்தப்பட்டிருக்கிறது. இம்மாதிரி சின்ன சின்ன விஷயங்களில் கூட இந்த பில்லின் மூலம் அரசாங்கத்தார் கோவில் விவகாரங்களில் தலையிடுவார்களேயானால் அது ரொம்ப அநீதியானது என்பதே எனது அபிப்பிராயம்.

“தனது பேச்சில் வெகு அழகாக ஸ்ரீமான் வரதாச்சாரியார் அவர்கள் எடுத்துச் சொன்னார்கள். என்னென்னென்று போட்டு ஏற்படுவதற்கு முன்னால் ஒரு கோவிலுக்கு அர்ச்சனை பண்ணுவதற்கு தக்ஷிண இவ்வளவுதான் கொடுக்கவேண்டுமென்று இருந்ததேயில்லை. அவரவர்களாக தங்களாலான வற்றை கொடுத்துவந்தார்கள். அதுதான் ஹிந்து கோவில்களில் நடந்து வந்த முறை. பிறகு தேவஸ்தானம் ஏற்பட்ட பிறகு ஒவ்வொரு அர்ச்சனைக்கும் டிக்கட் வாங்கிக் கொண்டுதான் அர்ச்சனை செய்யவேண்டுமென்றும் அதுவும் அஷ்டோத்திரமானால் 1/2 ரூபாய் என்றும், சகஸ்ர நாமமாக இருந்தால் 1 ரூபாய் என்றும் இம்மாதிரியான திட்டம் ஏற்படுத்தியிருக்கிறார்கள். பத்தர்கள் மனமுடிந்து அர்ச்சனைகளுக்கு தங்களால் இயன்ற அளவு கொடுத்து தெய்வ வழிபாடு செலுத்தி வருவதுதான் சிறந்தது. இப்போது அரசாங்கம் அதில் தலையிட்டு ஒவ்வொரு அர்ச்சனைக்கும் இவ்வளவுதான் கொடுக்கவேண்டுமென்று நிர்ணயிப்பது அநீதியானது. உதாரணமாக இந்த வருஷம் அஷ்டோத்திரத்திற்கு 8 அணுவாக இருக்கிறது என்று வைத்துக்கொள்வோம் அடுத்த வருஷம் உதாரணமாக இப்பொழுது பிளாக் மார்க்கெட்டு மூலம்தான் சாமான் கிடைப்பதுபோல் சாமான்களின் விலை உயர்வாலும், அர்ச்சகர் எல்லாம் வாய்வலிக்க அர்ச்சனை பண்ணவேண்டியதால் தக்ஷிண அஷ்டோத்திரத்திற்கும் 1 ரூபாய் கொடுக்க வேண்டுமென்று விதிக்கலாம். இவ்வகை ஏற்பட்டால் மிகவும் தவறு இப்போது காசியில் விஸ்வநாதர் ஆலயம் இருக்கிறது. காசியில் விஸ்வநாதர் கோவிலில் யாரும் அர்ச்சனை பண்ணப் பணம் கொடுக்கவேண்டாம். அவரவர்களை தங்களுக்கு இஷ்டமானபடி புஷ்பத்தைப் போட்டு அர்ச்சனை செய்யலாம். ரொம்ப நாளை அப்படியேதான் நடந்து வருகிறது. இப்போது சிதம்பரத்திலும், திருச்செந்தூரிலும் சென்று பார்த்தாலும் அங்கேயுள்ள திகுதர்கள் அர்ச்சனை செய்ய வந்திருக்கும் யாத்திரிகர்களை முதலில் அர்ச்சனை எல்லாம் செய்வித்து தரிசனம் செய்வித்த பிறகு நாமாக எவ்வளவு கொடுக்கிறோமோ அவைகளைத்தான் வாங்கிக்கொள்வார்கள். ஒவ்வொருவரும் மனமுடிந்து கொடுக்கும் தக்ஷிணையத்தான் வாங்கிக் கொள்வார்களேதவிர அவர்களாக அவ்வளவு கொடுங்கள், இவ்வளவு கொடுங்கள் என்று கட்டாயமாக கேட்கவே மாட்டார்கள்.

“ஆகவே இந்த சட்டத்தின்படி அர்ச்சனைகளுக்கு தக்ஷிண இவ்வளவு என்று திட்டமிட Commissioner-க்கு அதிகாரம் இருக்கக்கூடாது. இதை எடுத்துவிடவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.”

* THE HON. SRI K. MADHAVA MENON:—“Sir, all the points were dealt with in detail on the first motion moved by my hon. Friend Sri Bhashyam to delete this clause. The arguments advanced to-day are identically the same as those advanced then. Therefore, I have not much to add to what I said the other day.

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I shall answer one or two points made by Srimathi Lakshmi Ammal to-day. She said: ‘இந்த மாதிரியாக புனிதமான காரியங்களில் தலை யிடுவது ரொம்பவும் அநீதியானது, தப்பிதமானது.’

“The amendment of hon. Sri Varadachari really negatives the clause as a whole. The clause as it stands says, ‘Notwithstanding anything contained in any scheme settled or deemed to be settled under this Act, or any decree or usage to the contrary the trustee of a temple shall have power’, etc. Sri Varadachari starts his amendment by saying ‘subject to such conditions as the Commissioner may by special or general order direct to fix fees’, etc. In the last portion of his amendment he says, ‘but in doing so he shall not depart from the settled usage where it has been clearly laid down either in the temple records or by decrees of courts of law’. In effect, the wording of hon. Sri Varadachari’s amendment is just the opposite of what the Government want to introduce. I find that Srimathi Lakshmi Ammal supports the amendment of hon. Sri Varadachari. Sri Varadachari says that the trustee shall have power subject to such conditions as the Commissioner may by special or general order direct to fix fees for the performance of archana. But hon. Srimathi Lakshmi Ammal says that the fixing of any fee is wrong but still supports hon. Sri Varadachari’s amendment. The hon. lady Member says that nothing should be fixed, and the archana fee should be left to the good sense of the person who wishes to perform the archana and then to the good sense of the trustee, etc. I entirely agree with the hon. lady Member. Let there be no archakas then and let the worshippers themselves perform the pujas, etc. The hon. lady Member also cited the case of Kasi. I am quite agreeable if such a form of worship exists here also. In that case there will be no archakas and therefore there will not be any need for the operation of this clause. This clause is intended to cover cases where there are archakas in temples who perform archanas on behalf of the worshippers. If there were no archakas to perform archana, then it is another matter. (Srimathi V. Lakshmi Ammal: ‘I will be glad if the worshippers themselves were allowed to perform the archanas’.) It is not a question of the hon. lady Member being glad or not. Neither she nor anybody can change a custom which has been in existence there for so long a period. It is the custom that only archakas can perform archanas in temples. To-day, I will not be permitted to do archana myself in the Tirupathi temple if I want. I want to tell hon. Srimathi Lakshmi Ammal that hon. Sri Varadachari’s amendment gives power to the trustee to fix fees for the performance of archanas; but what hon. Sri Varadachari says is this. ‘In certain cases where it has been fixed by settlement or by decrees of courts of law, don’t go beyond that’. That is what he says. I may tell the hon. Members that the Government wanted to do something more from the very beginning. The archakas are paid some archana money when they perform archana in a temple. Suppose an archaka to-morrow performs archana in front of the

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Secretariat, will he be paid any fees? I am sure nobody will be eager to call an archaka and ask him to do archana—either Ashtothram or Sahasranamam—in front of the Secretariat, however great it may be. At present the archaka is getting his archana fee only because he performs archana in the temple before the deity. Because it is a temple, people go there and ask him to perform archanas. In view of this, why should not the temple get a small share out of the archana fees? To quote another instance, for mudiyeduppu in Tirupathi the charge is six annas. Out of this, the barber is given five annas and one anna is credited to the temple. Because this has got to be done in Tirupathi, such a charge is made and there is nothing wrong in the temple getting a share of such charges. Similarly, I feel that there is nothing wrong for the trustee to collect the fees and allot a portion of it to the archaka and credit the other portion to the Devasathanam.

Coming to the fixation of the fees, I think it is very desirable to have fixed rates. Take the case of the Tirupathi temple. If the archana fees were not prescribed, it will be a question of the rich people alone being able to perform archanas. In such a case, only people who have money and influence, can get something, and the poor man cannot get anything out of it. Now, if a particular rate is fixed, there is at least a chance for all the people—rich and poor, to perform archanas by paying that amount. The worshipper will have at least this consolation, viz., I have done what is necessary and so I am satisfied. If he does not do it, then he becomes a cheat before God. I have done what is to be done by paying the prescribed archana fee. It is true that there are some settlements made by custom and also by courts of law. Why should the trustee be a mere collecting agent and collect all the archana fees and pay the entire money to the archaka? As I said the trustee must have power to fix the archana fees and allot a portion of it to the archaka and allot the other portion to the temple. Here, we are not trying to deprive the archakas of their archana fees. There is one other matter. Besides the trustee, archaka and God, there is also one other party, viz., the worshippers. We have to consider their convenience. After all, where is the money coming from? It is coming from the worshippers. So they must be given some consideration and some facility to perform the archanas. That is the reason why we have provided that the trustee may be given power to fix the fees. Srimathi Lakshmi Ammal said that this will lead to blackmarket in archanas. That is exactly what is going on now. Probably the hon. lady Member may not feel it now. But there are scores of worshippers who feel it just at present. As there is no fixed archana fee, a lot of people are compelled to resort to blackmarketing even in archanas. Blackmarketing is going on under any conditions. Our desire is that at least in the name of God it should not be done. It is only with a view to prevent and check blackmarketing in the performance of archanas, we are

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seeking to provide for the fixation of the archana fees. The other day hon. Member Sri Bhashyam instanced a case where the archaka demanded Rs. 200 for performing an archana. He characterised it as highly outrageous. True, to demand Rs. 200 for performing an archana is certainly outrageous. It is with the idea of preventing any sort of harassment of the worshippers by asking them that they should pay huge amounts as archana fees, and also of preventing any bargaining with regard to this fees, we have provided for the fixation of this fees. We have also provided that the archaka will be entitled to a proper share of this fees and the temple also will be entitled to the other share of this fees. For these reasons I cannot accept the amendment."

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, the Hon. Minister must accept that all the arguments that he has put forward, though they may seem to him as reasonable and all that, are not correct in respect of this matter. First of all, he unnecessarily drew the attention to what is called blackmarket in archanas. He knows nothing about it. (The Hon. Sri K. Madhava Menon: 'I entirely agree that I do not know anything about it'.) I have visited temples—twice as many as the Hon. Minister might have done. I have not come across a single instance where an archaka has demanded any fees for performing archana on my behalf. He may not have known me, but all the same the archaka has not demanded anything from me. Again, when the Hon. Ministers visited the Tirumalai temple, they had free archanas, and perhaps they got even Mel Sathus worth hundreds of rupees."

SRI V. I. MUNISWAMI PILLAY:—"Those things were given by the temple authorities and not by the archakas."

* SRI N. S. VARADACHARI:—"The temple authorities give them through the archaka."

* THE HON. SRI K. MADHAVA MENON:—"The hon. Member is entirely wrong when he says that all the Hon. Ministers were having free archanas. I have always paid a minimum of three rupees wherever I have gone for performing archana."

* SRI N. S. VARADACHARI:—"It may be so in the case of the Hon. Minister for Law. But some Hon. Ministers have had free archanas performed. I do not say that there is anything wrong about it. It is only an honour to the gentleman concerned. When I go to my native place, the archakas may not receive the archana fees every time I want to perform archana. I must say that the use of the word 'blackmarket' with regard to archanas is highly objectionable. The Hon. Minister quoted Sri Bhashyam with regard to this matter. I do not know in what context and to what case Sri Bhashyam referred and any way he is not here now. But I can say this much confidently. In all my experience about these archakas in this State, there has not been

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a single case where the archaka demanded huge amounts as archana fees. After all they are all under-dogs who are under the heels of the trustee and then the Government and then your legislation. I say this deliberately. Never has an archaka demanded even a rupee from worshippers for performing an archana. So let me disabuse all these notions from the Hon. Minister's mind.

"Now, coming to the point, I still maintain that the trustee may have power and not the Government. I may, however, tell the house that in view of what has happened here, no trustee will come forward to take this power for years to come, in violation of the existing practice or in violation of the decrees of the courts of law. I know the strength of public opinion in this matter. The purpose of my amendment is this. Suppose there is a place where the fee has not been fixed and no practice or custom obtains there or suppose a new temple suddenly acquires prominence like the one which acquired prominence in the suburbs of Madras in the last ten years where a large number of worshippers go for worship, in that case, there may not be a longstanding custom or usage, and in such cases under my amendment, a definite archana fees can be prescribed. My objection is this. Do not try to unsettle a longstanding custom or usage. Where there has been trouble and dispute formerly and which has been referred to a court and where the court has finally decided in the matter, do not try to get behind and put up your own trustee and create trouble in the temple where there was no trouble before. We must restore order and peace and confidence in worshippers and give stability to the archakas. That is what I am aiming at. We cannot question the archaka about his duties. If you fix a very low fee, it is quite possible that he may utter only a few names or omit several names when performing archana. The Hon. Minister asked, 'why should the trustees be the collecting agents?'. There is nothing wrong in their being collecting agents. The temples have other sources of income. They have landed properties. Even the worshippers get a share of the produce from the properties of the temple in the form of prasadam. But the archakas too get a little like that and their income is very limited. At times we can as well imagine their going without even the prasadam. So there is nothing wrong in the trustee being a mere collecting agent for the archaka. I will tell you the reason. Mr. Speaker, I want to draw your attention to this factor as I know you are a very religious-minded person. So I want you to kindly listen to this. When you go to a temple for performing archana, the archaka gets a few annas. He may have no other income. But the temple itself may have other properties. The trustee need not worry himself about collecting a share of the archana fees to the temple. His chief business is to regulate the practice of archana by insisting a small fee which will go to the person who does this. I do not think that there is anything wrong in his doing so.

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"Is there anything wrong about it? What is the outrageous aspect of it, I want to know. Why do the Government want to disturb the decrees passed by the courts? Why did these decrees arise. It is because of the very reason which the Hon. the Minister adduced just now that those decrees arose. Some trustee who was either very unreasonable or who tried to interfere where interference was unnecessary had driven these people to the courts of law. They had gone to the courts spending all their money and obtained decrees. And what do they find now? They see that the Government go behind the decrees that they have obtained and the rights that they have established. They think that it is a Sacred Charter that they have obtained and that they are entitled to all the emoluments. Now the Government are trying to strike at it, disturb it and throw the whole thing out of gear. Of course, the trustee exercises the power. Let the Hon. the Minister understand, and through him, let the Government understand, that no trustees dare exercise this power which the Government propose to secure for them. They will themselves see it. Whatever the authority of the Government be, I know how difficult it is to proceed in this matter. I utter a warning to-day on behalf of the thousands of worshippers that visit the temples. I know they may not care for it to-day, but they will find in effect later on that they have to-day produced a Dead Sea fruit. There may be hon. Members, who may vote for the law but who still want to respect the sacred rights and traditions created by a long course of public opinion. I strongly press the amendment and commend it for the acceptance of the House."

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* THE HON. SRI K. MADHAVA MENON:—"Sir, nothing new has been said by my hon. Friend, Sri Varadachari, except the imprecations and curses which he uttered. (Laughter.) My only consolation is, Sir, that they were made on behalf of the archakas and not on behalf of the worshippers."

MR. SPEAKER:—"The question is—

For existing clause 55, substitute the following:—

"55. The trustee of a temple shall have power subject to such conditions as the Commissioner may by special or general order direct to fix fees for the performance of archana and to determine what portion, if any, of such fees shall be paid to the archakas or other office-holders or servants of the temple but in doing so he shall not depart from the settled usage where it has been clearly laid down either in the temple records or by decrees of courts of law."

The amendment was lost.

SRI T. VISWANATHAM:—"Sir, I move—

For the words "Notwithstanding anything contained", substitute the words "Subject to".

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MR. SPEAKER:—"Does the hon. Member move the other two amendments also?"

* SRI T. VISWANATHAM:—"No, Sir. I have moved my first amendment and I do not intend moving the other two."

THE HON. SRI K. MADHAVA MENON:—"It is out of order, Sir."

* SRI T. VISWANATHAM:—"Let me finish, Sir. Let the Hon. the Minister have a little patience and say what he has to say after I have finished. Let him raise his point of order then. If my amendment is accepted, Sir, then it will read like this—

"Subject to any scheme settled or deemed to be settled under this Act, or any decree or usage to the contrary, the trustee of a temple shall have power, subject to such conditions as the Commissioner may, by general or special order, direct, to fix fees for the performance of archanas and to determine what portion, if any, of such fees shall be paid to the archakas or other office-holders or servants of the temple."

The effect of this is that the trustee, subject to the general or special orders of the Commissioner . . .

* THE HON. SRI K. MADHAVA MENON:—"On a point of order, Sir, when an amendment is printed and circulated in advance, is it not open to a Minister to rise to a point of order even before the amendment is moved?"

MR. SPEAKER:—"Yes, he can."

* THE HON. SRI K. MADHAVA MENON:—"The amendment moved by my hon. Friend, Sri Viswanatham, is identical with the one moved by hon. Sri N. S. Varadachari which was negatived. Hon. Sri Varadachari's amendment said that the settled usage laid down by decrees of courts of law should not be departed from. Hon. Sri Viswanatham's amendment says subject to such directions or conditions as contained in the decrees by courts of law the trustee may fix the fees. So, both the amendments mean the same thing and both seek to defeat the very object of the provisions contained in clause 55. The first amendment has been voted down and, therefore, this is out of order."

MR. SPEAKER:—"Let us hear what the hon. Member, Sri Viswanatham, wants to say on this."

* SRI T. VISWANATHAM:—"I submit, Sir, this is not a point of order."

THE HON. SRI K. MADHAVA MENON:—"It is."

* SRI T. VISWANATHAM:—"It is a question on which a point of order cannot arise. Sir, by accepting this amendment no principle of the Government will be thrown to the winds. But, on the other hand, by refusing to accept it, they will be throwing to the winds the decrees passed by the courts of law. Sir, we

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cannot raise any new arguments. The Hon. the Minister said in reply to Sri N. S. Varadachari that he had adduced no new arguments. The Hon. the Minister has not rendered any new arguments in his reply either. Likewise, I too cannot adduce new arguments. My amendment is simple and I have moved it. After it is seconded, let the Hon. the Minister oppose it if he wants."

MR. SPEAKER:—" (After a pause.) For want of a seconder, the amendment falls through."

* SRI V. I. MUNISWAMI PILLAY:—"Mr. Speaker, Sir, I welcome the provisions in clause 55 of the Bill. Knowing personally and having visited many of the temples in this State, I may say, Sir, that there is a lot of corruption in the matter of collecting fees for archanas and the manner in which they are conducted. Where the trustees or the executive officers have fixed the fees for archanas, things are going on very well. I may instance here what is obtaining in the Sri Meenakshi temple and the Thiruparankundram temple in Mathurai. The executive officers there have fixed the fees for archanas. In other temples where there is no such fixed fee, people who visit those temples from far off places, pay even three times and four times the ordinary fee demanded of others. The introduction of this clause will save such people and others from being fleeced. This will help the poor people from whom money is being extracted now. Sir, after throwing open the temples to the Harijans, many of them visit the temples regularly and offer worship there. These poor people when they go there are not in a position to know what the exact amount that they have to pay for archanas is. I know that they have on many occasions been asked to pay more than the usual fee they collect. When such a thing is taking place, Sir, how can the Harijans go to the temple and get poojas performed? Will not the whole question of temple entry become a farce then? When I consider this question, Sir, I feel that clause 55 must be there in the Bill."

SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, I am

MR. SPEAKER:—"The hon. Member has already spoken on this clause."

* SRI N. S. VARADACHARI:—"I want only two minutes, Sir. I am sorry that the Government have stuck to this position and are not willing to move even an inch. The Hon. the Minister talked of imprecations and threats. (The Hon. Sri K. Madhava Menon: "Curses.") Quite right. I have no curses—nor imprecations—for him. But I wish to tell him even now in a very cool and collected manner that he may pass this law because he has enough force to push it through; he will not, however, be able to effectuate it in cases which have been settled by custom or

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by decrees of courts of law because wise trustees will not be tempted by this power which the Government are now seeking to place in their hands and make them exercise it to the detriment of the interests of the archakas and the worshipping community."

* SRI L. N. GOPALASWAMI:—Mr. Speaker, Sir, as I was listening to the arguments advanced both on behalf of the Government and by those who moved amendments, I felt that this archana business was viewed by the Government as something like a tax to be collected for the temple from the worshippers. It was thought of as something to be measured in terms of the offerings being shared between the archakas and the temple. I may tell this Honourable House that it is not a thing to be measured as such. In my own humble way, Sir, I have travelled throughout India and visited all shrines, holy and sacred. There is nothing like special fees offered by the worshippers or demanded by the archakas. The latter are satisfied in some cases with the part of the coconut that is broken while the other half is given back to the worshipper. I now find that the whole question is considered as something of monetary value only. I am not able to understand this position and that is the reason why I have been throughout opposing this measure as one interfering with religion and religious practices. Archanas are nothing but offerings to God by humble individuals like me. Though the worshipper is not able to do it personally, he does it through an agent—the archaka—whose life is one of dedication. He is willing to do it not because of the pittance offered to him by the worshipper but because he believes that his salvation lies that way. He equally believes that he by so doing throws open the gates of salvation for the worshippers also. There are people who have opened their purses, who have emptied their purses, without caring to know whether they have money enough to carry them back home, all in favour of the archakas. There are also persons who view archanas in terms of money and say, 'Two annas will do for this archana; he is simply breaking the coconut'. They calculate the fees on the basis of the amount of time spent for the archana. I do not deny their existence. But the question of money should not at all weigh with the Government in this matter. It is a matter of religious faith and, therefore, this business of regulating the conduct of archanas by introducing tickets, etc., should not be countenanced. Monetary consideration should not prevail in matters of religion."

SRI R. V. SWAMINATHAN:—Sir, I do not intend to make a long speech now, as has been done by several hon. Members who have spoken two or three times on this clause. After listening to the several points raised by them, I want to ask the Hon. the Minister whether it is his intention that once a fee is fixed for archanas, the worshippers should be prevented from paying anything to the archakas over and above what has been paid as the archana fee. I want to have the position clarified."

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* THE HON. SRI K. MADHAVA MENON:—Sir, on the other hand, I shall be glad if any worshipper who can afford it, if he is decent enough to do it, pays to the archaka something of his own accord after the archana is performed over and above the sum he has paid by way of archana fee to the devasthanam. For my part, I would feel, Sir, that I shall get some more *pungam* by so doing. I pay in addition to the archaka fee which goes to the temple, something to the archaka so that I may have a bit of his grace. This is a thing which he is entitled to and if he gets anything like that it will not be improper on his part to have done so. My hon. Friend, Sri Gopalaswami said that the Government wanted to collect it as a tax. They do not want to collect it as a tax but they want to prevent the archaka from getting it as a tax."

Clause 55 was put and carried.

Clause 56.

MR. SPEAKER:—"The motion is—

'That clause 56 do stand part of the Bill.'

* SRI T. VISWANATHAM:—"Sir I wish to move—

'(1) In line 1 in sub-clause (1), after the word "religion" insert the words "or charitable" and for the word "may" substitute "shall".

(2) Delete the words "to the Area Committee . . . in other cases".'

Sir, the Government have in certain cases decided to bring charitable institutions within the scope of the Bill. This provision will be more useful to the charitable institutions once the Government decide to extend the provisions of the Bill to them . . ."

MR. SPEAKER:—"A ruling was already given on this matter."

SRI T. VISWANATHAM:—"What ruling, Sir?"

MR. SPEAKER:—"That it is out of order."

SRI T. VISWANATHAM:—"I do not understand, Sir, what is referred to now."

MR. SPEAKER:—"On a previous occasion, the hon. Member moved a similar amendment and it was ruled out of order."

THE HON. SRI K. MADHAVA MENON:—"Sir, we have adopted clause 3 which says that any or all the provisions of this Bill may be extended to charitable institutions by notification in the *Fort St. George Gazette*, i.e., by a specific notification. If my hon. Friend's amendment is accepted, then the whole sub-clause will go against clause 3 which we have adopted."

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SRI T. VISWANATHAM:—"It would not go against, Sir."

MR. SPEAKER:—"It does."

* SRI T. VISWANATHAM:—"Excuse me, Sir. In clause 3 it is stated that certain sections of the Act or the whole Act may be applied to the charitable institutions after due notification. Does it mean, Sir, that there should be no words referring to charitable institutions in other clauses? If we include charitable institutions in sub-clause 1, that will also apply to the charitable institutions when a notification is made extending the Act to them."

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MR. SPEAKER:—"These amendments are out of order."

SRI T. VISWANATHAM:—"If you feel they are out of order, I must bow to your ruling."

MR. SPEAKER:—"Then what about the amendment for sub-clause (3) of clause 56?"

* SRI T. VISWANATHAM:—"I move—

'Delete sub-clause (3).'

"Sir, the Government agree with me to a large extent. I want them to agree for a little more. The earlier sub-clauses deal with the scales of expenditure and all that. A further machinery is not necessary."

SRI K. VARADACHARI:—"I second it, Sir."

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

MR. SPEAKER:—"I am going to put the amendment to the vote of the House."

* SRI T. VISWANATHAM:—"Have the Government nothing to say by way of opposition to this amendment, Sir?"

MR. SPEAKER:—"The motion is—

'Delete sub-clause (3).'

The amendment was lost.

MR. SPEAKER:—"The Government amendment to clause 56 may be moved."

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

'(1) Omit the proviso to sub-clause (5).

(2) Omit sub-clause (6).'

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"Sir, the proviso to sub-clause (5) reads:

'Provided that the area Committee or the Commissioner, as the case may be, may at any time on its or his own motion, for sufficient cause, direct the trustee to modify the *dittam* or scale of expenditure.'

This proviso gives the power to the Area Committee and the Commissioner to alter the *dittam*. That is not necessary. The trustees must have the liberty to do it and so I want to omit the proviso. *Suo motu* sub-clause (6) is not necessary."

MR. SPEAKER:—"The motion is—

'(1) Omit the proviso to sub-clause (5).

(2) Omit sub-clause (6).'

The amendments were carried.

Clause 56 as amended was put and carried.

MR. SPEAKER:—"The hon. Member Sri N. S. Varadachari has given an amendment for the inclusion of a new clause, Clause 56-A."

* THE HON. SRI K. MADHAVA MENON:—"I say, Sir, this is out of order in view of the ruling you have given. He cannot move the amendment for this reason. Clause 53 which we have passed says:

'All office-holders and servants attached to a religious institution or in receipt of any emolument or perquisite therefrom shall, whether the office or service is hereditary or not, be controlled by the trustee and the trustee may, after following the prescribed procedure, if any, fine, suspend, remove or dismiss any of them for breach of trust, incapacity, disobedience of orders, neglect of duty, misconduct or other sufficient cause.'

The suggestion in the amendment is that the trustee or the Commissioner shall not dismiss an archaka or other temple servants. This goes against clause 53 we have already passed."

* SRI N. S. VARADACHARI:—"I am sorry the Hon. Minister has not made clear the point of order. I was about to suggest that in view of dropping the proviso, the second sentence was unnecessary, namely, 'Any alteration in the scale or *dittam* of expenditure in connection with actual worship in the temple for the time being in force directed either by the area committee or the Commissioner will be deemed to be made for sufficient cause only when the approval of such religious counsel as constituted above is obtained for the purpose.' The Government have taken away these powers. There cannot be alterations made by them. All alterations are left to the trustee, the poor fellow to be appointed who will be made the victim, the scapegoat of the faults to be committed hereafter by us. So that, that part of my amendment goes.

"Now, Sir, the first part is perfectly in order, only omit the words 'or Commissioner.' They have taken away his powers. In my amendment I have not said that the Government have no power to suspend, fine or to do other things."

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* THE HON. SRI K. MADHAVA MENON:—" Clause 53 empowers the trustee to take action against the office-bearers after following the prescribed procedure."

* SRI N. S. VARADACHARI:—" Sir, clause 53 contemplates the power of dismissal and it is vested in the trustee. I am now trying to point out that the Act itself will have very doubtful validity because I think, under the present law as it is constituted, no Commissioner or area committee or anybody outside the denomination will have the power to look into purely religious matters. I certainly admit that the power to dismiss the archaka for having committed theft in a temple or done some other thing, not concerned with the daily routine of the worship, something connected with the secular management, certainly a trustee has power to dismiss and even hand him over to the Police. But he cannot arrogate to himself the right of saying: 'You must perform the worship in a particular manner. I know that it is the custom. I know that it is the usage. I dictate to you that it shall be performed in that particular way whatever the custom might have been.' The trustee shall not have the power to say so. This power is contrary to law."

MR. SPEAKER:—" What is the point of the hon. Member? Does not the amendment go against clause 53? "

* SRI N. S. VARADACHARI:—" It does not, Sir. Clause 53 refers only to various things, dismissal, suspension, fine and various other things. Now, the proviso to a previous sub-clause which the Government have now omitted makes it unnecessary for me to move the second part of it. The Government have now taken away the powers and handed them over to the trustees. As I have said, a doubt arises as to whether he can really take upon himself the power of dismissal for so-called offences or neglect of duty in connection with the actual worship in the temple. I say, Sir, we must make it clear and explicit. It operates only like an explanation and does not take away the power of the trustee which is sought to be vested in him for the proper secular management of the temple. Beyond saying this, I do not want to say anything more, Sir. The manner in which the discussion is being treated by Government is of such a character that I do not propose to find fault with anybody else. I find fault with myself for not having convinced the Government sufficiently. I feel it is not reasonable that the trustee should arrogate to himself power which he cannot derive by appointment by Government as such or by any Government officer, a power strangely sought to be vested in him of dismissing a person, not for any fault in the management in the so-called secular management of the temple but for the so-called neglect of duty or non-observance of duty in matters with which the trustee is not ordinarily familiar. I say, Sir, there is no purpose in moving my amendment. Government refuse to understand them. I am not moving my amendment."

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* SRI T. VISWANATHAM:—" On a point of information, Sir. The Hon. Minister was rising to a point of order before the amendment was moved. I understand that a point of order could be raised after a motion has been moved. The hon. Member has not moved the amendment and there is no motion before the House, and I believe if there is no motion before the House the question of raising a point of order does not arise."

MR. SPEAKER:—" The Hon. Minister can point out to me that it is out of order even before it is moved."

* SRI T. VISWANATHAM:—" It is of general interest to me, Sir, at a later stage. Unless the hon. Members moves it, where does the point of order arise? "

MR. SPEAKER:—" Cannot the Hon. Minister bring it to the notice of the Chair? He can do so and the Chair can say that it is out of order."

THE HON. SRI K. MADHAVA MENON:—" Certain resolutions and Bills are given notice of. Even when they are put on the agenda papers, the Hon. Speaker may hold some of them to be out of order and intimate to the Member concerned that it is out of order."

SRI T. VISWANATHAM:—" Can it be done at any time even when there is no motion before the House? "

MR. SPEAKER:—" The Hon. Minister can point out to the Chair, and the Chair might be guided by him in the matter. There is no harm in that. Any hon. Member is permitted to bring to the notice of the Chair if anything is out of order."

* SRI T. VISWANATHAM:—" Even without the motion being before the House? "

MR. SPEAKER:—" Yes."

* THE HON. SRI K. MADHAVA MENON:—" If that be so, Sir, if a Member wants to speak on a motion knowing that it is out of order, he would have spoken and done all the harm already and the life here will be impossible."

* SRI N. S. VARADACHARI:—" I wish to record my protest against the words just now uttered by the Hon. Minister, Sir. 'If a Member knowingly presses a clause or an amendment knowing that it was out of order' . . . Members are not so ignorant as the Hon. Minister presumes. I know something about law. I may not be an expert as the Hon. Minister. I feel that it should not be said that we give frivolous notices knowing that they are out of order. I never gave notice of such . . ."

* THE HON. SRI K. MADHAVA MENON:—" I did not say so, Sir. If the cap fits him I cannot help it. The hon. Member

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Sri Viswanatham asked whether it was open to a Member or the Hon. Speaker to say that a motion was out of order even before it was moved. I say, Sir, if I feel that the motion is dangerous and should not be allowed on public and other grounds, it is open to the Chair not to allow the motion even before it is moved."

SRI N. S. VARADACHARI:—"I wish the Hon. Speaker would peruse the reports and see whether the words 'knowingly out of order' were used or not."

THE HON. SRI K. MADHAVA MENON:—"I did not say so, Sir."

MR. SPEAKER:—"The Hon. Minister never meant anything like that."

CHAPTER V—MATHS.

MR. SPEAKER:—"Chapter V dealing with maths will now be taken up."

* SRI T. VISWANATHAM:—"Sir, in the first place, I would like to move the long amendment which was given notice of by my hon. Friend Sri Bhashyam and give notice of by me also. Before moving the amendment, I want to know whether you would like me to take this amendment in several parts or the whole thing as one amendment. I will do as the Chair pleases."

MR. SPEAKER:—"I think it would be better if you move the whole thing, and we can save time."

SRI T. VISWANATHAM:—"Sir, as arguments will be the same more or less for the amendments and as it will save the Hon. Minister from repeating his arguments of opposition, I move—

'Omit Chapter V.

In the alternative.

The following Chapter is to be made exclusively applicable to mutts:—

"Notwithstanding anything hereinbefore contained, this Chapter shall apply to the mutts.

This Chapter shall apply to such of the mutts in the Province of Madras as are notified by the Provincial Government under section . . . and the endowments therefor. Notwithstanding anything contained herebefore, the mutts shall be governed by the provisions of this Chapter only.

As soon as may be after the passing of this Act, the Provincial Government shall constitute a judicial tribunal consisting of three members, one a High Court Judge or a person who has been a High Court Judge within two years of the appointment and two other persons to

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be associated with him who are either District Judges or have been District Judges within two years of the appointment.

The Provincial Government may by notification bring within the scope of this Chapter any mutt situated within the Province of Madras. Such a notification shall not be issued by the Provincial Government unless a judicial officer not below the rank of the District Judge appointed by such Provincial Government finds on investigation and after giving sufficient opportunities to the head of the mutt concerned to offer his explanation and also particulars in respect of any charge against him, comes to the conclusion that it is desirable in public interest that such a mutt should be brought under the provisions of this Chapter.

Nothing in this Chapter shall be construed to affect or in any way derogate from, the powers in respect of religious endowments which the Advocate-General may exercise under sub-section (2) of section 114 of the Government of India Act.

In this Chapter, unless there is anything repugnant in the subject or context,—

- (1) 'Court' means the Court of the District Judge within whose local limits a mutt is situated.
- (2) 'Judicial Tribunal' means a tribunal appointed under the provisions of this Chapter.
- (3) 'Mutt' means and includes an institution by whatever name it may be locally called, for the promotion of Hindu religion consisting of a person devoted or professing to be devoted to the imparting of, or whose duty is to impart, spiritual instruction to and exercise or claiming to exercise, spiritual headship over a body of disciples professing the Hindu religion and engaging himself, or purporting to engage himself, in spiritual service to such disciples or other persons, and a body of such disciples or other persons, receiving or entitled to receive such instructions or service.
- (4) 'Matathipathi' means a person by whatever name locally known, who exercises or purports to exercise the functions of the head of a mutt and discharges or purports to discharge the duties of spiritual instruction and spiritual service to the disciples of the mutt on any particular tenet or philosophy of Hinduism.
- (5) 'Person having interest' means a person who is in the habit of attending such performance or of partaking in the benefit of the distribution of gifts thereof, who

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is a disciple of the mutt and shall also include persons who receive instructions or initiations for the spiritual advancement.

(6) 'Prescribed' means prescribed by the Provincial Government by rules made under this Act.

(7) 'Religious Endowments' or 'Endowment' means all property belonging to or given or endowed for the support of mutts and includes the premises of mutts but does not include gifts or property made as personal gifts to the head of a mutt or other employee of the mutt.

(8) 'Specific Endowment' means all property given or endowed for the performance of any specific service or charity connected with a mutt.

All properties endowed to or belonging to a mutt shall vest in the mutt and the matathipathi of a mutt shall not have hereafter any beneficial interest in such properties.

The management of the affairs of the mutt shall be in the hands of the matathipathi who shall be assisted by a council composed of members chosen as hereinafter provided from among the body of the disciples of the mutt.

As soon as may be after the notification is published, the matathipathi shall prepare a list of disciples of the mutt and publish it in such a manner as may be prescribed:

Provided that if within one month from the date of such publication, any objection or suggestion is received from any person having interest, the judicial tribunal constituted under this Chapter shall consider such objection or suggestion and direct such additions to, or alterations in the list as it may deem fit and the order of such Tribunal shall be final.

Every mutt shall have a Council of Disciples chosen from among the disciples named in the list published as stated above. The Council shall consist of not more than nine and not less than five members as may be fixed by the Government in the notification referred to in section . . . and shall be elected by the disciples of the mutt in such manner as may be prescribed.

Provided that if any difficulty arises in the constitution of such a Council, the Government may direct the Collector of the district to take such measures as may be necessary to bring into existence such a Council.

Every member of the Council shall hold office for a period of five years and the matathipathi shall be the ex-officio President of the Council of the disciples of the mutt.

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The Council of Disciples shall have power to make suggestions to the head of the mutt with regard to the affairs relating to the mutt and in case there is a difference of opinion between the majority of the members of the Council of the mutt and the matadhipathi, the matter may be placed before the Judicial Tribunal by either the matadhipathi or by the Council as regards any matter relating to the affairs of the mutt.

(a) *When a vacancy occurs in the office of the matathipathi and there is a dispute respecting the right of succession to such office, or when such vacancy cannot be filled up immediately, or when a matadhipathi is a minor and has no legally constituted guardian for and willing to act as such, or there is a dispute respecting the person who is entitled to act as such guardian or when a matadhipathi is by reason of unsoundness of mind or other physical infirmity unable to discharge his functions, the Judicial Tribunal at the instance of the Council or any person having interest may appoint a fit person to discharge the functions of the matadhipathi until another succeeds to his office or the disability of the matathipathi ceases to exist, as the case may be. In the meanwhile the Collector shall assume charge of the properties and provide for the discharge of the religious functions with the advice and guidance of the Council of Disciples.*

Nothing in this sub-section shall be deemed to affect any thing contained in the Madras Court of Wards Act, 1902.

(b) *In making an appointment under sub-section (a) the Judicial Tribunal shall have due regard to the claims of the disciples of the mutt, if any, entitled to succession as well as the wishes of the disciples.*

(c) *The person so appointed shall be entitled to exercise all the powers which a matadhipathi could exercise in relation to such endowment.*

Every mutt having an income not more than Rs. 10,000 a year, shall appoint a Manager for the management of the properties of the mutt. Such an officer shall be approved by the Judicial Tribunal and he shall be a Hindu professing the Hindu religion and also belonging to the denomination for whose benefit the mutt exists.

Such a Manager shall be whole-time officer of the mutt and shall not undertake any work unconnected with the mutt. Such a Manager shall be paid such salary as may be fixed by the Council. He shall be in office for a period of five years in the first instance and the Council is entitled to extend the term of office to such a period as it deems fit.

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The Council will be entitled to dismiss or suspend such a Manager for good and proper cause but the Manager is entitled to appeal before the Judicial Tribunal against such dismissal or suspension. The Judicial Tribunal may pass an order as it may think fit, either to restore him to office or direct the mutt to compensate him for dismissal which may be found to be illegal or improper.

The Manager shall be in custody of all the properties and records of the mutt and be responsible for the proper collection of its income and the disbursements to be made on its behalf. He shall also be responsible for the maintenance of true and correct accounts of the receipts and disbursements.

The matadhipathi shall with the help of the Manager before three months before the end of the year, place before the Council of Disciples proposals for fixing the dittam or scale of expenditure for religious functions or ceremonies in the mutt and the amounts which should be allotted to the various objects connected therewith and the proportions in which the income or other property of the mutt may be applied to such objects. The matadhipathi shall publish such proposals in such a manner as may be prescribed together with a notice, stating that if within one month from the date of such publication any objection or suggestion is received from any person having interest, the Council will consider such objection or suggestion, and after the expiry of the period fixed, as stated above, the Council shall consider the objection or suggestion that may have been received and may pass such orders as it thinks fit on the proposal. The decision of the Council shall be final except where a dittam or the scale of expenditure for the time being in force in the mutt is sought to be altered by the Council. Any person interested in the mutt shall be entitled to bring the matter before the Judicial Tribunal who will decide the matter finally.

The matadhipathi with the help of the Manager shall, in each year before and in such form as may be prescribed, prepare a budget showing the probable receipts and disbursements of the mutt and the endowments connected therewith during the following year and have it placed before the Council of Disciples who shall be entitled to alter, modify and add to the budget. Provisions relating to the expenditure required for religious functions according to the dittam fixed under section shall first be included therein as charge on the income and shall be provided for in the first instance. Such a budget shall be published for general information and any suggestions that may be made by disciples shall be considered by the Council, provided however in case of emergency

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the matadhipathi may direct the execution of any work or the doing of any act which is not provided for in the budget and the immediate execution or the doing of which is in his opinion necessary for the preservation of the properties of the mutt or for the service or safety of the pilgrims resorting to the mutt; that expenditure shall be paid. This action should forthwith be reported to the Council with reasons therefor.

The accounts of the mutt shall be audited annually or at such other intervals as may be prescribed by an auditor included in the list of approved auditors to be furnished by the Government. Such an auditor shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

The auditor shall submit a report to the Council which shall among other things specify all cases of irregular, illegal or improper expenditure or of failure to recover moneys or other property due to the institution or of loss or waste of money or other property of the institution, caused by neglect or misconduct. The auditor shall also report on any other matter which the Council may require in respect of the mutt or any specified religious endowment. The cost of auditing the accounts of the mutt shall be fixed by the Council and be payable from out of the funds of the mutt within such time as may be prescribed.

The Provincial Government may make rules for

- (a) the manner in which the records, accounts or receipts, and expenditure and register relating to the mutts may be kept,
- (b) the custody of the records and documents of the mutts,
- (c) the investment of the funds of the mutts,
- (d) the time and place of the meetings of the Council of Disciples,
- (e) the manner in which the notice thereof shall be given,
- (f) the quorum for transaction of business at such meetings,
- (g) the manner in which the proceedings of the meetings shall be recorded, and
- (h) the manner in which the decisions of the Council of Disciples shall be brought forth before the Judicial Tribunal.

For every mutt a register shall be maintained by the matadhipathi showing—

- (a) the names of past and present matadhipathis and particulars as to the custom, if any, regarding succession to the office of matadhipathi;

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- (b) particulars of all endowments of the mutt and all title-deeds and other documents relating thereto;
- (c) particulars of the scheme of administration and of the dittam or scale of expenditure;
- (d) the names of all offices to which any salary, emolument or perquisite is attached and the nature, time and conditions of service in each case;
- (e) the jewels, gold, silver, precious stones, all vessels and utensils and other movables belonging to the institution with their estimated values; and
- (f) such other particulars as the Judicial Tribunal may fix. The register shall be signed by the matadhipathi and shall be kept open for inspection by the Council of Sishyas or any person interested in the mutt. If there is any matter which requires investigation and scrutiny, it is open to either the Council of Disciples or any person interested in the mutt to bring the matter before the Judicial Tribunal who will be entitled to investigate and make final orders thereon.

No exchange, sale or mortgage and no lease for a term exceeding five years of any immovable property belonging to any mutt shall be valid or operative unless it is necessary or beneficial to the mutt and is sanctioned by the Judicial Tribunal.

Not less than three members of the Council of Disciples and not less than 30 in number of persons interested in the institution may institute a suit in the Court to obtain a decree:

- (a) appointing or removing the matadhipathi,
- (b) vesting any property in the mutt,
- (c) directing accounts and inquiries,
- (d) declaring what proportion of the endowed property or of the interest therein shall be allocated to any particular object of the endowment, or
- (e) granting such further or other relief as the nature of the case may require.

(1) The decision of the Judicial Tribunal shall be final and shall not be open to question in a Court of Law, except to the extent mentioned.

(2) The Judicial Tribunal may, after holding an enquiry in such manner as may be prescribed, by order, declare that the purpose of the endowments of a mutt has from the beginning been, or has subsequently become impossible of realization or that the machinery for effectuating the original purposes of the endowments has failed or no longer exists or

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that after satisfying adequately the purposes of the endowments and after setting apart a sufficient sum for the repair and renovation of the buildings connected with the mutt or the endowments attached thereto, there is a surplus which is not required for such purposes, and it may, by such order, direct that the amount of the endowment or such surplus as is declared to be available, as the case may be, be appropriated to religious, educational or charitable purposes consistent with the objects of such mutt.

- (3) It shall be competent for the Judicial Tribunal when giving a direction under sub-clause (1) to determine what portion of such amount or surplus shall be retained as a reserve fund for the mutt and to direct the remainder to be appropriated to the other purposes.
- (4) The Judicial Tribunal may at any time by order and in the manner provided in sub-section (1) modify or cancel an order passed under that sub-section.
- (5) The order of the Judicial Tribunal under this section shall be published in the prescribed manner. The matadhipathi, the Council, Manager or any other person having interest may within two months of the date of such publication institute a suit in the Court to modify or set aside such order. Subject to the result of such suit, the decision of the Tribunal shall be final and binding on the matadhipathi, Manager and all persons having interest.
- (6) Any decision of the Tribunal under this section may at any time for sufficient cause be modified or cancelled by it in a suit instituted by the Council, the matadhipathi or any person having interest but not otherwise.
- (7) Any decision by the Judicial Tribunal dismissing a running matadhipathi or appointing a matadhipathi may be appealed against by the Council or the body of the worshippers to the High Court whose decision thereon shall be final.

All costs and expenses incurred by the Council, the matadhipathi or the Manager in connexion with legal proceedings in respect of any mutt to which the Council, the matadhipathi, or the Manager is a party shall, notwithstanding anything contained in section . . . be payable out of the funds of such mutt.

Every mutt or specific endowment attached thereto shall pay annually for meeting the expenses of the Judicial

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Tribunal such contribution not exceeding one and a half per centum of its income as the Judicial Tribunal may determine.

"Sir, as the clauses stand at present, we believe that they do not meet the point of view expressed by us both on constitutional and legal grounds and on merits, in regard to the position and the manner in which these maths and the matadhipathis should be dealt with in a comprehensive measure of this type. We have been saying that these matadhipathis stand on a different footing from the other charitable institutions and temples. Government at one stage said that they have dealt with them in a separate way and they have been given a separate chapter. I have gone through the separate chapter and I believe, unless Government accept some of the positions taken by the alternative amendments, they would not really satisfy or fulfil the purpose with which they have allotted a separate chapter for these maths. I would first like to give you the opinions given by some of the witnesses who were examined . . ."

MR. SPEAKER:—"The House will now rise and meet again at 3 o'clock."

The House adjourned to meet again at 3 o'clock after lunch.

(After lunch—3 p.m.)

SITTING OF THE HOUSE—cont.

SRI V. RAGHAVAYYA:—"Mr. Speaker, Sir, Many Members who are fasting today are anxious to go home at 4 o'clock. May I request you, Sir, to see that the proceedings of today close at 4 o'clock?"

* THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir. I have to make another suggestion. I have consulted the Leaders of Opposition and they have agreed to sit for one more hour, i.e., till 6 o'clock because we have had two hours interval today. So, we can sit for one more hour."

SRI K. R. KARANTH:—"Mr. Speaker, Sir. I may be permitted to make one suggestion. Those who consent to sit here do not sit here at all. It is we who sit and carry on the proceedings and the usual 5 o'clock may be kept up. Be that not 4 o'clock or 6 o'clock."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir. I do not want to suggest that the Hon. Minister said it as an after-thought or counter-blast, but when hon. Sri V. Raghavayya said 4 o'clock, immediately the Hon. Sri K. Madhava Menon rose and said 6 o'clock . . ."

* THE HON. SRI K. MADHAVA MENON:—"I consulted this morning the Leaders of Opposition. Because today is Friday and we are having two hours' interval instead of one hour, I consulted

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them whether they can sit at least from 2-30 p.m. They did not agree and preferred to sit for one hour after 5 p.m. I consulted both of them and wanted to tell you but I could not meet you, Sir."

SRI V. RAGHAVAYYA:—"The religious-minded Members had a rude shock yesterday at the hands of the Hon. Sri K. Madhava Menon. When many hon. Members who are Hindus are fasting today, I want to know why the Hon. Minister has consulted Mussalman friends . . ."

MR. SPEAKER:—"The Hon. Sri K. Madhava Menon has not said about it. The Leaders of Opposition should be consulted and they are consulted."

SRI V. RAGHAVAYYA:—"In these matters where you can agree, Sir, and the Government can gracefully agree to a request like this, I don't expect ordinarily any opposition at all. When we ask for adjournment at 4 o'clock, the Hon. Minister says 6 o'clock. Is that the way? . . ."

* SRI T. VISWANATHAM:—"I am sure the Speaker is fasting today."

MR. SPEAKER:—"Duty comes first and then comes fasting. Let the hon. Member continue his speech. (Interruption.) We shall continue and let us see how we progress."

SRI K. SUBBA RAO:—"Being Pournima today, we want to know definitely whether we are going to sit till 4 or 6."

THE HON. SRI K. MADHAVA MENON:—"Anyway it is not before 5 p.m. that we will rise."

III.—GOVERNMENT BILL—cont.

THE MADRAS HINDU RELIGIOUS AND CHARITABLE
ENDOWMENTS BILL, 1949 (L.A. BILL
NO. 10 OF 1949)

MR. SPEAKER:—"Let the hon. Member, Sri Viswanatham continue his speech."

* SRI T. VISWANATHAM:—"Sir, I want to make it clear in the first instance that this is not an amendment which says that the Government should not seek to have any control over maths or their properties. This amendment is an alternative. We would have liked these things to be excluded. But, that not having been done, we wanted to go as far as one can go and therefore in this amendment we provide an alternative in accordance with certain views put forward before the Select Committee by persons who took great pains and interest to know these matters and, Sir, who had also some authority to speak about this subject."

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"Sir, if you refer to the summary of evidence taken before the Joint Select Committee, you will find some good opinions given by eminent witnesses. Here is the evidence of Dr. S. Kanthimathinatha Pillai (Saiva Vellala Maha Sabha, Mathurai).

"He classified mutts into different classes according to the system of philosophy and tenet followed, viz. Saivites, Vaishnavites, Smarthas, Madhwas, etc. His proposal was that each mutt should maintain a register of its sishyas and followers who have received some initiation and declare their allegiance to the mutt and that from among those disciples, a Committee of 9 to 12 members, in the first instance, should be nominated by the Government.

Then, Sir, he gives some details of his proposals.

"The head of the mutt will be the spiritual and religious head and will look after all religious functions, though he should have an overall and general interest in the mutt properties.

In my opinion, Sir, he should have preferred an elected committee of sishyas. But, nomination was suggested, in the first instance, so that the machinery can start working. This amendment embodies only the opinions of those who have agreed with the proposal that the Government should have control. But, what is the kind of control? The Government have proposed one kind of control under clause 57 and the following clauses. This is an alternative, Sir. He continues—

"The secular administration should be entirely in the hands of the committees through the executive officers. The matadhipathi as a constitutional head should preside over the committees so that there might be mutual understanding and lesser conflict between them.

"Sir, I would next take you to the evidence given by Sri M. C. S. Ratnasabapathi Chettiar (Saivite Disciple of Thiruvaduthurai Mutt, and Chairman, Municipal Council, Kumbakonam). He is also of the same opinion—

"He was against mutts being brought under the Bill. Instead of the Government taking over their control there should be a Judicial Board of three judges, a High Court Judge and two district judges. There should also be a committee of sishyas. All matters of maladministration should be referred to that Tribunal by the committee of sishyas.

Then, Sir, I would refer to the opinion of Sri C. K. Subramania Mudaliar and Sri C. M. Ramachandra Chettiar (representatives of the Coimbatore District Saiva Conference.

"With regard to mutts he was of opinion that financial control was necessary. The matadhipathi might be assisted by an advisory committee consisting of his sishyas only. There should be an advisory committee of sishyas for each mutt. Secular and religious administration might be separated. If the matadhipathi did not carry out the purposes of the mutt, the advisory committee could force him to do so. The advisory committee may be constituted by nomination or election. He did not think that election would be expensive. In cases of difference between the committee and the matadhipathi, the matter might be taken to a special court like the Ecclesiastical Court in England. The court should be composed of persons who know the rituals and so on. If a matadhipathi did not carry out the purposes of the endowment, he must be forced to do it by the advisory committee. If he still persisted, there should be some authority to enforce it."

Then, we come to another opinion, Sir, given by Sri S. Sachidanandam Pillai, Register, Annamalai University (Hindu Dharma Paripalana Sangam, Madras)—

"He approved of Government interference in mutts subject to the safeguards suggested in his memorandum. He would not, however, give the

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Commissioner the power to dismiss a matadhipathi. He should only go to a court of law to get the matadhipathi dismissed. He proposed an advisory council for mutts consisting of sishyas and followers of the tenets of the mutt. The Commissioner might interfere in case there was difference of opinion between the matadhipathi and the committee. If a matadhipathimisbehaved the committee of sishyas could give him a warning and allow him time to improve. If still he did not mend himself, then the court could take cognizance of it either on a complaint by the committee of sishyas or by not less than twenty sishyas as the case may be.

I will now refer to the opinion of Sri Kulasekara Doss, a Member of our Assembly, who also gave evidence.

"The witness said that the matadhipathi should be treated with the respect due to them. He had no objection 'however' to committees managing the secular affairs of mutts with an executive officer for each. Such committees should consist partly of sishyas and partly of religious-minded non-sishya Hindus.

Again, Sir, Sri V. Bhashyam Ayyangar, Hindu Dharma Paripalana Sangam, Madras, says—

"The witness said that mutts should be treated on a separate footing. The Government might take powers to notify such of the mutts as were being mismanaged and bring them under the control of the Commissioner. Each mutt should be dealt with individually and not as a class. Prestige of the matadhipathi should be maintained.

"He was against the removal of the matadhipathi without further application to the court, even in cases where the matadhipathi was convicted of a crime for moral turpitude. To a question whether the witness would favour the automatic forfeiture of the office of the matadhipathi after his conviction for a crime involving moral turpitude, the witness said that conviction for an offence involving moral turpitude might, by itself, amount to the removal of a trustee. No further judicial action was necessary.

"In regard to the budgets of mutts, the witness agreed that the Commissioner should not interfere with the small details of these budgets.

"Asked whether the witness would like a small body, say, a council of about a dozen sishyas to be appointed to advise the Government officer in the preparation of the budget, etc. of the mutts, the witness stated that a better body to advise the Government officer would be about a dozen persons selected from the district as a whole with the matadhipathi as the head and if the majority passed the budget, the Commissioner should not interfere. The final authority must be vested in such a committee presided over by the matadhipathi."

The final opinion to which I draw your special attention, Sir, is that of Sri Ravu Surya Rao, Ex-President, Hindu Religious Endowments Board. I know him personally and he is one of the most respected men in our district. He says—

"The witness agreed that mutts had to be controlled in a way and their expenditure regulated. The budget and the audit report might be published for public information. Audit might also be obligatory. The Mahant of Tirupati was different from other matadhipathis. A committee of sishyas might be appointed for the management of the affairs. As there might be difficulty in giving effect to election by sishyas immediately, the committee might be nominated by the Government in the first instance. Committees should consist also of the grahastas of the community who held the matadhipathi as the guru and not merely those who lived inside the mutt premises. The matadhipathi did not usually excommunicate a person as not being a sishya. Sishyas might be determined by the 'Samasrayanam' in the case of Vaishnavites, 'Siva diksha' in the case of Saivites, and 'Mudradanam' in the case of Madhwas. The matadhipathi might be the chairman and the Government might appoint an executive officer for the mutt in consultation with the committee. This executive officer should work under the committee.

That opinion, Sir, has got to be followed in my opinion, because Mr. Ravu Surya Rao was Ex-President of the Hindu Religious

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Endowments Board for some time and he had intimate knowledge of the working of these institutions. He is also of the opinion that, where executive officers are appointed, they should work under the committee.

"The matadhipathi controls the sishya committee and the committee of sishyas will control the executive officer."

3-15 p.m. This view of his is based on his experience. In case of difference of opinion the matter might be decided by the majority of the Committee of Sishyas and their decision should be binding on the matadhipathi and the executive officer. In religious matters it may be carried further to the ecclesiastical court. Civil matters may be referred to the Commissioner for decision with an appeal to civil courts. The court will have to decide whether a matter is civil or religious.

"As regards customs and usages, what Sri Ravu Surya Rao says is this: 'Where decisions have to be taken, the matter may be referred to the ecclesiastical court, as envisaged by the late Sri T. Sadasiva Ayyar, consisting of two or three retired Judges who knew about these matters and one or two experts. They could meet once or twice a year and decide cases. Their decisions should be final. It should be left to the Government whether a particular mutt should have an executive officer or not. He should be appointed solely for secular purposes and should not interfere with the religious affairs of the mutt.'

"These are some of the opinions given in the summary of evidence. There are also other opinions in this book which contains the evidence of 28 witnesses. Among these 28 witnesses there was only one who said that the mutt also should be treated in the same way as other religious endowments. All the other witnesses whose evidence is given here have suggested that the mutts stand on a different footing and therefore the advisory council composed of sishyas might be constituted to govern them. It is based upon these opinions, which in my humble opinion reflect general public opinion regarding the management of mutts, we have framed this alternative scheme. Sir, in the light of these remarks you will be able to appreciate why it was necessary to give notice of an alternative scheme rather than amendments to each clause. It is very difficult to insert all these by way of amendments to one sentence here or to one clause there. Therefore, we have given notice of this alternative scheme thus—

"Notwithstanding anything hereinbefore contained, this chapter shall apply to the mutts.

This chapter shall apply to such of the mutts in the Province of Madras as are notified by the Provincial Government under section . . . and the endowments therefor. Notwithstanding anything contained hereinbefore, the mutts shall be governed by the provisions of this Chapter only.

As soon as may be after the passing of this Act, the Provincial Government shall constitute a judicial tribunal consisting of three members, one a High Court Judge or a person who has been a High Court Judge within two years of the appointment and two other persons to be associated with him who are either District Judges or have been District Judges within two years of the appointment.

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The Provincial Government may by notification bring within the scope of this Chapter any mutt situated within the Province of Madras. Such a notification shall not be issued by the Provincial Government unless a judicial officer not below the rank of the District Judge appointed by such Provincial Government finds on investigation and after giving sufficient opportunities to the head of the mutt concerned to offer his explanation and also particulars in respect of any charge against him, comes to the conclusion that it is desirable in public interest that such a mutt should be brought under the provisions of this chapter.

"The Government, in another clause, have already accepted the principle that only where mismanagement is proved, the provisions of this Bill should apply. Similarly we suggest that, only after this step is taken and after giving an opportunity to those persons who are concerned to establish their position, the Government should notify and apply the provisions of this Bill.

"Then we say—

"Nothing in this Chapter shall be construed to affect or in any way derogate from, the powers in respect of religious endowments which the Advocate-General may exercise under sub-section (2) of section 114 of the Government of India Act."

"Then we have dealt with certain definitions, so that in the definition clause there would not be any difficulty. In order to make the position clear, the next clause in my amendment says—

"All properties endowed to or belonging to a mutt shall vest in the mutt and the matadhipathi of a mutt shall not have hereafter any beneficial interest in such properties."

"Now, Sir, you will appreciate how far we have yielded to meet the wishes of the Government in this matter. Our arguments hitherto were based on certain decisions that the matadhipathi has got beneficial interest. But, having been defeated in that stand, we have fallen in line, to some extent, with the view of the Government and that is why we say 'All properties endowed to or belonging to a mutt shall vest in the mutt and the matadhipathi of a mutt shall not have hereafter any beneficial interest in such properties.' It will be seen from this that we are willing to come to a compromise with the Government and hence have provided:

"As soon as may be after the notification is published, the matadhipathi shall prepare a list of disciples of the mutt and publish it in such manner as may be prescribed."

"All along we have been suggesting that there should be councils of sishyas or persons who reside in the mutt and who closely follow the matadhipathi. Arguments have been advanced to suggest that these sishyas will never be able to question any action of the matadhipathis. We do not have in mind such sishyas. According to us these sishyas will be those who live with the head of the mutt and learn from him the agamas and religious lore so also those who owe active allegiance to the mutt though not living there. A man may be living inside the mutt or outside; if he shows that he owes allegiance to that mutt his name should be taken into the list of disciples. There are several mutts now having such lists. With regard to Vaishnavites there is a slight difference in this matter between the Vadagalais and

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Thengalais. They do not at all like the Madhwas, go to a matadhipathi and get the mudradharanam. They have the samasrayanam. But, whoever does these things and swears his allegiance to any mutt should be put in the list of disciples of that mutt. Some of us from distant places send our donations to a particular mutt sometimes. Since we send our names also, these go into the list of sishyas. Therefore, these sishyas are not an indeterminate body. They are persons who take, as Sri Ravu Surya Rao has said, mudradharanam or samasrayanam or Sivadheeksha and there are also others who send their donations and owe their allegiance and make it known to the matadhipathi that they owe allegiance to the mutt. All these are disciples of the mutt. Therefore, I submit that the sishyas we have referred to here are not the class of sishyas who live inside the precincts of the mutt and who are supposed to be not in a position to protest against any mismanagement of their mutt. They extend over a wider area. They may consist of independent persons living in places where the mutt owns properties. It cannot be said that because they owe allegiance to the mutt they will not question the misdeeds of the mutt. Let us see our own case; we all owe allegiance to the Government and that does not stand in the way of our questioning their actions. When we owe allegiance to a mutt, it does not mean that we as sishyas will not raise our voice in protest where necessary. There are sishyas who have done so in an effective way. There have been schemes framed by the High Court on petitions presented by the sishyas. I, therefore, submit that ours is a very feasible proposition and a practicable proposition and that is why we say—

‘As soon as may be after the notification is published, the matadhipathi shall prepare a list of disciples of the mutt and publish it in such manner as may be prescribed.’

“Then, by this amendment we propose to give power to the judicial tribunal also to consider objections or suggestions to these lists. Thus our proposal in sub-clause (7) of our amendment says—

‘Every mutt shall have a council of disciples chosen from among the disciples named in the list published as stated above.’

“The election thereto will be from a determinate body—

‘The council shall consist of not more than nine and not less than five members as may be fixed by the Government in the notification referred to in section . . . and shall be elected by the disciples of the mutt in such manner as may be prescribed.’

“We are not imposing our own views on the Government as regards election or even the place of election. We are prepared to leave the whole thing to the Government, provided it is a mutt managed by the matadhipathi advised by a managing committee consisting of sishyas.

“The powers of the council of these disciples also does not suffer. We are creating a council which will not exercise real control. It will have power to make suggestions to the head of the mutt with regard to the affairs of the mutt and, in cases of differences of opinion, the matter will be placed before a judicial

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tribunal. Therefore, this council of disciples will be a very powerful body and bring in new thought into the counsel of the matadhipathi. And, wherever there is any strong difference of opinion, instead of leaving it to one man to decide, we suggest an immediate reference to the judicial tribunal to be constituted under this clause. It is not as if one has to go to an ordinary court which has no time to do this work expeditiously. We are creating under this clause something of an ecclesiastical court, because there are about 700 mutts in this State. We submit, therefore, that we are suggesting a practicable, feasible and useful procedure.

“With regard to vacancies in the headship of the mutts, there is a provision in the Government Bill relating to succession. The language employed in the provision is not, however, very clear. What the Government propose to do with regard to succession disputes we do not know. I went through the whole Bill. I do not know the position of the Government with regard to this matter. They have thought over the question of the settlement of disputes. With regard to succession each mutt has sometimes a different method. Sometimes it is by nomination and sometimes the selection is made by the council of sishyas.”

MR. SPEAKER:—“The hon. Member has already taken 25 minutes. As he is moving a whole chapter as an amendment, I will allow him five minutes more.”

SRI T. VISWANATHAM:—“With regard to succession I shall quote a passage from Sri P. R. Ganapathi Ayyar’s book, ‘The law relating to Hindu and Muhammadan Religious Endowments’ page 176—

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p.m.

‘There are various ways of succession by nomination as already stated. The nomination by the last mahant may not require any confirmation at all either by the disciples or by the neighbouring mahant. In such cases, however, installation by the Assembly of mahants may by usage seem to be necessary.’

“We may take it, Sir, that the words ‘mahant’ and ‘matadhipathi’ are used synonymously for such purposes.

“In the Ahobilam mutt, the usage is for the Jeer for the time being to nominate his successor, failing which the disciples assembled at the place where the Jeer died have the right to elect his successor. The eight mutts at Udipi founded by Madhwachariya are administered according to certain rules framed by the founder. Then we come to several of the maths in the south, the Saivite maths. There are several methods by which succession is controlled in the various maths. I do not find any provision made here for the purpose. The Government only refer to disputes about succession but whether the normal succession is to be left to the present usage and the present methods or whether they propose anything else, it is not quite clear. Therefore in this alternative amendment, we were obliged to put something about succession also.

“The other clauses of the amendment deal practically with the same things with which the Government also have dealt with

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in their Bill, namely, the preparation of the budgets, the keeping of the accounts and so on. The main point of my amendment is that the math will be controlled by the matadhipathi advised by a council of disciples who will have a final voice in all matters of secular management. If there is a difference of opinion between the matadhipathi and this council, the matter should be decided by the tribunal to be constituted under the Act. That is the main point. It is necessary for the Government to reconsider their views. We have to some extent given up our position that the maths should be excluded altogether from the Bill. With the provisions which the Government have in clause 57 and the succeeding clauses, the religious denomination, the sishyas and all those who hold these maths in reverence and believe in the six systems of Hindu philosophy are absolutely squeezed out. We will be simply calling a math a religious institution and passing a Bill for it where religion plays no part and where disciples have no voice. Therefore, Sir, this amendment is absolutely necessary and I request the Government to accept it."

SRI K. VARADACHARI:—"Sir, I second the amendment. Sir, I find that this chapter on maths is inconsistent with the other provisions of this Bill with regard to other religious institutions. In the case of other religious institutions, at least there is an area committee or board of trustees provided and the administration is vested in them. There are some safeguards against abuse of power by the trustees. But here when we come to maths neither an area committee nor a board of trustees is sought to be constituted, evidently for the reason that the matadhipathi should not be controlled by such bodies. But what do we find here? We find a worse provision made and one which is absolutely inconsistent with the other provisions of the Act; it says that the executive authority in regard to secular administration shall vest in the Commissioner and the manager appointed by the matadhipathi and approved by the Commissioner. Why should this differentiation be made in regard to maths? The area committee or the board of trustees may not be suitable for maths, but the alternative proposed by the Government is worse than the original provision. The proper thing to do in the case of maths is to create a council of disciples who would be naturally interested in the proper administration of the maths. That is the only alternative for an area committee or a board of trustees. We must be able to get a list of disciples, keep a register of them and get them elect a council of disciples or one person to manage the affairs of the institution. Therefore, I think that there is a substantial lacuna in the provisions made for the management of the maths.

"Secondly, Sir, so far as filling up the vacancies is concerned much may not be said against the provisions of the Government Bill. But the Government should have gone the whole length and made provision not merely for filling up casual vacancies but also for the succession of the matadhipathi. The succession should be regulated by usage and custom and that should be recognized

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once and for all. Without mentioning any recognition of that principle, you should not have a whole chapter dealing with maths. In all the maths the uniform practice has been for the matadhipathi to nominate his successor. If he does not do so, there is a council of disciples of the math who fix upon the successor for the matadhipathi. That principle is there already working. Even in regard to secular administration, such a council can come into existence and it should be a permanent body for managing the affairs of the institution through the managers appointed by it and recognized by the Commissioner if necessary. This council of disciples is not an unusual thing. It is already there in practice. That usage may be recognized and the powers of the council may be extended to both succession and the secular administration of the properties of the maths. I therefore, submit, Sir, that the Government would not be doing a very unjust thing or an improper or inconvenient thing which will go against the principles and the policies adumbrated in this chapter if they substitute some of the provisions proposed by Sri Viswanatham in his amendment for the provisions in this chapter."

* THE HON. SRI K. MADHAVA MENON:—"Sir, I cannot accept the amendment proposed by hon. Sri Viswanatham. The scheme of the amendment is absolutely different from the scheme of the Select Committee report. In Chapter V dealing with maths, the Select Committee has given, in clause 57, power to the Commissioner to move the court in matters relating to the removal of the matadhipathi. The Commissioner has no power to remove a matadhipathi. But if there are reasons which demand his removal, the Commissioner or any two or more persons having interest and having obtained the consent in writing of the Commissioner, may move the court for the purpose.

"Then, Sir, hon. Sri Viswanatham is not quite right when he said that the Government have not made any provision for the succession of a matadhipathi. (Sri T. Viswanatham: 'It is not clear.') I do not find any difficulty about the clarity of it. The Select Committee proposal did not say anything regarding the usual method of succession in any math. Clause 58 says:

"58 (1) When a vacancy occurs in the office of the trustee of a math or specific endowment attached to a math and there is a dispute respecting the right of succession to such office."

The clause does not say that the Government or the Commissioner may appoint a matadhipathi when there is normal succession. It is only when there is a vacancy and there is a dispute about succession, provision is made for resolving the dispute. The clause says that when such vacancy cannot be filled up immediately, the Assistant Commissioner may take such temporary steps as are necessary. For succession, the court has to decide and not the Commissioner or the Government. Clause 59 relates to *dittam*, clause 60 to *patha kanika* and clause 61 to the appointment of the manager of secular affairs of the math. The manager is to be

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appointed by the trustee. The amendment of hon. Sri Viswanatham says that in relation to every matter concerning maths the sishyas who may form a council of sishyas may move the judicial tribunal. Only in very very limited cases the disciples will have power to make suggestions to the head of the math. Hon. Sri Viswanatham's amendment also says that only when a vacancy occurs in the office of the matadhipathi and there is a dispute respecting the right of succession to such office the judicial tribunal may be moved in the matter. Otherwise the normal course will be followed. That is also what clause 58 of the Bill says. It only operates when there is a dispute. It does not in any way give more power of supervision or control than what exists now. I do not see what hon. Sri Viswanatham wanted to convey when he said that they had compromised to such an extent as to satisfy the Government and that the Government might therefore accept his amendment. Sir, hon. Sri Bhashyam's amendment which has now been taken up by hon. Sri Viswanatham is absolutely a camouflage for showing that maths are included in the Bill while as a matter of fact they would be in no different position than what they are in now. Of course that may be their intention, because both hon. Members Sri Viswanatham and Sri Bhashyam are of the view that maths should be excluded altogether from the Bill. If they cannot be excluded they want that the control over them should be as little as possible. The Government policy also is that the control in regard to the maths need not be the same as the control in regard to temples and charities. That is why a specific chapter on maths has been provided here. In important matters the Commissioner has power only to move the court. Only in the matter of the dittam, if he finds that the scale of expenditure or any item in the scale of expenditure is at variance with the established usage of the institution, or is not justified by its financial position, he can move the Government and obtain their orders. In other secular matters like the appointment of the manager, the trustee has got the power. The Commissioner need only be consulted. The provisions here and the provisions in hon. Sri Viswanatham's amendment differ so fundamentally that the Government cannot agree to it.

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"Then Sir, certain things were read out by hon. Sri Viswanatham. I find from the evidence printed at page 28 of the book, of one Sri P. K. Subramaniam, Perambur, a Saivite and hereditary disciple of the Tiruvaduthurai math, this is what he says—

"The witness's experience was confined to the Tiruvaduthurai mutt and the Dharmapuram mutt. He was in the service of Tiruvaduthurai mutt and was suspended. He knew the details of the maladministration, personally in some cases and through the records in others. . . . Though the facts of maladministration were known to the other sishyas and had been public property, no sishya other than him had come forward to give evidence before the Select Committee like him, as they should have done if they were interested, and therefore, all mutts should be taken over by the Government. He was giving evidence as a sishya and according to his conscience.

He did not favour the appointment of committees of sishyas, for, from his experience of Tiruvaduthurai mutt, disciples were tools in the hands of the

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matadhipathi and maladministration of mutts could not be remedied by them. In Tiruvaduthurai mutt, only tambirans were entitled to take legal action; they were treated as sons of the mutt. The other disciples were not so treated. The sanctity and devotion to the mutt would not be lost if executive officers were appointed and provision was made for control over budget and for audit. Committees of sishyas, if at all, should be purely advisory. . . .

From his past experience, he said that any advisory committee if given some powers of control would not work. That applied even to a committee of sishyas who were interested in the mutt and who could be expected to know its spiritual needs better than a Government officer. He pointed out that in the original scheme framed by the sub-court for the Tiruvaduthurai mutt, there was an advisory council of disciples to the Pandarasannadhi, but the latter always rejected their advice. Even if it was now provided that the mutts should have advisory committees of sishyas, those committees could be purely advisory and should not be given any powers. He was of opinion that better administration could be achieved only by an executive officer under the control of the Government. He preferred a Government official because he was bound by Government Servant's Conduct Rules and if he did anything wrong, he would be punished by Government. But a member of the committee could not be punished like that.

There was a belief in South India with some of the devotees that a sishya should surrender every worldly possession to the Guru when he wanted it. Some times the matadhipathi misused this faith even to-day . . .

That is one evidence, Sir, which however we thought might be going a bit too far. Sri T. Ranga Reddi, a Vakil of Guntur, states, at page 27—

"The witness had no objection to interference with mutts even with regard to spiritual and ritual aspects. There would be no interference if the mutt was properly managed. If the matadhipathi did not teach anything or gather his disciples, the Government must take up the matter. The sanctity and reverence for mutts would not decrease if the Government took over the powers of supervision and control. On the other hand, they decreased now on account of the mismanagement of these institutions. He was of the view that the assumption that the mutt was not a place of public worship like the temple was not correct, because there were also temples there. The mutt's property was public property in the sense that the disciples who enjoyed that right formed part of the public and when it was not properly managed the Government which represented the public, had got a right to interfere.

Then my Friend referred to Sri Kulasekara Doss, an honourable Member of this Assembly. His evidence is at page 30—

"The witness said that the matadhipathis should be treated with the respect due to them. He had no objection however to committees to manage the secular affairs of mutts with an executive officer for each. Such committees should consist partly of sishyas and partly of religious-minded non-sishya Hindus. The sishyas should be in a minority in the committee, for, they generally might not be willing to expose the misbehaviour of their gurus, and if they were in a majority might act as a deterrent to exposing the behaviour.

If a matadhipathi misbehaved, the committee of not less than 20 or 25 people could complain to the Government who could take action through a suitable agency . . .

Then my Friend referred to Sri V. V. Srinivasa Ayyangar, a very orthodox gentleman, a very old revered gentleman, who cannot according to his own evidence, reconcile himself with certain things. He said that after the passing of the Temple Entry Act—the first thing that the Government did—he had ceased to visit temples because he had lost all faith in temples after the passing of that Act. It is a very honest opinion that he has given. There is nothing absolutely wrong in what he feels and it is not easy for

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us to conceive people of that age to change suddenly their age-old habits. Still, we can only understand and appreciate what such orthodox people say. This is what he says about the maths—

‘If a matadhipathi was guilty of a very serious offence, it could not be said that no steps should be taken against him, as he was an Acharyar. The general law was enough to deal with him. There were sishyas who had been bringing the mismanagement of the mutts to the notice of the proper authorities.’

He said that a Protector of Endowments must be appointed and that the Protector—

‘might be empowered to inspect the accounts of mutts also. In regard to the dismissal of the matadhipathi, the courts were sufficiently empowered to try these cases and pronounce judgment.’

My Friend next referred to Sri V. Bhashyam Ayyangar's evidence. He said—

‘The mutts should be treated on a separate footing. The Government might take powers to notify such of the mutts as were being mismanaged and bring them under the control of the Commissioner. Each mutt should be dealt with individually and not as a class. . . . The present provisions regarding mutts might be retained. . . . When there was a complaint about the mismanagement by the matadhipathi in regard to the administration of funds, etc., the Government authority should go into it and make a judicial enquiry and hear both the parties. The notification should be as a result of Government decision after hearing both the parties. The provisions of sections 15 to 19 and 39 to 42 would then apply’

He was against the removal of the matadhipathi without further application to the court, even in cases where the matadhipathi was convicted, of a crime for moral turpitude. To a question whether the witness would favour the automatic forfeiture of the office of the matadhipathi after his conviction for a crime involving moral turpitude, the witness said that conviction for an offence involving moral turpitude might, by itself, amount to the removal of a trustee. No further judicial action was necessary.’

Then about the Council of Sishyas—

‘Asked whether the witness would like a small body, say, a council of about a dozen sishyas to be appointed to advise the Government officers in the preparation of the budget, etc., of the mutts, the witness stated that a better body to advise the Government officer would be about a dozen persons selected from the district as a whole with the matadhipathi as the head and if the majority passed the budget, the Commissioner should not interfere. The final authority must be vested in such a committee presided over by the matadhipathi.’

(Interruption by Sri Viswanatham.) If the hon. Member can read some portion of Sri Bhashyam Ayyangar's evidence, I can also read some other portions, Sir, of the same evidence.

‘I shall now take up the evidence of Sri Surya Rao, an ex-President of the Hindu Religious Endowments Board. He says—

‘A committee of sishyas might be appointed for the management of the affairs. As there might be difficulty in giving effect to election by sishyas immediately, the committee might be nominated by the Government in the first instance. Committees should consist also of the grahastas of the community who held the matadhipathi as the Guru and not merely those who lived inside the mutt premises.’

He says a committee may be appointed and that the matadhipathi may be the chairman of the committee and that the Government may appoint an executive officer for the mutt in consultation with the committee—

‘Civil matters might be referred to the Commissioner for decision with appeal to civil courts. The court would have to decide whether a matter is civil or religious.’

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The executive officer should be responsible for the proper management of the properties. In case of mismanagement, it might be referred to the Government or the Commissioner. The decision of the appointing authority should be final. So far as religious matters were concerned, the matadhipathi was the head and nobody could question his right. He might occupy the position of a president of the district board.’

So, his opinion is that the matadhipathi should occupy the position of a president of the district board. Sir, I do not want to quote more. Certainly, there were more witnesses who gave evidence on behalf of matams and matadhipathis than others who were comparatively poor people, poor worshippers. The evidence is there both ways, and all that we have provided in Chapter V is only very limited power of superintendence and control in the matter of the administration of maths. To me it appears to be a very, very modest provision, not in any way going more than what is necessary and is in no way derogatory to the matadhipathis or those who have faith in these maths. This amendment now proposed, completely changes the very nature and idea underlying the scheme of the Bill itself, and Government cannot accept it.

‘I forgot to refer to the evidence of Mr. Sachidanandam Pillai, the Registrar of the Annamalai University, a very devout person. He approved of Government interference in maths subject to the safeguards suggested in his memorandum. He would not, however, give the Commissioner the power to dismiss a matadhipathi. He should only go to a court of law to get the matadhipathi dismissed. He proposed an Advisory Council for maths consisting of sishyas and followers of the tenets of the math. The Commissioner might interfere in case there is difference of opinion between the matadhipathi and the committee. If a matadhipathi misbehaved, the committee of sishyas could give him a warning and allow him time to improve. If still he did not mend himself, then the court could take cognizance of it either on a complaint by the committee of sishyas or by not less than twenty sishyas, as the case may be. He had no objection to retaining Clause 39 of the original Bill with the amendment he had suggested.’ And Clause 39 of the original Bill is put here as Clause 57, with the amendments that he has suggested.”

SRI K. BHASHYAM:—“Sir,”

MR. SPEAKER:—“No, I cannot allow the hon. Member to speak now.”

SRI K. BHASHYAM:—“Please hear me, Sir; I only want to make a special request to the Speaker to allow me to speak at this stage: I know I have not been present here all through, but I do think I can really contribute usefully to the discussions in the House if you will kindly allow me to speak now.”

MR. SPEAKER:—“I cannot; it is against the Rules.”

SRI K. BHASHYAM:—“If you think you cannot allow me, Sir, then I can only say it is my misfortune.”

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MR. SPEAKER:—"I cannot go against the Rules. The hon. Member Mr. Viswanatham will now speak."

* SRI T. VISWANATHAM:—"Sir, the Hon. Mr. Madhava Menon used the word 'camouflage' in connexion with this amendment. Sir, I did not use a single hard or harsh word, and yet he was good enough to hurl the word 'camouflage' against me because somebody else used that word against him the day before yesterday, and he now after 48 hours, hurls it on an innocent fragile young man like myself. (Laughter.) The line which the Hon. Mr. Madhava Menon has taken is not surprising; but I thought after what I said in language which was sufficiently clear, he would not raise the very same objections which he raised at the first stage of the introduction of the Bill and at the opening stages of the Bill. I thought he was hearing whatever I was saying. Except with regard to the names of a few witnesses, he was not good enough to reply to anything that I have said, but simply repeated the arguments which he might have repeated on an amendment for the deletion of this Clause. If I moved for the deletion of this Clause, then his arguments would have been quite valid; but it was not for the deletion of the Clause that I have moved. I have also given an alternative amendment in which there is even a specific declaration made that the matadhipathi will not be the beneficiary but the math alone will be the beneficiary of the entire math endowment. The Hon. Minister referred to the arguments used in the evidence of witnesses. I am very sorry. I said that there were 28 opinions embodied in this book and excepting one, almost all were in favour of a council of sishyas to advise the matadhipathi. Am I wrong? He has quoted certain people's opinions, but not one of them says that he is against this council of sishyas, except for one gentleman whose opinion I did not read out for this reason: he is a dismissed servant of the Tiruvaduthurai math. So, I did not want to weigh his opinion either for me or against me, but I quoted the opinion of another disciple, Sri M. C. S. Ratnasabhapathi Chettiyar, who is a Saivite disciple of the same math and the Chairman of the Municipal Council, Kumbakonam. I read out almost everything and not omitted anything, but the Hon. Minister was reading and almost underlining them as if they were a great discovery. The fact is, that except one opinion which was against it, I said that every other opinion was in favour of my amendment. And, what is the essence of the scheme we have presented? Apart from the length of the amendment, there is a declaration in it that the math is the beneficiary and not the matadhipathi. Is it wrong, Sir? We have gone to the utmost lengths we could go in saying that it is not the 'matadhipathi' that has the beneficial interest but it is the math that has the beneficial interest? Does the Hon. Minister understand the implications of the amendment when he says that my amendment is a camouflage? Is it a camouflage, especially when on a previous occasion I was quoting extensively from the opinions of learned Judges to show that beneficial interest

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lay in the matadhipathi? Even though the Government may not accept it, I will agree to it and in fact in my amendment I have declared that the math shall have the beneficial interest and not the matadhipathi. Is it right then for the word 'camouflage' to be used when I switch over from the beneficial interest of the matadhipathi to that of the math? Particularly when it is in favour or in line with the opinion of the Government it was not fair on the part of the Hon. Minister to use the word 'camouflage' in that connexion. I say, Sir, we are satisfying the progressive opinion of so many persons who are in favour of the proposal that the matadhipathi should be controlled by a council of sishyas. Then again, Sir, the Hon. Minister read out opinions that sishyas would not raise their voice. I made this point quite clear even in my opening speech on my amendment. I never intended it to mean an exclusive council of these few people who resided inside a math and necessarily therefore they would not be able to do anything. He quoted Mr. Kulasekhara Das; but that is not only his opinion, that was the opinion of the Select Committee also and that is the opinion I am adumbrating in my amendment. I said that the sishyas might be anywhere from Cape Comorin to Kashmir. I said that the matadhipathi should prepare a register of sishyas and also how he should prepare it. Did I say, Sir, that they would be under the thumb or heel of the matadhipathi? I never said it. What I said was that the matadhipathi should prepare a register of sishyas spread throughout the State and it might even be they were spread throughout the country, for some of the important maths are held in high esteem throughout the country. I therefore, submit, Sir, that if the Government are not prepared to accept my amendment, I do not mind it, but let them not misunderstand the implications of my amendment and let them not mis-state facts. After all with the majority which the Government have, they can throw it out, but let them not mis-state what I have said. I have understood their position; they are not agreeable to the amendment, but I have the satisfaction of having done my duty. But, to say what I have said, is a camouflage; I submit, is not right, because my amendment is not such. It may be that some time ago we were arguing that the Government did not accept our position, but when the House accepted certain provisions, we only suggesting an alternative to the Government amendment, but we did not say that the Government should not have control over the accounts of the maths. In fact, my amendment goes further and because it is an alternative amendment, it is a bit long and it is all necessary for the proper running of the various maths and safeguards that are necessary for their proper administration, in order to keep the maths above suspicion and in a position in which they can command respect not only of the sishyas but even outsiders not only in this country but in every other country. So, Sir, I submit, that the provisions we have made in the amendment are in line with the progressive judicial thought in the country

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and also in line with the spirit and letter of the Constitution. I only ask the Hon. Minister to look at the matter from that point of view and have no misconceptions about the matter. Let him reject it if he wants, but not mis-state facts."

THE HON. SRI K. MADHAVA MENON:—"Sir, I have not mis-stated facts. If I had said that the effect of Mr. Viswanatham's amendment would be to put the position exactly as it was without any material change, I might have used the word 'camouflage'."

MR. SPEAKER:—"It is not unparliamentary."

* THE HON. SRI K. MADHAVA MENON:—"I still maintain that, if my friend objects to the word 'camouflage' it covers the position as it was before and there is no difference. It covers in a certain language, the result of which will be that the maths will be as they were before the introduction of the Bill. If that will satisfy my hon. Friend, I may withdraw the word 'camouflage'."

"Then, Sir, he raised the same objections in three or four cases where the definition of maths came and on every occasion he moved for the deletion of 'maths' on identical grounds and nothing more. My friend says that his amendment represents progressive judicial thought in the country. But, I can say that advanced progressive judicial thought in the country, according to justice and evidence given is represented in the amendment proposed by the Government, and it represents also the progressive thought of the ordinary man who has faith in temples and maths. That is what is represented in the Government amendment, Sir."

The amendment was put and lost.

Clause 57.

* SRI T. VISWANATHAM:—"Sir, I move—

'Delete the words "and having obtained the consent in writing of the Commissioner"'

Sir, the existing Clause in the Bill says:

'The Commissioner, or any two or more persons having interest and having obtained the consent in writing of the Commissioner, may institute a suit in the court to obtain a decree for removing the trustee of a math or a specific endowment attached to a math, for any one or more of the following reasons, namely,

"Sir, a healthy provision is made here with regard to certain aspects in regard to certain matters where the Commissioner should go to the court to get redress against matadhipathis. Here, any two or more persons are given the right, but I do not understand why the Commissioner should give his seal of approval for instituting a suit in court. That means the right given to two or more persons is practically denied by saying that the Commissioner should give his consent for going to court. The effect of it will be that if the Commissioner does not give his consent, the two or more persons cannot go to a court of law, and so the effect of the right given to

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two or more persons to go to court will be nullified by the provision that they should obtain the consent of the Commissioner. What I say is, if the Commissioner is given the right, it is good he exercises that right, but persons having interest also must have the same right and that right must not be stifled by an unwilling Commissioner. That is the object of my amendment, Sir."

SRI K. BHASHIAM:—"Sir, I second the amendment moved by my hon. Friend, Mr. Viswanatham. Complaints have been made from time to time by the Government that persons are indifferent to mismanagements in temples and maths and people do not come forward or take the trouble to bring it to the notice of the courts and therefore it has become necessary that an officer should be appointed for the purpose of taking up the matter and that is the justification for all the provisions in the Bill. That was the thing that was stated originally when the Bill was introduced."

"Now, what happens is, if two or more people come forward and say, 'we have special interest; we want to take up the matter to the court and we are prepared to bear all the expenditure,' why should the Commissioner be given a say in the matter? Of course, the Commissioner is there when the public are indifferent to the matter, but if the public are vigilant and want to take up the matter to court, why should the Commissioner come in at all? I cannot understand it. The whole argument of the Treasury Bench was that the people were indifferent and they did not take interest in respect of such matters. Perhaps the Government are to-day stimulated with the idea that they find there is so much breach of trust or mismanagement and that a duty has devolved upon them for the purpose of taking all these things on their heads and therefore they are making this provision. I wonder why when two or more persons come forward and are willing to expend all the money for the purpose, should the Government put a spoke in the way of getting the consent of the Commissioner. Perhaps there may be a Commissioner who has 'dhakshanyam' for certain people and for that reason he may not be willing to give his sanction. Of course, they may be justified in saying—the Hon. Law Minister may say—'under section 92, you have got to obtain the consent of the Advocate-General and therefore we put in a similar provision here and whether you approve it or not, we reproduce it here.' But, I ask, 'why do you reproduce this provision alone and not all the other things and why do you reproduce only a bad thing and justify it?' It is really wrong to reproduce bad provisions and not the good provisions. When you are taking a thousand and one good things, and along with that you are taking a bad thing also, now, why should you take a bad thing and rule out the other good things. This is what the position of the Government comes to. Therefore I say the consent of the Commissioner need not be obtained to institute a suit for removing a trustee of a math. I strongly support the amendment."

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THE HON. SRI K. MADHAVA MENON:—" Mr. Speaker, Sir, I thank my hon. Friend, Mr. Bhashyam for the compliment he has paid to my legal knowledge. It is a very proud thing for me to get such a compliment from one like Mr. Bhashyam."

SRI K. BHASHYAM:—" Then follow the master closely. That is the reason for this amendment! "

* THE HON. SRI K. MADHAVA MENON:—" Regarding this Clause, the disciples may follow the master too much. Sir, hon. Mr. Bhashyam said that the Hon. Law Minister with his legal knowledge might as well say, 'there is the section 92 of the Civil Procedure Code.' Sir, I tender my thanks to him for reminding me of that section. But, Sir, may I tell him there are various provisions in the Criminal Procedure Code, where, even in big cases, prosecution should not be launched before a court without the previous sanction of the Government? What is the reason for that? It is because we want to see that blackmail should not be done. Otherwise, Sir, for flippant reasons anybody and everybody may rush to court. So, to prevent all that, a *prima facie* case should be established, before a suit is proposed to be filed for dismissing a matadhipathi. It should not be done light-heartedly. Mr. Bhashyam asked, 'why should Government take the responsibility on their head for this?' It is not a question of our anxiety. It is the duty of the public to see that blackmail should not be done. So, what is the provision to prevent that blackmail? So, the words, "any two or more persons having interest and having obtained the consent in writing of the Commissioner" are necessary. Argument was advanced for keeping the pristine glory of the matadhipathi, and the respect and dignity that he should command. Now, where is all that gone, when my friends say, now, that every citizen should be given the right to file a suit for his removal? I have greater respect, if not equal respect, as my friends do have, for the matadhipathi, and I say, it is in their interest that such a right, as is sought to be given to the ordinary citizen by my friends to be flippantly allowed to be used by them, should not be allowed."

* SRI T. VISWANATHAM:—" Mr. Speaker, Sir, I entirely disagree with the Hon. Sri K. Madhava Menon. He has been saying all this while that it is in the interests of the good administration of the Hindu religious endowments, charitable trusts and maths that we are coming forward with the present legislation. But, here, what is it that is sought to be done? It appears, Government want to have their finger on every detail of administration. If really, they are interested or anxious to see that the properties of the math are to be properly managed, let them declare that any person who has an interest in the math property should have the right to bring a suit for the better management of that property. Instead of doing that, by the present Clause, Government seek to have under their thumb the entire administration of the math

property. They wish to have all the thirty thousand religious institutions and seven hundred matadhipathis in the State at their beck and call. This is, at least, what the Clause would amount to in practice. Now, if that is not the idea of Government they should give the right to every citizen in the country who is interested in the math property to bring a suit for the better administration of that property, instead of asking him to approach the Commissioner for leave to institute a suit. I know for the last fifteen or twenty years, though people were trying to go to a court of law for this purpose, it was not possible, because of the Hindu Religious Endowments Act. Sir, some of these matadhipathis are very influential and they have got moneys at their disposal, and they have rich sishyas, and so, it is not possible to control them, unless we give power here to every citizen who has an interest in the management of the institution. Why am I saying that? Because certain things have come to my notice of what has happened. So, it is not to my benefit or any particular man's benefit, that I want that the Commissioner should not be approached to obtain consent to institute a suit. Sir, these Commissioners will have a hierarchy of high officials, and they may be anxious in seeing that certain matters are not brought to light. Therefore, I say, it is in the public interest that an ordinary citizen should be given the right to go to a court of law and not be asked to approach the Commissioner for consent to institute a suit. So, if the object of the Government is to see that these maths are properly administered, let them not deprive the ordinary man of his ordinary right, and that is why I want the Hon. Minister for Law to reconsider the matter."

MR. SPEAKER:—" The question is—

'In sub-clause (1), *delete* the words "and having obtained the consent in writing of the Commissioner".'

The amendment was lost.

MR. SPEAKER:—" I rule the other amendment of Mr. Viswanatham, as out of order, and so, he cannot move it."

Sub-clause (1) (b).

* SRI L. N. GOPALASWAMI:—" Mr. Speaker, Sir, I beg to move the amendment which stands in my name; and that is, to—

'Delete sub-clause (1) (b).'

Sir, my arguments are as follows: The Hon. Sri Madhava Menon, while opposing Mr. Viswanatham's amendment spoke very much, saying that these trustees should be dealt with not lightheartedly. Sir, we have got the greatest regard for the matadhipathis, and we agree that all persons should not be allowed to file suits against them. But his reasoning falls to the ground when we look at sub-clause (1) (b). It is all vague there. It says a trustee may be removed if he is suffering from any physical or mental defect or

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infirmity which renders him unfit to be a trustee. Sir, I am not able to understand how these descriptions of infirmity can render him unfit for his work. Sir, is this not treating him lightheartedly, I ask? Perhaps the Hon. Minister is thinking of certain imaginary defects, mental, physical or otherwise, which should entitle two persons to approach a Commissioner to give consent to file a suit for the removal of the trustee. I wonder how any of these defects can be made a ground. This provision becomes all the more important when we keep in mind the importance and the reverence with which a matadhipathi is held in his locality. That being so, under Clause 57, such a person is sought to be removed lightheartedly, on the ground that he is suffering from any physical or mental defect or infirmity. Now, on these self-same grounds, in another Clause, the Deputy Commissioner is entitled to remove him from his office and place his property in some other's possession or deal with the property in the way he likes. For, look at Clause 58. There, you will see, that when a trustee is by reason of unsoundness of mind or other mental or physical defect or infirmity unable to discharge the functions of the trustee, the Assistant Commissioner may take such steps and pass such order as he thinks proper for the temporary custody and protection of the endowments of the math. Now, I ask, Sir, is this all not treating the matadhipathi lightheartedly? It may be, there may be men who have got an old grievance against the head of the math, and there is nothing in the Bill which prevents such persons from proceeding to institute a suit to remove the head of the math. Is this not treating the head of the math lightheartedly, once again, I ask? Nobody knows what sort of suffering or infirmity is contemplated in this sub-clause. So, Sir, I request the Hon. Minister to reconsider the matter. Apart from the legal aspect of it, even the administrative difficulty that may be felt in carrying out this sub-clause, may be looked into. So, Sir, I ask the Hon. Law Minister whether what is contemplated in this sub-clause is not treating the matadhipathi lightheartedly?"

SRI K. VARADACHARI:—"I second the amendment."

SRI K. BHASHYAM:—"Mr. Speaker, Sir, the difficulty in accepting this Clause is because the implications of it are not seriously appreciated by the Government. That is my view, at any rate. Because the sub-clause says:

'his suffering from any physical or mental defect or infirmity which renders him unfit to be a trustee.'

Is it the case of the Hon. Minister that if a person suffers from these infirmities or any one of them he becomes unfit to be a trustee, and thereby becomes unfit to manage the property of the math or becomes unfit to render the spiritual service for which he is there as the head of the math? The difficulty in this case will be this: though he may be old, he may not be so old as to manage the property, or not so old as to be in a capacity not to give the necessary initiative to his disciples. I think, the older he is,

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the wiser he will be; because as one grows old, he becomes mature minded to give spiritual advice, and so, he may still be competent to occupy the position as head of the math. Now, the clause, as it stands, looks as if, in case he is not fit to be the head of the math for the purpose of giving ministerial or spiritual advice, you may dismiss him, on the ground that he will not be able to do anything else also. This is a thing which should not be done so lightheartedly. It will work very great hardship in actual practice. Then, Sir, the Hon. Minister for Law may say that the Commissioner will not be so unreasonable as to do anything like that. But, Sir, sometimes we may get unreasonable Commissioners; for, do we not get unreasonable Government officers sometimes? And have not Government punished them for their action? Therefore, Sir, we should provide for all kinds of men, as it is not always do we get men of high quality, integrity, knowledge and intelligence. So, I am asking the Hon. Minister for Law to understand the implications of this sub-clause and see whether he cannot change the words to suit my point. If he says that the trustee in spite of the infirmity may continue to manage the property and not as the spiritual head, at least, let him put the sub-clause in that way. The sub-clause, as it is, is defective, I mean, defective in drafting, and I hope the Hon. Minister will meet my point."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, Sir, I am not a friend of matadhipatis at all at this stage of the Bill, though I had some sympathy with them at the Select Committee stage. Yet I feel that some change is called for in Clause 57 (1) (a) and (b)." 4-30 p.m.

MR. SPEAKER:—"We are now dealing with item (b)."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"In dealing with item (b), I am referring to clause (a) for comparison. I agree that a person who is of unsound mind should be removed from office. Even there, the learned Doctor, under whose portfolio this Bill comes, knows more than anyone of us that a person of unsound mind may become all right after some treatment. The 'mental defect' referred to in item (b) may include the unsoundness of mind referred to in item (a). I request the Government to combine (a) and (b) under one item. The usual language employed in legislation is leprosy, insolvency or unsound mind. These are the three things to which we are generally accustomed. I find for the first time the inclusion of physical defect in this clause. Physically a person may be unfit. For example, if a person is suffering from paralysis of one of the legs, he can be moved in a chair. He may be perfectly all right for carrying the religious affairs and his disciples would like to hear his teachings, and also the secular affairs. For what kind of physical infirmity is a matadhipati to be removed? A person who is over seventy years of age may be infirm according to some of us. But there are persons who are physically and mentally

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fit even up to eighty years. Expressions like old or infirm are vague and very difficult of interpretation. As the hon. Member Sri Bashyam said, the Government can always reply *bona fide* that the Commissioner is expected to be reasonable and that every Commissioner is not likely to issue perverse orders. In legislation we must use as clear a language as possible, especially when defect or vagueness is pointed out by hon. Members. The duties of a matadhipati are classified under two main headings—secular and religious. In the administration of secular affairs, he is assisted by a manager according to a provision in this Bill. I shall speak about it when the relevant clause is taken up. When the secular part of the work is separated, a matadhipati is expected to do only the religious part. If the physical defect is of such a nature as not to require removal from office or as can be cured within six months or so, a matadhipati need not be removed. A matadhipati is learned and respected, unlike many matadhipatis with whom we are familiar and about whom we have natural prejudices and rightly so. Those prejudices should not cloud our vision and prevent us from taking a judicious view of how this provision will affect a really good matadhipati. Even a slightly infirm person may be all right otherwise. Therefore I appeal to the Hon. Minister who is now in charge of the Bill to recast items (a) and (b) suitably and move an amendment at a later stage at least."

SRI P. KANDASWAMI PILLAI:—"I oppose the amendment, Sir. Just before, the Raja of Chettinad was asking what physical defect a matadhipati will have. I have great regard and respect for all spiritual heads. But I presume matadhipatis also are human beings, and therefore subject to all the weaknesses and ailments of ordinary human beings. Doctors tell us that when a consumptive patient coughs, he spreads contagion to a distance of twenty-three feet. Suppose the head of a math is a consumptive patient. Who is to decide whether he is a consumptive patient or not? He may not be willing to reveal it because he will have to lose his position. I do not say that every head of a math will do like that. But when such cases do occur, under what provision of this Bill can he be asked to undergo treatment or kept away from spreading contagion if item (b) is deleted? A person is heir to so many physical complaints. He may become deaf or as the Raja of Chettinad said, get paralysis of the leg or tongue. Because he cannot talk, he may be keeping quiet inside the math. Because such amendments are moved, we have to analyse and discuss threadbare all aspects on the floor of the House. It is not as if every Commissioner will pounce upon a matadhipati and remove him from office. It is provided that the Commissioner, or two or more persons having interest with the consent of the Commissioner, can file a suit for removing a matadhipati. A court of law will try the case and give its verdict as to whether the matadhipati is suffering from any physical or

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mental defect or not. Therefore where is the room for fear? Unnecessary fear need not be entertained. No harm will result from this clause and the clause should remain as it is."

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, I have refrained so far from participating in the discussion of this chapter. I want to draw the Hon. Minister's attention to one aspect. As a person with some little culture, I would suggest that this whole chapter be recast. It begins with a provision for the removal of a matadhipati and then deals with the filling up of vacancies and so on. Why should we not begin the chapter with some decent clauses and consign dismissal or removal to later clauses? If I had been in the Select Committee, I would have suggested this order. I do not like the very set-up of the chapter or the language employed. It ought to have begun by saying that the trustee shall ordinarily be the head of the math with complete charge of the religious portion of the duties there. Then secular matters may be dealt with and the Government can provide for whatever control they want. My sense of culture revolts against the whole arrangement.

"Coming to the amendment before the House, it is very right that item (b) should be deleted. Ordinarily no person with a physical or mental defect will aspire to the office of a matadhipati. I will give a cultured example. Suppose a person suffers from loss of memory because of old age. Normally he will say: 'I have lost my memory. I do not want to continue any longer!'

"I still feel that all of them are good honourable and respectable people. If the trustee is of unsound mind, he must cease to be a trustee and the Government have a perfect right to move the court to see that he vacates his office. Nobody desires to stick to his office as was alleged by the hon. Member who preceded me. What is there in that office to covet? The office is not usually sought after by many people. Nowadays it is very difficult to get persons to take up the headship of maths. I know that even deserving people have rejected the offer. The responsibilities of the office only dissuade and do not persuade people to accept it. I am talking only about the two maths within my knowledge and I know that they have had a distinguished succession of scholars as their heads. If a matadhipati is found to be suffering from any physical defect or infirmity, the Commissioner can ask him to appoint a competent person as manager to look after the secular administration. The Raja of Chettinad assumed that a manager would be appointed in every case. If a trustee looks after the secular as well as religious affairs properly, I think the provision relating to the appointment of a manager will not apply to him automatically. Only when the Commissioner is satisfied that a trustee is incapable of discharging his secular duties properly, he will move for the

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appointment of a manager. In regard to purely religious observances, I do not think there is any case for retaining sub-clause (1) (b)."

* THE HON. SRI K. MADHAVA MENON:—"When we passed clause 49 relating to the trustee of a religious institution, there was no difficulty in understanding the words 'unsoundness of mind or other mental or physical defect or infirmity'. But difficulty has been expressed in understanding similar words when applied to maths! If similar wording is adopted by Sri K. Bhashyam in his amendment, it will be acceptable to Sri L. N. Gopalaswami. There will be no difficulty in understanding it because it was used by Sri Bhashyam. (Interruption by Sri K. Bhashyam.) In the amendment proposed by Sri Bhashyam, the language adopted is: 'when a matadhipati is by reason of unsoundness of mind or other physical infirmity unable to discharge his functions'. If this wording is right in Sri Bhashyam's amendment, the wording used in this clause is also right."

4-45
p.m.

* SRI L. N. GOPALASWAMI:—"Mr. Speaker, Sir, I still maintain that it is ununderstandable that in spite of what Sri Bhashyam has said in his amendment, why this clause should be retained. I want to point out to the Hon. Minister for Law that my hon. Friend Sri K. Bhashyam has used the words 'infirmity' along with 'physical', but in this clause there is nothing of it at all. The Hon. Minister has misread the amendment altogether. His amendment says 'by reason of other physical infirmity unable to discharge his functions'. There is a vast difference between this and the sub-clause 57 (1) (b) as it is."

* THE HON. SRI K. MADHAVA MENON:—"On a point of order, Mr. Speaker, may I know whether an hon. Member has a right to say, which I have not said or that I have misread. The sub-clause (b) says 'any physical or mental defect or infirmity which renders him unfit to be a trustee' and I quoted Sri Bhashyam's amendment exactly from the Chapter which he wants to be substituted instead, namely 'by reason of other physical infirmity unable to discharge his functions' and I submit there is no difference at all, and the hon. Member cannot say that I have misread the amendment of Sri K. Bhashyam."

* SRI L. N. GOPALASWAMI:—"It is the mere reading of the clause and the understanding of the English language that is required here. It is perhaps not a misstatement or misreading of the clause. I still maintain, Sir, that what I have said is correct. What is stated in the sub-clause is 'his suffering from any physical or mental defect or infirmity which renders him unfit to be a trustee'. There is no such qualification as physical or mental and the word 'infirmity' is used in a separate sense,

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while the Hon. Minister wants to make it synonymous with physical or mental defect. Therefore there is no such thing as mis-statement which I have made.

"But, Sir, I am very glad that it has been possible at least for some of the hon. Members like the Raja of Chettinad to understand that this is a very vague clause and is likely to be misunderstood not only by the Commissioner, but it will also be made use of as a weapon by some people who make it their business to dethrone the matadhipathis on some pretext or other, to be always threatening them. So far as my point is concerned, I still maintain that the Hon. Minister has not answered it and if he does not answer, the House will take note of it.

"So far as the other provision is concerned, I think it is not desirable to retain in the hands of the Commissioner the power to institute a suit or of giving his consent in writing to other persons who want to dethrone a matadhipathi by instituting legal proceedings on some vague pretext or other. There should not be any vagueness in any of these provisions."

SRI K. BRAHMANANDAM REDDI:—"May I know, Sir, whether it is the Commissioner's opinion that the trustee of a math is unfit for service that is enough or it is the court that is to decide the fitness or otherwise of the trustee? Suppose the Commissioner thinks that a particular trustee is unfit for service by reason of his physical or mental defect, it will only be a ground for him to approach the court to declare him to be unfit for service as trustee, is it not?"

SRI K. BHASHYAM:—"Sir, my name has been dragged in and my amendment was really referred to in the course of the reply of the Hon. Minister for Law as an argument against his accepting the amendment of my hon. Friend Sri L. N. Gopalaswami. Sir, I am not able to repeat the exact words that he used, but I think there is a great deal of difference in what I have said in my amendment, and what the Hon. Minister has taken it to mean. The expression which I have used, namely, 'that a matadhipathi by reason of unsoundness of mind or of physical infirmity unable to discharge his functions' is quite different and conveys a different meaning from the expression used in this sub-clause, namely, 'his suffering from any physical or mental defect or infirmity which renders him unfit to be a trustee', because 'unfit to be a trustee' conveys a different meaning from 'unable to discharge the functions of a trustee'. If my Hon. Friend the Law Minister wants to make a capital out of my amendment, then all I can say is, that he has not really understood my amendment."

* THE HON. SRI K. MADHAVA MENON:—"Sir, I cannot really understand the difference for myself between the expression 'physical infirmity unable to discharge the functions as trustee', and 'suffering from any physical or mental defect or

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infirmity which renders him unfit to be a trustee'. I think that the difference, if there is any, will be the difference between tweedledum and tweedledee.

"Sir, my hon. Friend Sri K. Brahmanandam Reddy asked whether it is the Commissioner's opinion that the person is of a mental or physical infirmity that would make him unfit to be a trustee or whether it is the court that should be satisfied with it. The object is that the Commissioner, if he thinks that the trustee is mentally defective, may institute a suit in the court and obtain a decree for removing him from his office. It is the court that must decide the issue and not the opinion alone of the Commissioner, Sir."

* SRI L. N. GOPALASWAMI:—"On a point of personal explanation, Sir, it is not merely with reference to this clause where a court's reference has been provided for, but also with reference to the other clause 58, where there is no mention of interference by court, that I have spoken, Sir."

MR. SPEAKER:—"The amendment is—

'Delete sub-clause (1) (b) of clause 57.'"

The amendment was lost.

Sub-clause (1) (d).

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I move the amendment standing in my name, namely—

'In clause 57, sub-clause (1) (d), add at the end the words, "or for leading an immoral life and bringing the institution into contempt".'

"Sir, I want to add these words at the end of the sub-clause (1) (d) in order that this may serve as a ground on which a trustee or matadhipathi can be removed from his office. It is most necessary, Sir, that the trustee or the head of a math must be a person leading a moral life and it is not enough to say that his conviction for any offence involving moral turpitude should alone be a ground for instituting proceedings to remove him from office. Because we are dealing with religious institutions and because the whole Act deals with objects of spiritual elevation, namely temples and maths, I submit that there must be some relation between the person who is the trustee of the institution and his private morality and life to make him fit to hold the post of the spiritual head of that institution. To enlighten the House about the necessity to keep the trustee above reproach with regard to his personal morality, I shall read an extract from the Judgments of Madras and Calcutta High Courts. I am reading

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from this book, entitled, 'The Law, relating to Hindu and Muhammadan Religious Endowments, with commentaries', by P. R. Ganapathi Ayyar.

There can be no doubt that a charge of immoral conduct subsequent to the appointment will be a valid ground for dismissing the head of a mutt who is required to be an ascetic. So it was held in one case that the Swamis of the mutts at Udipi with their disciple had the right to inquire into the immorality of one of the eight Swamis and on proof of the same to outcaste him when he ceases to be the head. Even where the head of a mutt is not required to be an ascetic but is permitted to marry, the leading of an immoral and a vicious course of life ought to be a sufficient ground for dismissal as the duty of the head is to impart spiritual instruction and to propagate the Hindu Religion and he is expected to lead a chaste and an austere life."

SRI V. RAGHAVAYYA:—"Mr. Speaker, Sir, I second the amendment of my hon. Friend Sri T. Viswanatham. Of all the amendments that have been moved so far, I have no doubt that this is the best one and if anybody should try to oppose it, I will have no hesitation in saying that his position will be the worst. The hon. Mover of this amendment said that an immoral man shall not continue to be the trustee of a religious institution or the head of a math. If a trustee could be sent out for being deaf, or if he can be removed from service for having lost an arm, or if he is debarred to hold the post if he has lost his memory, there is no reason why he should not be sent out if he leads a notoriously immoral life. The question arises as to how a person should be declared to have been leading an immoral life, Sir, the world is not so blind to know that, nor can the Government be. It is an easy matter to find out whether a man is immoral or not. Even the Indian Penal Code has tried to catch man and punish him for immorality. It has laid down that if a person entices a married woman or is guilty of adultery, etc., he is punishable by law. But these are compoundable offences. It can be argued that even though these are provable offences, they are not enough, but that the person must have been convicted for such an offence in a court of law. Sir, the term moral turpitude is so very vague that it is doubtful whether it will cover such offences. There are two sections in the Indian Penal Code defining what is immorality and I daresay that the Government should be able to assess whether a trustee is immoral or not by applying these definitions.

"As regards the general test of how immorality could be assessed, suppose a trustee has been leading an immoral life, keeping a permanent concubine or suppose a lady who is not in wedlock with any other person is living with the trustee, then there is absolutely no law which could punish him in a criminal Court. But so far as this sub-clause is concerned, that should be an enough ground for the Commissioner to take action to remove him from his office. The clause as it stands at present, does not make any such provision. It need not be proved that they were living as husband and wife in a Court of Law. The very fact that he is leading an immoral life must be enough to move the

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court to remove him from his office. That is the purpose of this amendment and I see no difficulty which would stand in the way of Government accepting this very reasonable amendment."

SRI K. BHASHYAM:—"Sir, I must confess that I have certain doubts so far as this amendment is concerned, before I could fully subscribe to it. If a matadhipathi is immoral, certainly he should not be continued in office. There is no doubt about that and I entirely agree with the first portion of the amendment. But there is also the addition of the words, "bringing the institution into contempt" in the amendment. It is so general and a little bit vague and I am afraid that it would be used as a weapon in the hands of the Commissioner or any person who is against the matadhipathi to bring any matter to the Court, saying that it would bring the institution into contempt, and therefore it is rather dangerous to add that portion. That is why I slightly hesitate to support the amendment.

"Sir, while perhaps the question of immorality is provable in a Court of Law, the latter portion, 'bringing the institution into contempt' is more difficult of definition. But, it is the Court's decision that will prevail ultimately, I think, one may support this amendment with some hesitation."

* THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir, this is the third or fourth occasion on which my hon. Friend, Sri T. Viswanatham has raised objection to morality clauses. He moved certain identical amendments once in connection with the trustees and religious institutions, hereditary and non-hereditary, and then in connection with the trustees of area committees, etc. My hon. Friend wants to add the words 'that a person leading an immoral life and bringing the institution into contempt' at the end of the sub-clause (d). Nobody will raise any objection to the propriety of a matadhipathi being removed because of his immoral conduct, or conduct which would bring the institution into contempt, because the sacredness and sanctity of the institution depends upon the integrity and morality of the head of the institution. So, I do not think anybody will object to the object of the amendment. But at the same time, it is difficult to prove what a moral life is, and to define the term 'bringing an institution into contempt.' These should not be left so vague. A person may have a very bad reputation of leading an immoral life, though as a matter of fact, he may be leading quite a moral life. It is easy to spread scandals against persons occupying such positions, but they may or may not be true or capable of being proved in a Court of Law. In this clause we have provided that his conviction for any offence involving moral turpitude should be a ground for moving the Court to removing him from his office. I think that is enough and will cover this intention also. It is not possible to add these words, because they are very vague and uncertain. That is why I cannot accept the amendment."

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* SRI T. VISWANATHAM:—"Sir, the clause is a master-piece of uncertainties when it refers to neglect of duty and physical or mental defect or infirmity rendering him unfit to be a trustee. All these the Hon. the Minister considers clear and precise, but he considers 'leading an immoral life and bringing the institution into contempt' as too vague. That is an argument which passes the understanding of any man of good reason and sound judgment. I submit that it is not so vague. I have quoted seven decisions in this regard, where persons have been dismissed from the office of *matadhipatis* on account of their immoral life. I gave the decisions of the High Court? It is not anybody's opinion. They are not the decisions of District Munsifs or District Judges. They are the decisions of the Calcutta and Madras High Courts. The Commissioner is not going to dismiss him, but he will only take the matter to the Court. The Court will decide whether the person is leading an immoral life or not. There is nothing uncertain in the amendment. Let the Hon. the Minister reject it if he wants to but not on the ground of uncertainty."

MR. SPEAKER:—"The question is—"

'In sub-clause (1) (d) add at the end the words "or for leading an immoral life and bringing the institution into contempt".'

The amendment was lost.

Sub-clause (2).

SRI T. VISWANATHAM:—"This is a very troublesome sub-clause, Sir. It involves an important principle. Just as in a nursery song:

'Simple Simon met a pie-man. He put his thumb in the plum And said what a good boy am I?'

the Government here have removed the word 'subject to the control of the Government', etc., in the other provisions but here they say that two gentlemen having an interest may appeal to the Government against the refusal of the Commissioner to give his consent. In the other place they have stated that any two persons having interest could go to the Court only after they had obtained in writing the consent of the Commissioner. It looks the Government want to reserve the power to themselves. When the Commissioner refuses to give his consent, these persons have to go to the corridors of the Secretariat. Where is the necessity to do so? Persons having interest in the matter will not have the heart to go to the corridors of Fort St. George and hang on the Government's coat tails. In respect of their own institutions, in their own local areas, and maintained by their own denomination in proper condition, should they not be given the right of going to the Court of Law praying that this *matadhipati* is leading an immoral life? From the beginning the Government

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have had always this view that they must exercise patronage at every stage from morning till evening. Therefore, this proposition which is based upon that idea, should go. This sub-clause should go root and branch. That is why, Sir, I move—

'Delete sub-clause (2).'

SRI K. BHASHYAM:—"I second the amendment, Sir. I oppose this sub-clause on a different ground altogether. I put it on the ground that the Government have washed their hands of any superintendence or supervision of the religious institutions where any scheme for the religious institution is settled. When they really abjure all interests in the religious institutions, why this power over small matters? When the Commissioner finds it not possible to give the necessary consent, let the Government leave the matter at that. The Commissioner is the Government's own trusted man. They have confidence in him. Why should the Government say, 'no, no; the Commissioner may not have examined the case fully; he may not act correctly'. Let the Commissioner have the final say in the matter. The Government have not accepted our amendment to the effect that the Commissioner shall not interfere. But the Government say that the Commissioner should have powers of interference. If the Commissioner should have that power, why should the Government again say that the matter may be taken to Government if the Commissioner refuses to give his consent. This only betrays want of confidence in their own Commissioner. This is wholly bad from many points of view, and, therefore, this sub-clause should go. Let the Government throw the whole responsibility on the Commissioner and let not the Government at every stage obstruct the good administration of the maths."

* THE HON. SRI K. MADHAVA MENON:—"Sir, both the hon. Members Mr. Bhashyam and Mr. Viswanatham are contradicting absolutely what they said previously. Memories are short, Sir. The hon. Member Mr. Viswanatham moved an amendment to sub-clause (1). The amendment is to delete the words 'and having obtained the consent in writing of the Commissioner'. He asked why should two persons take the consent of the Commissioner and why not they go direct to the court. He stated that the consent of the Commissioner was not at all necessary, and that the Commissioner would only be fettering the persons thereby. The amendment was not accepted, and that sub-clause was passed. We want this sub-clause to remain so that any improper refusal by the Commissioner to give his consent to the persons to appeal to the court may be set right by the Government. Both the hon. Members oppose this sub-clause also. It is a very curious argument, which I cannot understand. I oppose the amendment."

* SRI T. VISWANATHAM:—"Sir, my argument is supposed to be curious. With all the clarity of expression I possess I

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have put my argument. If my argument is considered curious, I cannot any more help it or make it less curious. I leave it to the vote of the House."

MR. SPEAKER:—"The question is—

'Delete sub-clause (2).'

The amendment was lost.

SRI K. BHASHYAM:—"Sir, so far as the main clause 57 is concerned, I say that it really gives power to persons to take the matter to a court of law. The items mentioned in (a) and (b) of sub-clause (1) are very difficult of being worked out. Sub-clause (1) (c) says 'his having ceased to profess the Hindu religion or the tenets of the math'. Having ceased to profess the Hindu religion and converted himself to the Christian faith, he may say that he is professing the tenets of the math. Who is to decide whether he is professing the tenets of the math? I can understand if he practises. For instance, if a Vaishnavaita *matadhipati* ceases to put on *namam*, when as a matter of fact, he is practising the Hindu religion, how are the Government going to dive into the mind of that *matadhipati* and say whether he is professing the religion of the institution over which he is presiding? This is wholly unworkable. This item is very difficult of being put into force. Sub-clause (1) (f) says 'persistent and wilful default by him in discharging his duties or functions under this Act or any other law'. This is so wide, vague and indefinite. Any Commissioner can come and haul up any *matadhipati* for persistent and wilful default by him in the discharge of his duties. Sir, I am a Vaishnavaita. I go to a *Vaishnava matadhipati* and ask him to give me *Mudradarshanam*. I complain that he has not performed his function well, and that he merely passed the *mudra* instrument by my shoulders. How is this to be decided? The words 'in discharging his duties or functions' are indefinite and will place the *matadhipati* at the tender mercies of the Commissioner. Instead of respecting *matadhipatis*, the Government are treating them as their own servants. The Commissioner will put on the regalia and he will be the presiding deity over the *matadhipati*. All his orders will have to be carried out, and if he does not obey the orders, he will be guilty of wilful default. This sub-clause (1) (f) is a very mischievous clause. I myself would have moved amendments to this sub-clause. But I gave notice of an amendment to omit the very chapter on maths, and, therefore, I did not give notice of any amendment to this sub-clause. If the Commissioner is not inclined in favour of the *matadhipati*, or if the *matadhipati* does not appoint any of the nominees of the Commissioner, the *matadhipati* will be charged with persistent and wilful default in discharging his duties. All these things will certainly come under this sub-clause. It leaves such large room for mischief to be done by the Commissioners, even if they are the best of men. So, I oppose clause 57."

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* THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir, when the hon. Member supported hon. Mr. Viswanatham's amendment 'or for leading an immoral life and bringing the institution into contempt', he stated that he was supporting the amendment, because it was the court that would decide the question. My answer to his argument is that sub-clause (1) gives the reasons on which a *matadhipati* can be removed by a court. He cannot be removed by the Commissioner's whims and fancies. The Commissioner only initiates the proceedings, and the court will decide the case. The hon. Member Mr. Bhashyam said that under sub-clause (1) (c) a man might not be willing to exhibit his profession of the Hindu religion, but he will be giving instruction in any particular tenet or philosophy of Hinduism. When it can be a tenet of Hinduism or tenet of philosophy, tenet of math also has got a meaning. That is all I can say, Sir."

Clause 57 was put and carried.

MR. SPEAKER:—"I adjourn the House till to-morrow 11 a.m."

The House adjourned to meet again at 11 a.m. the next day.

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

* 1. Notification II appended to G.O. No. 1766, L.A., dated 5th September 1950, regarding the inclusion of certain area within the limits of the Ramanathapuram District Board.

* 2. Notification IV appended to G.O. No. 1880, L.A., dated 26th September 1950, regarding the constitution of the Sular Municipality (Srikakulam district).

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APPENDIX I.

[Vide answer to starred question No. 521 asked by Sri S. Nagappa at the meeting of the Legislative Assembly held on 24th November 1950, page 788 supra.]

The United Nations International Children's Emergency Fund offered in the first instance 100,000 lb. (about 45 tons) of skimmed milk powder. This was accepted and the powder received was allotted to the Madras Corporation, the Mathurai Municipality, the Poonamallee Health Unit, the Regional Nutrition Units at Tiruchirappalli and Anantapur, the Nursery School under the Christian Medical College Hospital, Vellore, the Margaret Bell Creche run by the Vellore Branch of the Guild of Service and the Nutrition Clinic attached to the Nutrition Research Laboratories, Coonoor. Further quantities of 225 lb. and 4,184 lb. received from the United Nations International Children's Emergency Fund were allotted as follows:—

(i) Avvai Rural Medical Association of Tamil Nad for distribution in the Kasturba Maternity Home, Chinnalapatti, Mathurai district—225 lb.

(ii) Corporation of Madras—2,159 lb.

(iii) Poonamallee Health Unit—2,025 lb.

The above quantities have already been supplied by the various institutions to the stipulated beneficiaries.

The United Nations International Children's Emergency Fund has since offered a further quantity of 200,000 lb. (amounting to nearly 90 tons) of the powder. Presumably, the hon. Member refers only to this offer. It has been ordered that this quantity should be distributed as follows:—

Name of local body or institution.	Quantity allotted.
	LB.
1 Poonamallee Health Unit	4,480
2 Regional Nutrition Unit, Anantapur	4,480
3 Regional Nutrition Unit, Tiruchirappalli	4,480
4 Mathurai Municipality	4,480
5 Madras City	30,320
6 Guild of Service	100,800
7 Harijan Hostel, Narasapur	8,960
8 Sivanada Saraswathi Sewashram, Kattupakkam, Chingleput.	2,240

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Name of local body or institution.	Quantity allotted.
	LB.
9 Don Bosco Orphanage, Vellore	2,240
10 Holy Cross College Orphanage, Tiruchirappalli ..	1,680
11 Kasturba National Memorial Fund, Gandhigram, Mathurai.	4,480
12 Orphanages and schools under the Archdiocese of Madras.	31,360
Total ..	200,000

The beneficiaries of the scheme under both the previous and the present distributions are expectant and nursing mothers and under-fed children under 12 years of age attending the maternity and child-welfare centres, schools, hostels and orphanages, either managed by, or situated in the areas served by the local bodies and institutions.

APPENDIX II.

[Vide answer to starred question No. 525 asked by Sri B. S. Murthy at the meeting of the Legislative Assembly held on 24th November 1950, page 793 supra.]

Q.—

- (a) The number of leper asylums in this State;
 (b) the annual money grants given to each one of them by the State; and
 (c) the plans, if any, proposed by the Government to arrest the spread of leprosy?

A.—

- (a) There are 2 Government and 16 private leprosy sanatoria in the State.
 (b) The following statement shows the amounts of grants paid to each private leprosy sanatorium during 1949-50:—

Name of the leprosy institution.	Amount paid.	
	RS.	A. P.
1 Debendranath Mullick Leprosy Home, Vadath rasalur, South Arcot district.	26,974	8 0
2 Dayapuram Hospital and Home for Leprosy Patients, Manamathurai, Ran anathapuram district.	31,917	0 0
3 Mission Leprosy Sanatorium, Chevayur, Malabar district.	33,156	0 0
4 Leprosy Home, Ramachandrapuram, East Godavari district.	20,982	0 0
5 Leprosy Patients Colony Hospital, Kesarpalle, Krishna district.	1,512	0 0
6 St. Joseph's Leprosy Home and Hospital, Kankanady, South Kanara district.	17,064	0 0

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Name of the leprosy institution.	Amount paid.	
	RS.	A. P.
7 Leprosy Home, Vizianagaram, Visakhapatnam district.	13,014	0 0
8 Leprosy Home, Salur, Visakhapatnam district.	14,817	0 0
9 St. Mary's Leprosy Hospital, Kumbakonam, Tanjore district.	51,300	0 0
10 Bethesda Leprosy Hospital, Narasapur, West Godavari district.	9,799	8 0
11 Evangeline Booth Leprosy Hospital, Bapatla, Guntur district.	21,870	0 0
12 The Mission Leprosy Home, Kodur, Cuddapah district.	4,590	0 0
13 Poor Home Society's Leprosy Home, Kozhikode, Malabar district.	4,338	0 0
14 Kasturba Gandhi Kusht Nitayam, Mazhavanthangal, South Arcot district.	1,596	3 0
15 St. Joseph's Leprosy Home, Tuticorin, Tirunelveli district.	903	0 0
16 Sri Venkateswara Poor Home, Tirupati—No grant paid.		
Total ..	2,53,893	3 0

- (c) After a detailed review of leprosy work in the State, the Government have recently laid down a definite policy and programme for the prevention, control and relief of leprosy in Madras State. The programme provides, in the main, for a leprosy census, for the detection of infective cases and their treatment, both to cure the disease in them and to arrest its spread to others, for securing that trained staff are employed by private sanatoria and that only infective cases are treated as in-patients to achieve an automatic measure of segregation, for providing increased occupational and recreation facilities for in-patients, for training personnel in anti-leprosy work and for adequate research, propaganda and publicity. The programme will be implemented with reference to the financial resources available.

APPENDIX III.

[Vide answer to starred question No. 528 asked by Sri A. J. Arunachalam at the meeting of the Legislative Assembly held on 24th November 1950, page 797 supra.]

Q.—SRI A. J. ARUNACHALAM: Will the Hon. the Minister for Industries be pleased to state—

- (a) the total number of bales of yarn produced during the months of June, July and August 1950, in each count and out of this the actual quantity made available to this State for the same period;

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(b) whether it is a fact that some of the mills are producing unwanted counts like 26s, 36s, 44s, 50s and 56s and if so, what steps the Government have taken to regulate the production by the mills of such counts as are needed by the handlooms;

(c) whether it is a fact that our State is a surplus one in the production of yarn, and if so, the reasons for the acute scarcity of yarn to the weavers in our State;

(d) whether it is due to the mills being permitted to export huge quantities;

(e) the basis governing the issue of such export permits; and

(f) whether any suggestions have been made by the State Handloom Committee in regard to the yarn supply and if so, what action so far taken by Government on them is?

A.—

(a) The total number of bales is as below:—

June	39,642
July	46,053
August	43,417

Countwise details are not available. The actual quantity made available to this State is given below:—

Count group.	June (bales).	July (bales).	August (bales).
Up to 6s	521	406	299
10s	172	36	16
Over 10s to 17s	703	710½	121
18s to 24s	5,784½	8,321	5,319½
24s to 27s	5,131½	5,135½	5,194½
28s to 32s }	{ 1,933 }		
31s to 32s }	{ 238 }	2,100	1,910½
36s to 40s	1,974	3,534	2,593½
60s	1,167½	2,028½	1,666
80s	483	576	544
100s	44½	177	182
Folded	678½	546	829
Total	18,830½	23,569½	18,675

(b) Yes. Counts 44s, 50s and 56s are not produced by mills at present. 36s is in great demand and the mills are unable to supply the requirements in this count and this is not therefore an unwanted count. In the absence of other popular counts, the weavers using 20s and 30s are using 26s. The production by the mills is under the control of the Government of India. This Government have addressed the Government of India to take steps to adjust the spinning programme of mills as far as possible by suitable adjustment of prices of different counts according to the requirements of the handloom weavers and having due regard to the availability of the required types of cotton.

(c) & (d) Yes. The reasons for the acute scarcity are—

(1) Distribution of yarn is made to the various States equitably on an all-India basis by the Textile Commissioner, Bombay, who exercises control over the yarn productions of mills, and

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(2) Short supplies of the required types of cotton for spinning the required counts. The scarcity is also partly attributable to the mills being allowed to export a portion of their productions without regard to the requirements of the internal market.

(e) No export is allowed of counts up to 32s, 80s and 100s produced by the mills. Mills are, however, allowed to export one-fourth of their production in the other counts. Regulation of exports is done by the Government of India through the Textile Commissioner, Bombay.

(f) Yes. The Government of India have been addressed requesting—

(1) that a definite quota of 29,780 bales be earmarked exclusively for the handloom industry and 3,100 bales for other miscellaneous consumers,

(2) that the requirements of Madras State should be allotted from the production of the South Indian Mills before any yarn is allowed to be exported outside the State,

(3) that the Directorate of the Government of India at Coimbatore should be instructed to control and regulate the production programme of each one of the spinning mills in the State to ensure regular supplies of the particular counts required in the State, and

(4) that the mills should not be allowed to sell any part of their production through their own nominees without first offering to the State nominees.

As regards (1) above, the Government of India have regretted their inability to allot increased supplies of yarn owing to the overall shortage of yarn in the country.

As regards (4) above, the free sale concession has been withdrawn with effect from 1st June 1950 in the case of Madras State mills and from 1st August 1950 in the case of all mills in the Indian Union.

Replies to (2) and (3) above have not yet been received.

THE MADRAS LEGISLATIVE ASSEMBLY.

Saturday, the 25th November 1950.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Leave granted to Sri B. Mahadevarao Naidu, Collector of Cuddapah.

* 530 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Chief Minister be pleased to state—

(a) whether it is a fact that Sri B. Mahadevarao Naidu, Collector of Cuddapah, is granted leave preparatory to retirement;

(b) whether any charges were pending against him before he was granted leave; and

(c) if so, the nature of the charges and the findings of the Government on them?

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

“(b) No.

“(c) Does not arise.”

SRI V. RAGHAVAYYA:—“Sir, even if considerations of public safety may not permit, may I know whether several charges were not made against this official regarding his behaviour as Collector in that district and in the districts in which he previously worked and what happened to those allegations and how the Government disposed of them?”

MR. SPEAKER:—“I think the Hon. Minister has already answered the question.”

THE HON. SRI B. GOPALA REDDI:—“Yes, Sir. With reference to clause (b) of the question, I answered it.”

SRI V. RAGHAVAYYA:—“What happened to the allegations, Sir,”

THE HON. SRI B. GOPALA REDDI:—“Evidently the allegations were not proved and then they were dropped.”

Quantity of millets procured in Kurnool district.

* 531 Q.—SRI P. VENKATASUBBIAH: Will the Hon. the Minister for Food be pleased to state the quantity of millets procured in the Kurnool district in the year 1949-50 up to date and the quantity exported from the same district from 1st April 1950 up to date?

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THE HON. SRI J. L. P. ROCHE VICTORIA :—“ The total quantity of millets procured in the Kurnool district in the year 1949-50 (from 1st November 1949 to 28th October 1950) was 12,943 tons. The quantity of millets exported from this district from 1st April to 26th August 1950 was 9,814 tons.”

SRI P. VENKATASUBBIAH :—“ May I know, Sir, whether the export of these millets has been made after keeping enough stock for the consumption of the people of that area? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ Yes, Sir. After consultation with the district authorities only, the surplus quantity was allowed to be exported from that district.”

JANAB ABDUL HAMEED KHAN :—“ What is the percentage of surplus quantity that was exported out of the produce of that district Sir? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ The percentage is obvious from the figures that were given by me. Out of 12,943 tons, we have exported 9,814 tons.”

SRI P. VENKATASUBBIAH :—“ Arising out of the answer of the Hon. Minister that, after consultation with the district authorities only, the surplus was exported, is the Hon. Minister aware of the fact Sir, that in all the statutory rationing areas and also in villages scarcity of millets is so keenly felt that the Government have to resort to import of semolina from other places into that district? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ At the time when the procurement was going on, it was found that they had surplus and they could not even keep from deterioration some of the quantities procured in the district itself. So, at one stage it was found that even in the interests of the district itself they must be sent out and later on when it was found that the stock was running short there, the Government stopped further export from that district.”

SRI V. RAGHAVAYYA :—“ Sir, will the Government adopt it as a policy that so far as Ceded districts are concerned any quantity procured from any particular district shall not be moved out of the zonal area, because that is an area which is constantly faced with famine conditions? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ Yes, the case of the Ceded districts has been considered in a special way especially with regard to millets and it was even thought at one time whether it would not be possible to make millets available for free circulation in those districts themselves. But owing to the present scarcity all over the State, no change in the usual procedure can be adopted and we have to follow the usual course this year also.”

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JANAB ABDUL HAMEED KHAN :—“ Is it not a fact, Sir, that the Government take only the surplus out of a district and not take away everything and afterwards when they find that the situation created by their action makes it difficult for the people to get the required quantity of millets, they stop exports? Is this the policy that the Government are pursuing without any method and manner while these things ought to be done with method and manner? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ The general principle is there that only the surplus should be exported and this is being followed now. But as the hon. Gentleman knows, during this critical period in the State, in July and August we had to remove certain surpluses which were not immediately required in different districts for the benefit of some other districts which were actually deprived of any stock.”

SRI V. RAGHAVAYYA :—“ Sir, will the Government agree with me when I say that a little more care on the part of the district procuring staff and a little less greed on the part of the central officials at Madras in the matter of procurement could have saved awkward situations like this? For instance, it was followed that rice from Nellore must be exported to Madras and rotten rice from East Godavari must be brought to Nellore and dumped on the local people there.”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ Generally great care is taken and also the officials will be instructed to be careful in these matters.”

SRI A. KALESWARA RAO :—“ May I know, Sir, the amount of grains, cholam, wheat or rice that was actually imported later into the district after some quantity was exported from there? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ I want fresh notice, Sir.”

SRI M. G. NATESA CHETTIAR :—“ Are the Government sure that the critical situation that occurred later has not been the result of their previous action in the matter of movement of procured grains in the districts Sir? ”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ I do not think so, because as I have already explained, at one stage it was necessary to remove the surplus which was not immediately required in the district for the sake of other district areas and if there was a mistake made it was only for the benefit of the other parts of the State.”

SRI N. VENKATASUBBIAH :—“ Sir, is it not a fact that the District Food Committee actually passed a resolution to the effect that the target fixed for the district was out of all proportion to its resources and that the procurement of that quantity according to the target fixed has actually resulted in the depletion of its own resources for internal consumption and, if so, may I know what view the Government have taken on the resolution of the Food Committee? ”

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THE HON. SRI J. L. P. ROCHE VICTORIA :—" I have not got the resolution of the Food Committee before me, but generally Food Committees are also consulted in the matter and in cases of emergency only the Collector acts on his own responsibility."

DR. S. SUBRAHMANYAM :—" Is it not a fact, Sir, that the wholesalers in Kurnool district including the Kurnool Wholesale Co-operative Stores agitated that large number of stocks had been locked up and that their money was getting locked up and that further procurement was not possible? Is it not on that intimation that the Government ordered movement of millets into deficit districts like Ramanathapuram and we were asked to procure from Kurnool? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" I have already pointed out that at one stage it was found that they could not keep the stock procured to themselves and that they had to consent to the export of the surplus even though the quantity procured might be required at a later stage."

SRI D. V. RAMASWAMI :—" According to the food policy and plan of the Government, is it not the Government's idea, Sir, to provide for buffer stocks to serve in times of necessity or any unforeseen contingency? If so, have the Government got any Government godowns in the Kurnool district so far as millets are concerned? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" At the present moment it is not possible to think of any buffer stock, because as soon as the grains are procured they are generally used in the district or are exported. But the general question of keeping a buffer stock is part of the general policy of the Government and when conditions improve that will be taken into account."

SRI T. VISWANATHAM :—" Sir, when a question was put by my hon. Friend Sri V. Raghavayya he made an insinuation that the rotten rice of East Godavari was sent to Nellore and the Hon. Minister simply kept quiet. Is the Hon. Minister aware that there is no such thing as rotten rice produced at all in East Godavari and that what is produced there is one of the best quality?" (Laughter).

JANAB ABDUL HAMEED KHAN :—" May I know, Sir, whether the meaning of the word 'surplus' changes from time to time on account of the need of the other districts so that not only the surplus but even more than that is taken away from a district reducing it to a deficit district? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" In the face of the grave difficulty which sometimes arises in the State, we have a different meaning of surplus also." (Laughter.)

SRI N. VENKATASUBBAYYA :—" Arising out of the question put by my hon. Friend Dr. S. Subrahmanyam, may I make it plain, Sir, that we are not so greedy as to keep back what we can actually spare? May I request the Government also to make it

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plain that charity must begin at home and that we cannot spare more grain from what we require for our own internal consumption? "

Extension of Hindu Religious Endowments Board Act to Sandur.

* 532 Q.—SRI P. VENKATASUBBIAH : Will the Hon. the Minister for Health be pleased to state whether the Hindu Religious Endowments Board Act has been extended to the ex-State of Sandur and, if not, why not?

THE HON. DR. T. S. S. RAJAN :—" No. The Madras Hindu Religious and Charitable Endowments Bill, 1949, is likely to be passed into law very soon and as that Bill applies to the area covered by the merged State of Sandur also, Government did not consider it necessary to have a separate Amending Bill for extending the existing Hindu Religious Endowments Act, 1926, to that area."

SRI P. VENKATASUBBIAH :—" While the Hindu Religious Endowments Board Act has been extended to the other merged areas, may I know Sir, what prevented the Government from extending that Act to Sandur?" 11-15 a.m.

THE HON. DR. T. S. S. RAJAN :—" The Bill has been recently taken up. There is another Act in existence in that State. This Government have to take it and effect necessary changes. In the meanwhile, this Bill is still pending before both Houses. When it is completed, it will be time enough to apply the new Bill to the merged area and it may not be necessary to change the present legislation."

JANAB MOHAMED ABDUL SALAM :—" May I know, Sir, whether the Central Government have sent definite instructions to the State Government not to proceed with this Bill and whether it applies to Sandur or to this State as a whole? "

THE HON. DR. T. S. S. RAJAN :—" No such instructions have been received."

SRI K. BRAHAMANANDAM REDDI :—" I want to know the legal position, Sir. When once a State gets merged into the State of Madras, does it not follow that all the laws that are applicable to the Madras State apply also to the merged State? "

MR. SPEAKER :—" This question should be addressed to a different quarter altogether."

SRI N. VENKATASUBBAYYA :—" Pending the extension of the Hindu Religious Endowment Act and other laws pertaining to the administration of temples, may I know, Sir, what arrangements have been made for the administration of the properties, etc., of the famous Kumaraswami temple? "

THE HON. DR. T. S. S. RAJAN :—" The Hindu Religious Endowments Board shall take necessary action with regard to this matter."

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SRI M. S. PATTABHIRAMIAH :—" Sir, may I know what the Government propose to do to allay the apprehensions generally existing in that State that the most valuable articles, namely, jewels and gold belongings to that temple are claimed to be the property of the trustee who was the ruler and what action the Government propose to take to prevent this? "

THE HON. DR. T. S. S. RAJAN :—" The Government, as successors to that State will take all necessary precautions to guarantee the safety of the properties mentioned."

SRI A. KALESWARA RAO :—" May I know, Sir, whether the Government have examined which are the properties of the temple itself and which are really lent to the temple by the ruler now and then? "

THE HON. DR. T. S. S. RAJAN :—" The matter will have to be gone into as soon as the temple is taken over by our State."

Recruitment of women for Government service.

* 533 Q.—**SRI S. NAGAPPA** :—" Will the Hon. the Chief Minister be pleased to state—

(a) whether it is a fact that the Government have abolished the distinction between man and woman so far as public services are concerned according to the new Constitution;

(b) if so, whether any jobs were given to women after the decision was taken; and

(c) if so, what the jobs given so far to women are and where?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Chief Minister) :—" (a) The answer is in the affirmative. The attention of the hon. Member is invited to the Press Release, dated 30th March 1950 placed on the table of the House.

" (b) The answer is in the affirmative. It may be mentioned that even before the abolition of the distinction referred to in clause (a) above, there was no prohibition against the employment of women for certain posts in many departments.

" (c) Particulars of the jobs given to women and to which they were previously prohibited from appointment are as follows :—

Medical Department.—(i) Dr. (Mrs.) S. Abraham, M.D., D.G.O. (M.M.S.), Woman Assistant Surgeon, Class I, posted as Lecturer in Ante-Natal care, Madras Medical College, and Surgeon, Ante-Natal Department, Government Hospital for Women and Children, Madras.

* Printed as Appendix on page 956 infra.

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(ii) Dr. (Mrs.) F. Mathuranayagam, M.B.B.S. (M.M.S.), Woman Assistant Surgeon, Class I, posted as Tutor in Midwifery, Stanley Medical College and Assistant Superintendent, Government Raja Sir Ramaswami Mudaliyar's Lying-in-Hospital, Madras.

(iii) Dr. (Mrs.) Sarah J. Souri, M.B.B.S., PH.D., posted as Additional Professor of Anatomy, Medical College, Madras.

Educational Department.—Miss C. P. Kamakshi Amma, appointed as Lecturer in Education in the Government Training College, Palghat, under the emergency provisions.

" There was no statutory bar to the appointment of women as Assistant Lecturers, Tutors and Demonstrators in Men's Colleges but women were not generally appointed to posts in such Colleges. As a consequence only of the removal of sex restrictions in the matter of employment under the State Service from 26th January 1950, 4 women Assistant Lecturers and 33 women Tutors and Demonstrators have been appointed in Men's Colleges."

SRI S. NAGAPPA :—" Arising out of the answer of the Hon. Minister that women have been absorbed only in Medical and Education departments, may I ask, Sir, why the claims of women were not considered for administrative services like Deputy Collectors or Secretaries and why the Government have not included a single woman in the Cabinet? "

THE HON. SRI B. GOPALA REDDI :—" It is not a question of distinction between man and woman and as I said it has been abolished. It is up to the Public Service Commission to take in suitable women as Deputy Collectors, etc."

JANAB MOHAMED ABDUL SALAM :—" In pursuance of the policy of the Government to encourage more women to take jobs even before the Constitution came into force, may I know, Sir, whether the leave rules will be so amended as to give three months' maternity leave every year to those ladies whenever they take to service? " (Laughter.)

THE HON. SRI B. GOPALA REDDI :—" Suitable rules are already existing in the present leave rules made for women who are in service."

JANAB ABDUL HAMEED KHAN :—" Is it not a fact, Sir, that by abolishing this distinction between man and woman, the Government have acted more in favour of the women than men? " (Laughter.)

THE HON. SRI B. GOPALA REDDI :—" I do not quite follow the hon. Gentleman's question. I want some little clarification."

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JANAB ABDUL HAMEED KHAN :—“ The question is this. Whether it is not a fact that by abolishing this distinction between man and woman in the matter of service, the Government have acted more favourably to women than to men? ”

THE HON. SRI B. GOPALA REDDI :—“ Even if it is so, it is a matter to be congratulated.” (Laughter.)

BEGUM SULTAN MIR AMIRUDDIN :—“ While I am thankful to the Government for having implemented some of the requests made by me here as a result of the resolution brought forward by me in this House even before the Constitution came into force, may I know, Sir, when the Government intend to recruit women to the Police force as well? ”

THE HON. SRI B. GOPALA REDDI :—“ I have to point out that it is now a matter for the Public Service Commission or the Head of the Department. If suitable women come forward, they will certainly consider their cases.”

JANAB M. S. ABDUL MAJID :—“ May I know, Sir, whether the Government are satisfied that by recruitment of women to administrative services, efficiency of the services has not gone down? ”

THE HON. SRI B. GOPALA REDDI :—“ It is too premature to pass any judgment in the matter.”

SRI M. G. NATESA CHETTIYAR :—“ May I know, Sir, whether the Government will give preferential treatment to backward community women? ”

THE HON. SRI B. GOPALA REDDI :—“ Whatever rules apply to backward communities will also apply to women candidates. There is no special need to give preference to backward women candidates.”

JANAB MUHAMMAD RAZA KHAN :—“ While appreciating the action of the Government in abolishing the distinction between man and woman in the matter of services, is it not a fact, Sir, that the direct result will be the creation of too much of unemployment among the men and making them stay in homes? ”

THE HON. SRI B. GOPALA REDDI :—“ It cannot be helped. We cannot have both ways. When you want to take in women also into the services, naturally to that extent, they will throw out certain men from jobs.”

SRI P. NATESAN :—“ When unmarried girls marry and give up their service, what is the position of the clerks who belong to a certain department, Sir? ”

THE HON. SRI B. GOPALA REDDI :—“ Those clerks get accelerated promotion.”

SRI A. KALESWARA RAO :—“ May I know, Sir, whether the Government propose to appoint any women Sub-Inspectors of Police, particularly, in communist-affected areas? ” (Laughter.)

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THE HON. SRI B. GOPALA REDDI :—“ When suitable women come forward to deal with the situation created by the Communists, certainly they will be appointed.”

JANAB MOHAMED RAFEEUDDIN AHAMAD ANSARI :—“ While throwing open the Police Department for women, may I know, Sir, whether any rules regarding the height, chest and other measurements have been relaxed? ”

THE HON. SRI B. GOPALA REDDI :—“ I have personally seen the women police in Calcutta. I was taken round by the District Superintendent of Police in charge and I had a look at their work and all that. I suppose that our heads of departments will see what has been done at Calcutta and copy the rules prescribed there for the recruitment of women to the Police service.”

SRI R. V. SWAMINATHAN :—“ While answering questions previously in this House, the Hon. Leader of the House left an impression among the public that the Government were not favourable to the recruitment of women into the Police Department. In view of his answers just now, may I know, Sir, whether the Government have changed their views since then with regard to the recruitment of women to the police forces? ”

BEGUM SULTAN MIR AMIRUDDIN :—“ Say ‘yes’.”

THE HON. SRI B. GOPALA REDDI :—“ I am asked to say ‘yes’ by the hon. Lady.” (Laughter.)

SRI V. M. RAMASWAMI MUDALIYAR :—“ Since the abolition of this distinction, may I know, Sir, whether the Government have made a survey with regard to the effect of such action on the social and economic set-up of the homes? ”

THE HON. SRI B. GOPALA REDDI :—“ Even before we appoint them, we cannot take up a survey of the repercussions of the social and economic affairs of the State. After about ten years when they are appointed in full and large numbers, I think we can legitimately take up that survey.”

SRI D. V. RAMASWAMI :—“ Arising out of the answer of the Hon. Minister, particularly with reference to the women in Medical service, Sir, may I ask, considering that the number of men doctors is far higher than the women doctors in our State and in spite of the fact that the new Constitution guarantees certain rights to women, whether it is a fact that some women doctors have been thrown out of employment very recently and whether it is proper to do so especially when we have to maintain an encouraging ratio? ”

THE HON. SRI B. GOPALA REDDI :—“ After all it is a question of comparative merit and we can safely leave it to the Public Service Commission.”

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SRI K. BRAHMANANDAM REDDI:—" May I know, Sir, how the women appointed to work in Men's College are faring and further in view of the policy of give and take whether the Government would appoint men also in women's colleges? "

THE HON. SRI B. GOPALA REDDI:—" When suitable men come forward they will be appointed in women's colleges." (Laughter.)

SRI S. NAGARAJA MANIGAR:—" In view of the changed policy of the Government, may I know, Sir, whether the Government have instructed the heads of departments to bear in mind the abolition of the discrimination of man and woman in the matter of appointments and to give preference to women in view of the fact that they have not been respected well so far? "

THE HON. SRI B. GOPALA REDDI:—" The questions that are put by the hon. Members and answers given by me in this House to day will certainly be read by the heads of departments and they will bear this in mind when appointments are made."

11-30 SRI P. NATESAN:—" Sir, what efforts are the Government
a.m. going to make to see that women in this State are generally physically fit? "

MR. SPEAKER:—" How does physical fitness arise out of the main question? "

SRI P. NATESAN:—" When women are recruited to the police service, for instance, we must see that they are physically fit."

THE HON. SRI B. GOPALA REDDI:—" We shall see that our Education Department takes steps to encourage national sports so that men and women may improve their physique."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" With reference to a previous answer given by the Hon. the Leader of the House that the questions and answers in this House when published in the newspapers will be taken note of by the departmental officers, may I ask him, Sir, whether that is the procedure to which the Government resort for intimating their views to the departmental officers and if so, whether it would not be better if they send instructions to those officers officially or communicate a gist of the questions put here and the answers given by the Hon. the Ministers? May I know whether the Government think that the answers given on the floor of the House are an indication of the policy of the Government which the heads of departments should follow? Sir, I put this question because it is an important one involving policy."

THE HON. SRI B. GOPALA REDDI:—" The decision regarding the abolition of distinction between men and women has been duly communicated to everybody concerned. Hon. Members wanted to know whether any specific instructions were to be issued to the heads of departments. I said that

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no specific instructions need be issued and that whatever that had happened in the Assembly would also be read by them and borne in mind."

SRI P. KANDASWAMI PILLAI:—" In view of the answer given by the Hon. the Minister that men would be appointed to posts in women's colleges, if suitable men were available, may I know, Sir, how, 'suitability' will be reckoned? " (Laughter.)

THE HON. SRI B. GOPALA REDDI:—" It depends upon many things. They must fit into the atmosphere." (Laughter.)

BEGUM SULTAN MIR AMIRUDDIN:—" Is it not a fact, Sir, that in all Government appointments merit alone will be the criterion hereafter and not sex and that, therefore, the remark of the hon. Member sitting behind (Janab M. S. Abdul Majid) that women are inefficient, was most unwarranted? . . . "

JANAB M. S. ABDUL MAJID:—" I did not say they were inefficient. I protest."

BEGUM SULTAN MIR AMIRUDDIN:—" He did say that. Is it not a fact that in the Administrative Services examinations, some women candidates have scored higher marks than the men candidates? " (Laughter.)

JANAB M. S. ABDUL MAJID:—" On a point of personal explanation . . . "

MR. SPEAKER:—" Order, order."

THE HON. SRI B. GOPALA REDDI:—" I did not follow the question, Sir."

BEGUM SULTAN MIR AMIRUDDIN:—" I shall repeat the first portion of my question and shall put the latter one later. I want to know whether merit will not count hereafter in the matter of appointment and not sex."

THE HON. SRI B. GOPALA REDDI:—" Sex will not be a disqualification and that is all I can say."

BEGUM SULTAN MIR AMIRUDDIN:—" Will not merit count even among the women candidates? Is it not the idea of the Government to select the most suitable? Let me explain it, Sir, a little more clearly. Merit does not necessarily mean marks. It means other things also. Suppose recruitment is made to the Police department. There a good physique is a necessary qualification."

THE HON. SRI B. GOPALA REDDI:—" The hon. Lady might remember that there is the Communal G.O. That will apply to the women candidates when they are recruited."

SRI S. NAGAPPA:—" Arising out of the answer given by the Hon. the Minister that the Public Service Commission will look after recruitment, Sir, are the Government aware that in view of the fact that there is no lady member on it, great injustice

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has been done to women candidates of this State? Will the Government issue instructions to the Service Commission to give more representation to women in services or will they consider the desirability of associating a woman member with the Commission?"

THE HON. SRI B. GOPALA REDDI :—" I do not accept the contention of my hon. Friend that the Public Service Commission should have on it Harijan, Muslim, Christian, Brahman and other members to safeguard the interests of the respective communities. Likewise, the non-inclusion of a woman member does not mean that it will disregard the case of women."

BEGUM SULTAN MIR AMIRUDDIN :—" Let me put the other part of my question, Sir. • (Laughter.) My question is whether the remarks of the hon. Member, Mr. M. S. Abdul Majid was not most unwarranted, that women had proved inefficient in the administrative services, whereas, so far as marks are concerned, women have more often secured higher marks than men? "

THE HON. SRI B. GOPALA REDDI :—" It is all too premature now to pass any judgment about their efficiency or inefficiency."

JANAB MOHAMED ABDUL SALAM :—" May I draw the attention of the Hon. the Leader of the House to the fact that only two Ministers of the Madras Government have implemented the policy of no discrimination between men and women—the Hon. Dr. T. S. S. Rajan and the Hon. Sri K. Madhava Menon—and others have not? May I know why they are not so chivalrous? " (Laughter.)

THE HON. SRI B. GOPALA REDDI :—" I was very chivalrous, Sir, when I appointed women conductors in the Transport department." (Loud laughter.)

Extra quota of sugar.

* 584 Q.—SRI P. VENKATASUBBIAH : Will the Hon. the Minister for Food be pleased to state whether it is a fact that the Union Government have allotted extra quota of sugar to this Government for Deepavali and Muharram festivals and, if so, how much?

THE HON. SRI J. L. P. ROCHE VICTORIA :—" The Government of India allotted to this State 7,500 and 7,250 tons of sugar for October and November 1950 respectively, as against 6,900 tons, 6,700 tons and 6,900 tons allotted by them for July, August and September 1950, respectively. Our normal monthly requirements are about 10,000 tons. The Government of India stated that the increased allotment made for October and November 1950 was meant to meet the extra demands in view of the festivals falling in those months. The additional quantity allotted by the Government of India for these months when compared to the allotment in September 1950 is 950 tons. This small additional quantity will only

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enable this State Government to meet the special quota of half a viss or one-fourth viss according to the income of the family fixed by the State Government for such of the following festivals which fall within this period :—

Hindus—Pongal and Deepavali.

Muslims—Ramzan and Bakrid.

Christians—Easter and Christmas.

No special allotments have been made to Muslims for Muharram, as special allotments are being made to them for Ramzan and Bakrid."

SRI P. VENKATASUBBIAH :—" Arising out of the answer given by the Hon. the Minister that some additional quota of sugar was allotted for the festivals, may I draw his attention to the fact that people in rural areas did not at all get any sugar from this allocation and that the festival for them passed without any sugar? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" Circulars were sent round and officials were instructed to supply additional quantities of sugar to the people for the festivals."

JANAB MOHAMED RAFAEUDDIN AHMED ANSARI :—" Arising out of the Hon. the Minister's reply that no allotment was made for Muharram, may I draw his attention to the fact that though Muharram is not a festival, yet it is an important occasion for the Muslims and that there are several other religious ceremonies also which require special allotment of sugar? Will the Government make allotment at least in future on such occasions? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" According to the present arrangements we are now making allotments only for two major festivals each in the case of major communities. It is very difficult to change this arrangement. Let me inform hon. Members that special allotments are made for certain important festivals and there is no such thing as a general allotment."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—" In spite of the allotment made for the special occasions like Deepavali, Bakrid, and Ramzan, is the Hon. the Minister for Food aware of the fact that during the last Deepavali and earlier—in the months of October and November, for nearly seven weeks—the people of Karaikudi in the Ramanathapuram district went without sugar? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" I have no information. The district authorities were instructed to make additional supplies of sugar during the festivals. If, however, any particular area did not get it, I shall make enquiries, Sir."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—" In view of the failure of the machinery for distribution of sugar in this State and in view of the widespread feeling of the public that sugar rationing may be given up, may I urge upon the Government to consider the advisability of abandoning it altogether? "

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THE HON SRI J. L. P. ROCHE VICTORIA :—" Fifty per cent of the sugar requirements of the State have to be imported from outside. When this is our position, how is it possible to leave the State to its fate without making any arrangements for the equitable distribution of sugar? "

SRI L. N. GOPALASWAMI :—" May I ask the Government, Sir, what the reasons are for this invidious distinction in the supply of sugar in such small quantities of $\frac{1}{2}$ a viss for important festivals, between the rich and the poor, which deprives the poor of a chance to prepare and eat sweets even on such occasions? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" The idea is that only the rich people require more sugar than the poor as the latter mostly prefer jaggery and other things to sugar. "

JANAB ABDUL HAMEED KHAN :—" May I ask Sir, whether it is not necessary for the Government to follow up their circulars by making additional allotments of sugar for distribution to the public? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" It is necessary, Sir, and we do it. "

SRI V. M. RAMASWAMI MUDALIYAR :—" Are the Government aware, Sir, that on account of the inopportune time when the price of jaggery has been sought to be controlled, it has disappeared completely from the local market during the Deepavali? Will the Government take note of this fact for their future guidance in the matter of distribution of sugar on special occasions like Deepavali, etc.? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" The difficulty with regard to jaggery is only temporary and when the position improves the machinery created now will run smoothly. "

JANAB MOHAMED ABDUL SALAM :—" May I draw the attention of the Hon. the Minister for Food to the statement made by the President of the Indian National Congress—Sri Tandon—that sugar is unnecessary and that it does harm to the human beings? This Government being a Congress Government, will they consider the advisability of giving up the distribution of sugar altogether and saving themselves from any further trouble? " (Laughter.)

MR. SPEAKER :—" The main question is about distribution of sugar for Deepavali. "

THE HON. SRI K. MADHAVA MENON :—" The hon. Gentleman may follow his advice if it is correct. " (Laughter.)

SRI N. S. VARADACHARI :—" Does the Hon. the Minister recognize that in every case, only circulars will go and officials will go round but no stocks will ever be made available by them? "

MR. SPEAKER :—" Janab Abdul Hameed Khan put a similar question which was answered. "

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JANAB M. S. ABDUL MAJID :—" In order to improve the sugar position in the country, large quantities of sugar are being imported from overseas. May I know, Sir, whether this State is going to get any quantity out of this imported sugar? "

MR. SPEAKER :—" The question is how much quantity has been received from the Union Government. How does the hon. Member's supplementary arise from this? "

JANAB M. MUHAMMAD ISMAIL :—" I am told, Sir, that those who get an income of Rs. 150 and more get a larger quota than those who get an income below that. In this connection, may I ask whether, supposing a businessman gets a loss of Rs. 1,00,000 in a year, he will not get any sugar at all because he has not earned anything that year? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" The general direction is that those who get Rs. 100 and above should get half a viss and those who get an income below that will have quarter of a viss. So we do not call for any accounts of the businessmen and check their profit and loss account. That is the general procedure followed and I do not think that any difficulty has arisen on account of this distinction. "

SRI S. NAGARAJA MANIGAR :—" In addition to issuing circulars to the Collectors, may I know, Sir, if it is not for the Government to ascertain afterwards whether the quantities were actually supplied to the people, if the Government were really interested in the matter? " 11-45 a.m.

THE HON. SRI J. L. P. ROCHE VICTORIA :—" In the absence of any complaint or request for additional allotment from the Collectors the presumption is that they are quite satisfied. "

JANAB M. MUHAMMAD ISMAIL :—" Sir, this question of distribution of sugar according to income of the people was raised by me elsewhere. I do not know how it has been solved. Now, supposing a man really makes a loss during a year, he cannot say that he is getting an income; less than Rs. 100 or above Rs. 100. In that case is he not to have any sugar? Though he might be spending thousands of rupees during the year he cannot say that he had made an income of Rs. 100 that year. I want to know from the Hon. Minister whether he will not get any sugar. "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" There is no hard and fast rule in the matter. I do not think there is any complaint in this matter. I also do not think any difficulty will arise on account of this arrangement as it is only a temporary arrangement. I am sure as it has worked satisfactorily in the past, it will work satisfactorily in the future also. "

SRI S. NAGAPPA :—" Sir, in view of the fact that the Telugu New Year's Day and the Tamil New Year's Day are very important festivals, may I know whether the Government would also include these festivals in the list of festivals for special allotment of sugar? "

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THE HON. SRI J. L. P. ROCHE VICTORIA :—" The allotment made is fairly sufficient to meet the requirements for the festivals enumerated by the hon. Member. I don't think it can be extended any further."

JANAB MOHAMED RAFEEUDDIN AHMAD ANSARI :—" Is it not a fact, Sir, that the declaration that is called for by the rationing authority is only to the effect that his income is below or above hundred rupees and that the person is not required to satisfy the authority regarding the actual amount of his income? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" I think it is the general procedure followed."

SRI L. N. GOPALASWAMI :—" May I know, Sir, whether a man even if he suffers a loss in business will certainly get his lower rate of sugar and will not be denied any sugar at all? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" Yes, Sir. One-fourth of a viss is due to everybody."

Conviction and release of Sri E. V. R. Naicker.

* 535 Q.—JANAB MOHAMED ABDUL SALAM: Will the Hon. the Chief Minister be pleased to state—

(a) the reasons for the recent conviction and release of Periyar E. V. Ramaswami Naicker and Mr. C. N. Annadurai; and

(b) whether any persons were arrested and sentenced for agitating for the release of the above, and if so, how many?

THE HON. SRI K. MADHAVA MENON (on behalf of the Hon. the Chief Minister) :—" (a) The attention of the hon. Gentleman is invited to the Government Press Communique of the 27th September 1950, published in the newspapers of the 28th September.

As regards the reasons for the release of Sri E. V. Ramaswami Naicker and Sri C. N. Annadurai, the Government became aware that these persons had sufficient means to pay the fine imposed on them, but deliberately refrained from paying to court imprisonment and to avoid payment of fine. The Government therefore ordered that the sentences passed in lieu of fine should be remitted and that steps should be taken to recover the fines.

" (b) The Government have no information. In the Government's opinion the labour and cost involved in collecting them will not be commensurate with any public interest that may be served thereby."

JANAB MOHAMED ABDUL SALAM :—" May I know, Sir, whether it is the uniform policy of the Government to release persons who do not pay fine and court imprisonment? "

THE HON. SRI K. MADHAVA MENON :—" Each case will be considered on its own merits."

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SRI R. V. SWAMINATHAN :—" A news appeared in the papers after the conviction of these people, wherein the Chief Minister was reported to have said that the Government were not considering the release of these people and if they wanted their release, they have to go to the higher court. If that was true how is it, Sir, the next day these people were released? Are they not contradictory? "

THE HON. SRI K. MADHAVA MENON :—" There is no contradiction. Both are truths."

SRI A. KALESWARA RAO :—" May I know, Sir, whether it is not a rule that even though imprisonment was suffered in lieu of fine, the fine could be collected afterwards if the person had property? "

THE HON. SRI K. MADHAVA MENON :—" Sir, the Criminal Procedure Code has been amended and where the imprisonment has been undergone, there are certain other conditions and special procedure which have to be followed if the fine is to be collected."

SRI S. NAGABAJA MANIGAR :—" Is it not a fact, Sir, that the release of these two leaders of the opposite camp is almost an encouragement to the group to fight the Government? "

MR. SPEAKER :—" That has nothing to do with this question."

JANAB MOHAMED ABDUL SALAM :—" May I know, Sir, whether it is not the public opinion that compelled or provoked the Government to release them and not the legal tactics revealed here? "

THE HON. SRI K. MADHAVA MENON :—" I was not aware of the existence of any public opinion for the release of the persons in this matter at all. Public has never cared at all in the matter."

JANAB ABDUL HAMMED KHAN :—" May I take it, Sir, that the Government have given up the idea of collecting the fine? "

THE HON. SRI K. MADHAVA MENON :—" I am sorry the hon. Gentleman did not hear the answer. Government have ordered that steps should be taken to recover the fine."

JANAB MUHAMMAD RAZA KHAN :—" May I ask the Hon. Law Minister, Sir, for how many days these people were in jail for not having paid the fine and when did it occur to the Hon. Law Minister to release them and recover the fine? "

THE HON. SRI K. MADHAVA MENON :—" I cannot exactly remember for how many days they were in jail; one or two days. It occurred as soon as we knew the fact that it was deliberately done to court imprisonment and we did not fall into the trap."

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SRI R. V. SWAMINATHAN :—“ After the release the fine must have been collected. May I know, Sir, how much of the fine has been collected? ”

THE HON. SRI K. MADHAVA MENON :—“ I want notice, Sir. I have no information.”

JANAB MOHAMED ABDUL SALAM :—“ If according to the Hon. the Minister for Law there is no public opinion and nobody cares for the movement, why is it that the Hon. Minister for Law and the Hon. Minister Sri Bhakthavatsalam are going about in this State talking only about this movement and may I know whether what they are saying is the opinion of the Government or their individual opinion? ”

THE HON. SRI K. MADHAVA MENON :—“ In order to see that some statements and speeches may not have any public effect at all, it is our duty to see that misstatements are corrected and where attempts are made to mislead the people, to tell them that they are being misled and warn them that they should not fall a prey to that.”

Vaigai Scheme.

* 535-A Q.—SRI R. V. SWAMINATHAN : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any representation was made on behalf of the ryots of Ramanathapuram stating that Vaigai Scheme will adversely affect the ryots of Ramanathapuram district;

(b) what the views of the Government are; and

(c) whether the Government would give an assurance that, in the event of the execution of the project, it will not affect the present irrigation interests of the ryots of Ramanathapuram district?

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

“ (b) & (c) The Government do not consider that the existing irrigation interests in Ramanathapuram district under the Vaigai will be affected by the Vaigai Reservoir Scheme as the scheme is intended only to utilize the surplus waters of the Periyar lake that now go to waste into the Arabian sea and necessary arrangements will be made to ensure that all the run-off into the reservoir from the Vaigai is let down for utilization by the existing ayacut. The position has already been explained to the ryots concerned by the local officers in several conferences convened by them.”

SRI R. V. SWAMINATHAN :—“ While thanking the Hon. Minister for the very satisfactory answer, may I ask the Hon. Minister, Sir, whether if in the execution of the scheme it is found the present water-supply to the Ramanathapuram district would be affected, Government would give preference to this area for the supply of water? ”

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THE HON. SRI M. BHAKTAVATSALAM :—“ I have already answered, Sir, that all the waters of the Vaigai Scheme will be reserved for the existing irrigation ayacut in the Ramanathapuram district and elsewhere. Only the surplus water of the Periyar lake will be taken for the irrigation that is proposed to be undertaken under the Vaigai Scheme.”

SRI RAJARAM NAIDU :—“ May I know, Sir, from the Hon. Minister when this scheme will be taken and which is the area which will be benefited by the scheme and whether there is any condition before beginning the execution of the scheme? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ The investigation of the scheme has been completed, Sir, and it is almost ready for being considered for sanction. It will mainly benefit the Tirumangalam taluk. But the question of finding necessary finance under the Capital Head for expenditure towards the execution of the project is the problem that is facing the Government. In the present conditions of finance, I have suggested to the representatives of the ryots interested in the scheme that if it would come forward to make an advance payment of the betterment fee that is proposed under the scheme then the Government would consider the question of taking up the scheme for immediate sanction.”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ In view of the apprehensions of the ryots of the Ramanathapuram district, will the Hon. Minister be pleased to make a statement at what stage the main proposals for improving the irrigation facilities are now, in a general way as to the shape it is taking so that it may allay the apprehensions of the ryots? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ If the Hon. Member puts a separate question to make a comprehensive answer, I will answer as to what all is being done by way of improvement of irrigation facilities in the zamindari areas and ryotwari areas in the district.”

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ Is not the Hon. Minister aware of the assurance that he gave on the Floor of the House on cut motions withdrawn on these questions? Does the Hon. Minister require special notice to state in a general way what he is doing in regard to the assurances given 18 months and 12 months ago, on both the occasions requesting me to withdraw the cut motions and saying that he is paying special attention to the backward areas? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ I might have given an assurance, Sir, during the last budget session saying ‘ we shall do everything possible for the improvement of irrigation facilities in the Ramanathapuram district ’. For that reason I should not be expected to give a comprehensive answer to a supplementary to the main question regarding what we are doing under irrigation improvements in the Ramanathapuram district. I would tell the hon. Gentleman that the Government have taken up a proposal to appoint

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a Special Officer of the grade of the District Collector to go into the question of the development of the backward area of the Ramanathapuram district."

SRI V. I. MUNISWAMI PILLAY :—" Arising out of the answer of the Hon. Minister suggesting the collection of the betterment fee from the ryots of the Tirumangalam taluk, may I know, Sir, what is the amount fixed for each acre and what does the Government propose to do for the balance required to execute the scheme? "

THE HON. SRI M. BHAKTAVATSALAM :—" For the Vaigai Scheme, I think it is proposed to levy a betterment fee of Rs. 100 for an acre of wet land and Rs. 200 for dry land. Of course the balance of the amount required would be borne under Capital Head by the Government."

SRI R. V. SWAMINATHAN :—" Sir, last year there was a conference at Madurai of engineering experts and revenue officials presided over by the Hon. Minister for Public Works. In that conference I suggested that there is possibility of extending the supply to Ramanathapuram, for Sivaganga taluk. The engineering experts considered that the suggestion was a feasible one. May I know, Sir, whether my suggestion was considered and what steps have been taken on it? "

THE HON. SRI M. BHAKTAVATSALAM :—" I realise the anxiety of the hon. Member that the waters of the Periar lake should be utilized for the benefit of his own district. But that is a question that depends on the availability of water. We have assessed the quantity of water that would be available under the Vaigai scheme and we have now calculated that from the waters available we can have a surplus to irrigate 5,000 acres under the Periar system and only 11,000 acres in the Tirumangalam taluk. Of course, if more water could be found later on, then we can consider the suggestion of the hon. Member."

JANAB HAJEE MOULVI ABDUL KHADER JAMALI :—" May I know, Sir, how much the Government propose to spend under the scheme and how many acres are expected to be benefited by the scheme and whether there were any representations from the Ramanathapuram district saving that they would be affected by this scheme? "

THE HON. SRI M. BHAKTAVATSALAM :—" I think, Sir, if I remember right the estimated cost of the scheme is about 2.08 crores and 11,000 acres of new irrigation and 5,000 existing acres are expected to be benefited under the scheme. Some representatives from the Ramanathapuram district showed apprehension that the scheme might affect their existing interest. We have assured them that by no action could their existing interest be affected by the scheme."

SRI K. RAJARAM NAIDU :—" May I know from the Hon. Minister, Sir, whether according to the proposed scheme the people who will be benefited by this scheme will be mostly Kallars who

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were till recently under the Criminal Tribes Act, and by executing this scheme the Government will save not less than Rs. 10 lakhs which is now being spent for reclamation of Kallars? "

THE HON. SRI M. BHAKTAVATSALAM :—" Sir, that is one reason which weighs with the Government in taking up this scheme."

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

II.—PERSONAL EXPLANATION BY HON. SRI N. S. VARADACHARI.

* **SRI N. S. VARADACHARI** :—" Mr. Speaker, Sir. May I just point out that I have examined the records now and that the Hon. Minister did say yesterday, though in his reply he said that he did not say, 'if a Member moves an amendment knowing that it is out of order' and it does considerable mischief. The language used is mischievous and I want that these words should not appear in the proceedings since it is a serious reflection on the Members. The Hon. Minister was kind enough to say that 'if the cap fits him he can wear it' and so on. Generally any cap won't fit me in the scheme of my things. The cap fits those who adhere to different kinds of dress. I only want that such statements should not be made and specially to hon. Members. Even the Hon. Ministers have been in the House for a long time and they are expected to read the whole Act carefully and then suggest amendments. Finally, may I suggest that, in view of the innumerable amendments thrown upon us suddenly by the Government, it does very little credit for the Hon. Minister to say that I have moved a motion knowing it out of order or that any honourable Member moves an amendment knowing that it is out of order—because it refers either to me or to Sri T. Viswanatham. We are the only two Members who moved amendments to that particular clause. I wish that such things are not said on the floor of the House. I only want that these should not appear in the proceedings."

THE HON. SRI K. MADHAVA MENON :—" That must appear in the proceedings. Sir, because what happened was not with reference to what Mr. Varadachari said or what Mr. Viswanatham said. Mr. Viswanatham rose to move an amendment. I rose and said that the amendment was out of order. Then, Mr. Viswanatham asked 'can any Member raise the question that the motion is out of order before it is moved'. I said 'it can be done if the Speaker also agrees'. This is what happened. I did say that not with reference to the amendments of Mr. Varadachari or Mr. Viswanatham. It is a general question whether any hon. Member can raise a 'point of order' before the motion is actually moved. If a Member moves a motion knowing that it is out of order simply with the idea of making a speech, it is open to me to say so and I still say that I am entitled to ask you, Sir, whether any Member can move a motion knowing that it is out of order, or not."

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MR. SPEAKER :—" Yes, any Member can bring to the notice of the Speaker that it is 'out of order' before the motion is moved."

THE HON. SRI K. MADHAVA MENON :—" Supposing a Member knowing that it will be out of order moves a motion with the idea of making a speech, then is it not open to me to tell you, the Speaker, Sir, that it is out of order? That was what happened and that is a correct thing."

SRI N. S. VARADACHARI :—" Either the Hon. Sri Madhava Menon did say or did not say it? In the records it appears that he said 'I did not say so'. Does he agree?"

THE HON. SRI K. MADHAVA MENON :—" It is not possible, Sir."

SRI N. S. VARADACHARI :—" One can see the records."

THE HON. SRI K. MADHAVA MENON :—" I just want to say so much."

SRI N. S. VARADACHARI :—" I certainly say that he can have his say. I do not want the Hon. Minister to agree, Sir. But, let it be there as my protest that Members should not be insinuated against and that Members who have as much experience of parliamentary procedure as the Hon. Minister should not be found fault with for moving amendments."

MR. SPEAKER :—" The Hon. Sri K. Madhava Menon has not referred to Sri N. S. Varadachari."

SRI N. S. VARADACHARI :—" Who then gave the amendment?"

MR. SPEAKER :—" It is only a general remark. He has never referred either to Sri Varadachari or Sri Viswanatham."

SRI N. S. VARADACHARI :—" I will leave it at that."

THE HON. SRI K. MADHAVA MENON :—" I said that I did not say that Mr. Varadachari said 'that I made an amendment knowing that it is out of order'. I said I did not say it. What I said was a general remark."

MR. SPEAKER :—" The matter is closed now."

III.—GOVERNMENT BILL.

THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS BILL, 1949 (L.A. BILL NO. 10 OF 1949)—*cont.*

Clause 58.

MR. SPEAKER :—" The motion is—"

'That clause 58 do stand part of the Bill.'

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Sub-clause (1).

SRI T. VISWANATHAM :—" Mr. Speaker, Sir. I beg to move—"

'That in sub-clause (1), for the words "the Assistant Commissioner may take such steps and pass such orders as he thinks proper for", substitute the words "the Commissioner may apply to the Court for orders regarding".'

This is a proposition which I have been pressing and I cannot, of course, advance any new arguments in support of it nor can the Hon. Minister advance any new arguments to reject it. But, anyway I move it, Sir, and he may oppose it."

* SRI K. BHASHYAM :—" Mr. Speaker, Sir. I second the amendment. This is a matter which affects the religious institutions most intimately. With regard to the succession to the trusteeship, while the section does not make any arrangements for filling up vacancies, it does say, when there is a dispute, what the Commissioner or Assistant Commissioner can or cannot do. When a vacancy occurs, it has to be filled up. If, according to the Government or the Commissioner, the person in charge of an institution is unable to discharge his functions properly, I think the word 'functions' is properly used in this section as it was used in section 57, what are the arrangements to be made in respect of this matter? If it is an urgent matter, I can understand some step being taken by the Commissioner or Assistant Commissioner or other officer, for getting things done for the purpose of carrying on the business. But, the question arises when it is a permanent vacancy, in case a person is mentally unsound or physically defective, etc., what should be done, for his removal. He cannot be removed because the Court has to give an order whether he should be removed or not. Therefore, the question in all these cases is that one has to go to a Court of law regarding what steps should be taken. Supposing that a person is not discharging his functions properly, or that he is a minor or that there is a dispute respecting the person who is entitled to act as such guardian, or for other reasons, the matter has got to go to a court of law for the purpose of fixing a successor unless the community or the denomination as such according to the custom or usage appoint the successor. So, if the head of a math has made a nomination, the question is whether the nominated person can be appointed because there are cases where nominations are made, such nominations are disputed and the question is before a court of law."

"Next is the question of election by the sishyas. There also it is a question of nomination because the sishyas have to agree and make a nomination and this is again difficult. Therefore, in all these matters, when the matter is before the court pending final orders, to say that the Commissioner may take upon himself and make temporary orders seems to be wholly bad."

[Sri K. Bhashyam] [25th November 1950]

"I therefore submit, Sir, that in the present case it is much better if resort is had to a court of law. The Commissioner is after all a political animal. Because he is controlled by a political body he is a political animal. Therefore, in these cases it is necessary that one should be able to go to a court of law. The amendment of Sri Viswanatham is very reasonable. Therefore, I second it and it may be accepted."

* SRI V. M. RAMASWAMI MUDALIYAR:—"Mr. Speaker, Sir, Mr. Bhashyam and Mr. Viswanatham have advanced very plausible arguments. The hon. Sri Bhashyam in his argument said where a court is seized of the matter, how can the Commissioner interfere. I believe reading clause 58 as it stands, it contemplates a case where the court is not seized of the matter. I will give an illustration. Suppose a trustee is a minor or there is no legally constituted guardian or by reason of unsoundness of mind, the head of a math has to take some action. You cannot imagine that these will be taken to a court of law without delay. Nobody takes them to a court of law without consultation. Then what is to happen during the interval? Are these to be in the air all the time in an unsettled condition. Therefore, some action has to be taken as a temporary measure to vest some power with the Commissioner."

"With regard to the line of succession and so on, I am sure, Sir, this clause does not provide for or interfere with the line of succession that may be in vogue or in force in any particular math. Therefore, the line of succession is not interfered at all. For example, in a particular math the line of succession is by nomination. In some cases it is by election amongst the disciples. Therefore, the succession of matadhipathi is not interfered at all."

"So, as a temporary measure some provision must be there. And if the court is seized of the matter, this cannot be left in the vacuum as I said and some provision must be made by somebody for the administration of the math during the interval. If the question regarding line of succession is before a court and there is some representation to the court that the Commissioner's order is not proper, the Court may give directions to the Commissioner that those things are not proper. I do not think that there is anything which cannot be remedied by a court even if the Commissioner acts upon this provision."

12-15 p.m. * SRI T. K. T. N. R. TATACHARI:—"Mr. Speaker, Sir, in opposing this amendment, I should like to point out that the clause as it stands does not interfere as my hon. Friend Sri V. M. Ramaswami Mudaliar has said, with any dispute as to succession being taken to a court of law. It only provides for the temporary custody and safeguarding of the properties of the institution as well as its endowments. It does not seek to install the Assistant Commissioner as matadhipathi as my hon. Friend Sri K. Bhashyam hurled across the table. I will give you an instance very much nearer home to me. I can cite the case of the Hathiramji

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math where the Mahanth died a few years back and where there has been a dispute as to succession; agreement was reached between two persons that one should be the senior Mahanth and the other junior Mahanth. The Board had appointed a certain person to act as a temporary trustee of the math till the question of succession was settled. It having been settled this way there were about Rs. 2½ lakhs in the personal chest of the deceased Mahanth and the Board said that they had no other option under the Act but to hand over the amount to one of the heirs, and so it was handed over to the senior Mahanth, but because they had not come to any terms and there was a lot of dispute in the math the money is alleged to have been frittered away and still the question of succession has not yet been settled."

* SRI K. BHASHYAM:—"On a point of Order, Mr. Speaker, that matter is still *sub judice*, and I may say that I am appearing in that case for one of the parties, and therefore, the hon. Member need not cite it as a case in point."

SRI T. K. T. N. R. TATACHARI:—"I may submit, Sir, that it is not *sub judice*. I am not speaking about the question of succession at all. I am only speaking about what has happened to the property of the math, when the Board was not having the power to deal with the question and to make some immediate arrangements for the temporary custody of the property. But if the Commissioner had the power to make such arrangements immediately after the old Mahanth's death, there would have been no dispute at all. That is the point that I am trying to make out."

* SRI K. BHASHYAM:—"It is not the question of succession that is in dispute in court, but it is only about the right to the amount of Rs. 2½ lakhs that is supposed to have been frittered away, that is a matter under adjudication before the Court, and I am only saying that my hon. Friend without knowing the actual facts is referring to it and saying that somebody has frittered it away, and all that. Let him take the information from me that it is *sub judice* and stop referring to it."

* SRI T. K. T. N. R. TATACHARI:—"On a point of personal explanation, Sir, I have not referred as to who has frittered it away and how. All I said was that there is a dispute about the property and that one party was saying that it was frittered away by the other while the other was saying that it was not frittered away. My point was that there would have been no chance for any such dispute if power had been given to the Assistant Commissioner to make immediate arrangements for the temporary custody and safeguarding of the property. That was all the point that I was trying to make out."

THE HON. SRI K. MADHAVA MENON:—"Sir, I have only to re-read the clause to show whether all the fears which are anticipated by my hon. Friend Sri K. Bhashyam are justified."

[Sri T. Viswanatham] [25th November 1950]

the custody and protection of the property of the math. What arrangements have you made for that?'. Why create all these difficulties unnecessarily? There is no use saying that these are unreasonable things and will not happen at all, and that we are simply kicking up a ghost. Now sir, let me read clause 58. It says—

'When a vacancy occurs in the office of the trustee of a math . . . and there is a dispute respecting the right of succession to such office, or

when the trustee is a minor, etc., etc., or when the trustee is by reason of unsoundness of mind or other mental or physical defect or infirmity unable to discharge the functions of the trustee, the Assistant Commissioner may take such steps and pass such order as he thinks proper for the temporary custody and protection of the endowments of the math, etc.'

"In clause 57 (1) (b) for exactly the same reason, the Commissioner is asked to go to the court for removal of the trustee, and in this clause, the Commissioner is asked to make temporary arrangements to fill up the vacancy. If any amendment is accepted, the conflict goes. If it is not accepted, I would at least request the Hon. Minister to drop clause 58 altogether, because when the court is already seized of the matter it would be its duty to make interim arrangements."

THE HON. SRI K. MADHAVA MENON :—"Sir, I think the amendment is absolutely unnecessary and in my opinion, it is wrong. There is no inconsistency between clause 57 and clause 58. I would once again request my hon. Friend to take up clauses 57 and 58 and read them very carefully. Clause 58 says—

'When a vacancy occurs in the office of the trustee of a math or specific endowment attached to a math and there is a dispute respecting the right of succession to such office . . .

Therefore, this clause postulates two conditions, namely, that there should be a vacancy in the post of a trustee and also that there should be a dispute as to who is to be the successor. But that is not so in clause 57. I would request my hon. Friend to re-read clause 57. It says—

'The Commissioner, or any two or more persons having interest and having obtained the consent in writing of the Commissioner may institute a suit in the court to obtain a decree for removing the trustee of a math or a specific endowment attached to a math, for any one or more of the following reasons, namely :—

(b) his suffering from any physical or mental defect or infirmity which renders him unfit to be a trustee.'

"Here, there is already a trustee in office, and clause 57 provides some of the grounds on which the Commissioner can file a suit to remove the trustee and one of the grounds is that he is suffering from any physical or mental defect or infirmity which renders him unfit to be a trustee. The dispute is not as to the succession of a trustee to a place which has been vacant, but to the removal of a trustee who is already in office. In clause 58, the matter is already before the court, while clause 57 furnishes one of the grounds for taking the matter to a court. Clause 58 provides for arrangements to be made during the interim period

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to safeguard the property and to carry on the administration of the math, till the question of final succession is decided by the court. Even otherwise, the same contingency might occur, namely, when the court closes for the summer vacation, the trustee's place cannot be left unfilled as the math has got to be administered and its properties safeguarded. Therefore, I cannot accept the suggestion of my hon. Friend Sri T. Viswanatham to drop this clause altogether or to accept his amendment, because it is absolutely unnecessary."

MR. SPEAKER :—"The amendment is—

'In clause 58, sub-clause (1), for the words "the Assistant Commissioner may take such steps and pass such order as he thinks proper for", substitute the words, "the Commissioner may apply to the court for orders regarding".'

The amendment was lost.

IV.—DIVISION BELL.

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—"Sir, this 12-30 p.m. confusion in the bells must be avoided by the Government. I already saw something about this in the papers. I think there was previously some difficulty. When the Council and the Assembly work simultaneously, would not the Government see that this confusion does not occur? As a matter of fact, I came running into the House. I am raising this not in any joviality, but in all seriousness, for the consideration of the Government. The Government, as you know, Sir, have not been attending to the convenience of the Members. I have several times mentioned this in the House. I hope, Sir, you will take this up with the Government."

MR. SPEAKER :—"There are two bells, and the bell that is now ringing is the Council bell."

THE HON. SRI B. GOPALA REDDI :—"Hon. Members may be given some training to distinguish between the two bells."

JANAB M. MUHAMMAD ISMAIL :—"Sir, the Hon. the Leader of the House is not serious in this matter when he said that hon. Members should be given training to distinguish between the two bells. Members might be given some indication in this matter. What that indication should be, is left to the ingenuity of the Leader of the House. We should know whether the bell is intended for the members of the Assembly or the Council."

MR. SPEAKER :—"There is no distinction in the sound."

THE HON. SRI K. MADHAVA MENON :—"Very soon we are going to have different places for the Assembly and the Council."

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My hon. Friend Sri T. Viswanatham said that he did not want to say anything more as he had already made his argument in this matter so many times and that there was nothing more for him to say by way of reply to my reply. But my hon. Friend Sri K. Bhashyam kicked up a ghost and expressed with so much force what the consequences would be if this clause is allowed to remain in the Bill as it is without the amendment being accepted. Sir, this is what the clause says—

‘When there is a vacancy in the office of a trustee, and there is a dispute respecting the right of succession to such office, or when the trustee is a minor and has no legally constituted guardian fit and willing to act as such, or when the trustee is by reason of unsoundness of mind or other mental or physical defect or infirmity unable to discharge the functions of the trustee, the Assistant Commissioner may take such steps and pass such order as he thinks proper for the temporary custody and protection of the endowments of the math or of the specific endowment, as the case may be and shall report the matter forthwith to the Commissioner.’

“Mr. Bhashyam fears that in that case the Assistant Commissioner will be the matadhipathi for all practical purposes. When it has been specifically said that it is only for the temporary custody and protection of the endowment of the math that the Assistant Commissioner will take such steps or pass such order as he thinks proper, I do not think that he need entertain any such fears that the Assistant Commissioner would become the matadhipathi himself. If there is a dispute, the Commissioner has got the right to move the court to settle the dispute. Suppose there is a minor, who is entitled to become a trustee, certainly if there is a legally constituted guardian, he will be appointed to the post. But if there is a dispute respecting the person who is entitled to act as such guardian or when the trustee is, by reason of unsoundness of mind or other mental or physical defect or infirmity unable to discharge the functions of the trustee, then there must necessarily be an interregnum till the suit is decided and a legally constituted guardian or another trustee takes the place of the original trustee, and it is for this interregnum; that we are giving the necessary power to the Assistant Commissioner to make arrangements for the temporary custody and safeguarding of the endowments of the math. There is absolutely no fear that the Assistant Commissioner would get into the shoes of the matadhipathi himself. In the instance cited by my hon. Friend, Sri Tatachari, it was stated that after the death of the former Mahanth, there was some cash left by him, and if there had been some machinery provided in the Act to take charge of the property under temporary custody and protection, the dispute would not have arisen at all. Here we have also provided that the Assistant Commissioner shall report the matter forthwith to the Commissioner and that upon the receipt of that report, ‘the Commissioner, after making such inquiry as he deems necessary is satisfied that an arrangement for the administration of the math and its endowments or of the specific endowment, as the case may be, is necessary, he shall make such appointment and arrangements as he thinks fit until the disability of the trustee ceases or another

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trustee succeeds to the office, as the case may be.’ My hon. Friend Sri T. Viswanatham wants that instead of the Commissioner making the temporary appointment of a trustee, he should apply to the Court for orders regarding the temporary custody and protection of the endowments and that it is the Court that should be asked to appoint a Receiver to look after the administration of the math and its endowments. I submit, Sir, that this will entail unnecessary delay and there will be nobody who will be in charge of the endowments during the interregnum that I have pointed out. The next clause says that in making the appointment, the Commissioner shall have due regard to the claims of the disciples of the math. Nobody can say how the disciples will view, if a Receiver is appointed by the court.”

* SRI T. VISWANATHAM:—“I am sorry, Sir, I am not able to follow the line of reasoning of the Hon. Minister for Law. If you refer to clause 57, which we have already passed, you will understand why it is that I want the amendment here.

“One of the grounds on which the Commissioner can go to a court for the removal of a trustee from office, is that he must be of unsound mind or that he must be suffering from any physical or mental defect or infirmity which renders him unfit to be a trustee. In such a case, you will see that the court is already in possession of the matter, because the Commissioner is compelled to go before a court for the removal of the trustee under clause 57. Now in the next succeeding clause, namely clause 58, you provide the very same ground, for the Commissioner to make interim arrangement for custody of the properties and for the appointment of a temporary trustee to look after the administration of the math. I therefore submit that this clause conflicts with clause 57 which we have already passed. Sir, we are aware of some of the practices in courts. When the court is in possession of all these facts, and is seized of the matter, how can the Commissioner make arrangements for the custody and protection of the endowments, and appoint a temporary trustee, without the orders of the court. The court is the statutory authority in this matter. So when we are drafting these clauses, we must see that there is no mutual conflict between one clause and another. If it is really the intention of the Government that the Commissioner should take direct control of the maths without reference to the court, then they must say so. As a matter of fact, this clause is quite unnecessary, in my opinion. A person who goes to the court knows that it is the duty of the court to pass interim orders, before the final appointment of the trustee takes place. Here, in these clauses, the Commissioner is not in a position to follow these suits. It may be that the Assistant Commissioner may not be aware that there is a suit pending in the court for the removal of a trustee under clause 57 (1) (b), and under clause 58, the Commissioner may catch hold of the Assistant Commissioner and ask him ‘Why have you not taken action earlier?’ This clause says that you must make temporary arrangements for

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THE HON. SRI B. GOPALA REDDI :—"The Secretary to the Legislature will see that the Council bell is given with dots and dashes while the Assembly bell is given in one continuous stretch."

III.—GOVERNMENT BILL—cont.

THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS BILL, 1949 (L.A. BILL NO. 10 OF 1949)—DISCUSSION—cont.

MR. SPEAKER :—"The hon. Member Mr. Viswanatham will now move his amendment to clause 58."

SRI T. VISWANATHAM :—"Sir, I am not moving my amendments to sub-clauses (1), (2) and (3)."

Sub-clause (2).

* SRI K. R. KARANTH :—"Sir, I move—

'In sub-clause (2), delete the words "appointment and".'

While I am prepared to agree with the Hon. the Minister that some temporary arrangement has to be made—till the court might appoint somebody as receiver unfortunately the wording here does not help us in that respect. The wording is defective. There may be cases of death or insanity of the trustee, and there must be some temporary arrangement. But there must be something to show when this temporary arrangement must come to an end. I am pointing out the defect of the wording here. Even though it may be a case of minor, which will run on for 15 years to come, the question is whether the Commissioner, without any appeal against his order, should have the right of appointing anybody for 15 years? I say it should not be. I can understand some temporary arrangement till the parties establish their claims in a court of law. The other defective wording in this sub-clause is 'or another trustee succeeds to the office'. The appointment of a receiver will not arise if it had been stated 'he shall make such arrangements as he thinks fit'. The word 'appointment' is likely to be misunderstood. It may mean the appointment not merely of an interim trustee. If it had been stated that an interim trustee may be appointed, I have no objection. I can understand that in cases where there are deaths, the Deputy Commissioner makes some temporary arrangement. There will also be cases where fights will be going on for succession to that office. Some temporary arrangement will have to be made. But it is not a thing to be given to the Commissioner finally. In this sub-clause it is stated 'he shall make such appointment and arrangements as he thinks fit'. I do not know whether appointment of a permanent nature will be made. The language is again defective when the sub-clause says 'until the disability of the trustee ceases'. The trustee may be one year old, and for 17 years to come, there is no power of appeal under the whole sub-clause against what the Commissioner does. Then

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the next wording is still more defective. It is 'or another trustee succeeds to the office'. My suggestion to the Government is this. I quite agree with the Government that the Commissioner shall make such arrangements as he thinks fit until the disability of the trustee ceases or a proper appointment or provision is made by a court of law. If the sub-clause says so, I do not have the least objection. But it is not clear, whether the Commissioner can make an appointment for 15 or 20 years. If by law we give the Commissioner power to make an appointment as he thinks fit, until the disability ceases or another trustee succeeds, even the court will be precluded."

SRI T. VISWANATHAM :—"I second the amendment, Sir."

THE HON. SRI K. MADHAVA MENON :—"I am prepared to accept the amendment, Sir. The sub-clause, as amended, will read—

... he shall make such arrangements as he thinks fit until the disability of the trustee ceases or another trustee succeeds to the office, as the case may be."

* SRI K. R. KARANTH :—"Even as it is, Sir, a further amendment is necessary to provide for cases of 'another trustee succeeds to the office'. A sub-clause may be necessary to provide for arrangements made by a court. I have given the substance of that clause now."

SRI K. BHASHYAM :—"Are the Government accepting the amendment, Sir?"

* SRI K. R. KARANTH :—"The amendment, Sir, is this—
'In sub-clause (2), delete the words "appointment and".'

In the printed list of amendments it is given as 'such appointment and'. The word 'such' is a mistake, and, therefore, I seek to remove that word by my amendment."

THE HON. SRI K. MADHAVA MENON :—"The Government are accepting the amendment, Sir. The sub-clause will now read as follows :—

... he shall make such arrangements ... as the case may be."

SRI V. M. RAMASWAMI MUDALIYAR :—"Sir, the addition of the word 'interim' after the word 'such' may probably clear up the difficulties. The word 'interim' may be put there."

THE HON. SRI K. MADHAVA MENON :—"The word 'interim' need not be there. I cannot accept that."

SRI V. M. RAMASWAMI MUDALIYAR :—"The addition of the word 'interim' is necessary, because the courts may intervene."

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* SRI K. BHASHYAM :—“ Sir, I was trying to understand what the understanding between Mr. Karanth and the Hon. the Law Minister was. There was some discussion and the Hon. the Law Minister stated that he was accepting the amendment. The Hon. the Law Minister was not clear enough that he was accepting the amendment. We understand the amendment now.”

MR. SPEAKER :—“ The question is—

‘ In sub-clause (2) delete the words “ appointment and ” ’ ”
The amendment was carried. “

Sub-clause (3).

* SRI K. R. KARANTH :—“ Sir, I move—

‘ In sub-clause (3), substitute the word “ arrangement ” for the word “ appointment ” ’.

“ This is only a consequential amendment.”

The amendment was duly seconded.

THE HON. SRI K. MADHAVA MENON :—“ We accept the amendment, Sir.”

MR. SPEAKER :—“ The question is—

‘ In sub-clause (3), substitute the word “ arrangement ” for the word “ appointment ” ’.”

The amendment was carried.

SRI N. S. VARADACHARI :—“ Sir, the Government have accepted the amendment to sub-clause (3). The sub-clause will now read as follows: ‘ In making any arrangement under sub-section (2) . . . if any.’ In sub-clause (3), the wording is not all right. Let Government put in some other wording at the third-reading stage. I think the language employed is very bad.”

THE HON. SRI K. MADHAVA MENON :—“ My point in accepting the amendment is this. There is sentimental objection to the use of the word ‘ appointment ’. (Sri T. Viswanatham : ‘ There is no sentimental objection.’) It may not be sentimental to the hon. Member Mr. Viswanatham. The sentiment is that *matadhipathis* should not be appointed. To avoid that misunderstanding I agreed that the word ‘ appointment ’ should go and ‘ arrangement ’ should be substituted.”

* SRI K. BHASHYAM :—“ Sir, this clause is intended to make temporary or interim arrangement pending the rightful person being put in charge. Though it is stated so, it does not achieve the purpose because it does not compel the Commissioner to go to a court of law for getting a guardian appointed in one case or getting a person appointed in the place of a disabled person, or getting a person appointed till the claims of parties are settled. These three are referred to in this clause. Who is to

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‘ go to the court of law? Is it the guardian or the person who really claims the property? If for any reason there is no claim and nobody comes forward for the purpose, because there is not enough property to go round, who is to go to the court of law? Only when there is property people come forward, and in other cases they do not. In such cases is it to be a dead weight on the Commissioner for all time? Should there not be some power for compelling the Commissioner to go to a court of law and get directions in this matter? “ Till the legal successor is appointed, the Commissioner will make arrangements for the appointment of a trustee. During that period, if anybody wants, should he go to the Commissioner for *mudhradharanam*? Therefore, I would like the Government to reconsider the matter. The Hon. Law Minister thinks that I am against him on every matter and if I say anything which he thinks offensive to him, I withdraw those words and I ask him to consider this suggestion which I make, unaffected by any of those things. At some stage or other, I would like the matter to be placed before the court and if nobody else goes, at least the Commissioner should go to the Court of Law. Sir, suppose there is a minor *matadhipathi* and nobody cares for that *matadhipathiship* in view of the number of difficulties in respect of that. (Raja Muthiah Chettiyar of Chettinad: ‘ Then the Government will take it over.’) The Commissioner should take possession of all the properties. There may be a few disciples attached to the math. For a long period they may have to go without and spiritual help. This may go on for a number of years without anybody being in charge of the math except that the properties will be managed by the Commissioner. Therefore, is it not necessary that there should be some provision inserted in the clause itself that the Commissioner shall, within three months, six months or even one year, go to a Court of Law to get the necessary orders for the purpose of either getting a guardian appointed or the dispute about succession being settled, or if a person is disabled, for getting another person appointed in his place? If this is not provided for, this clause will be lopsided and it will be very difficult to work it. I think the Government also will get into difficulties in this matter.”

* SRI T. VISWANATHAM :—“ Sir, the clause says, ‘ when such vacancy cannot be filled up immediately, . . . ’ The Hon. Minister says that the clause means that the proper claimants can go to the court of law and settle their claims. I will be very glad if he makes a specific provision that in these cases they may go to a court of law. It must be specifically provided or indicated here. It cannot be implied. No person can get any legal rights by mere implication. This is especially important when we are codifying the law with regard to religious endowments.

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"Sir, there are several contingencies that may arise out of a vacancy occurring in the office of the trustee of a math or specific endowment attached to a math. One such is a dispute respecting the right of succession to such office. That means to say the dispute is before somebody. It should be before a court; it cannot be anywhere else. It must be settled by the court. Therefore, at the first stage we said that the court must pass interim orders. The second contingency is when the vacancy cannot be filled up immediately. It is really a master-piece of vagueness. The third contingency arises when the trustee is a minor. In all these cases the Commissioner can make arrangements until the disability of the trustee ceases. Suppose the person is only two or three years old. Does it mean that that arrangement should continue for fifteen years? The Hon. Minister said in his reply that it was not the intention but that the matter would be decided by the court. I want that he should make a specific provision that in these cases the court is empowered to issue interim orders. Otherwise, there will be a lot of difficulty. Sir, you must be aware of the decision of the High Court with regard to the appointment of a trustee. In 1946 the Religious Endowments Act was amended. Under the amended Act the Religious Endowments Board thought that the court was deprived of the power to appoint a trustee. The matter went up to the High Court. Notwithstanding the amendment of the Act by the insertion of section 75-A vesting that power of administration in the Board, the High Court decided that the Board had not the power to appoint the trustee but that it was the High Court that had the power of appointing him, trustee. Who will do it now? The Board in its administration reports also referred to this. Therefore, I think the word 'appoint' is a result of the matter having been taken up by the Board with the Government that this section should be amended and that the Board should be given the power of appointment. However, the Hon. Minister has, in my opinion, rightly accepted our amendment that the Commissioner should not have the power. Then somebody else must have the power. Who is that somebody else? It should be the court in our opinion, because notwithstanding any assertion, it is not merely when there is a dispute about the right of succession but when three other contingencies arise as envisaged in the clause that the matter goes to the court. The court must be seized of the matter and the Hon. Minister does not deny it. The Hon. Minister says that they have not ousted the jurisdiction of the court. My hon. Friend Sri V. M. Ramaswami Mudaliyar was good enough to suggest the words 'interim arrangements'. It would then be at least suggestive that there is some competent authority to make the final arrangements. But as promptly as it was suggested the Hon. Minister disagreed with it and did not accept it. I submit that it would be alright if it is said, 'interim arrangements pending orders to be issued by a court'. This must be done at one stage or

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other; otherwise there will be some conflict and we cannot simply say that by implication these powers will be exercised and that the Commissioner will obey the orders of the court. Now it is said that there will be arrangements. This arrangement may have sometimes to continue for 16 or 17 years under this amended clause, in the case of a minor. If it is the case of a man who is unable to discharge the functions of the trustee by reason of unsoundness of mind or other mental or physical defect or infirmity, then it will continue for 40 years or 50 years in some cases. Nobody knows how long it will continue. His unsoundness may increase in the meanwhile and this arrangement will continue. Under these circumstances, the Commissioner is not here compelled to go to a court of law. If the Commissioner is so inclined, he may make his own arrangements under clause 58 and never go to the court to remove this unsound man. There the difficulty arises. Of course, Hon. Sri Madhava Menon said that absolutely there was no conflict. Anyway let him think about it."

Clause 58, as amended, was put and carried.

Clause 59.

MR. SPEAKER :—"The motion is—

'That clause 59 do stand part of the Bill.'"

Sub-clause (1).

* SRI T. VISWANATHAM :—"Sir, I move—

'That sub-clause (1) be deleted.'

"Sir, the question is who is to manage the properties of the math. On this point we have again and again referred to the fundamental rights. Here who is to manage? Of course, the word 'trustee' is mentioned. But what is he to do? He cannot do anything by himself. If there is a board of trustees, even that board cannot do anything. They can simply submit proposals for fixing the *dittam* or scale of expenditure. With regard to these things, maths or specific endowments attached to them may be of a varied nature; sometimes they may be secular or religious in nature, and the inter-relation is not easily to be ascertained. Under this clause, all the things must be done by the Commissioner himself. Therefore, I submit the trustees are practically ousted of their functions. Therefore, I move that this sub-clause be deleted."

* SRI N. S. VARADACHARI :—"Sir, in seconding the amendment, I wish to say that the Hon. Minister should note this. The language of this clause is highly objectionable. The trustee is not a head clerk. It is said that the trustee of every math may submit proposals. Will it not be dignified if it is said, 'The trustee of a math shall publish proposals fixing the *dittam*, etc.', or 'The trustee of a math shall be responsible for fixing the *dittam* and publish proposals...? If we look at sub-clause (3), we shall see that absolute Secretariat language is employed. It is said

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that on a scrutiny of such proposals, the Commissioner may call for the remarks of the trustee as if he were a ten-rupee clerk in the office. At least it ought to be said in proper good language considering courtesy and culture. Firstly, this chapter begins with the trustee who is unsound in mind and then it reduces the trustee to the position of a clerk by saying that he shall submit proposals. I suggest the whole thing is against the dignity and culture of the House. If we really attach any value to Hindu culture, the whole of this must go. It is not as if Ministers write on a file and some other people use the language. Have they taken the Church of England Act for comparison of language? They do not use the very disrespectful language employed in this clause. I can understand this kind of language in any other matter. Even in the matter of Members of Parliament, the Constitution provides for very dignified language. Are not these people to be treated at least on our level? At least rearrange the whole thing; begin with something that will bless them and not kill them at the beginning. Do not think of vacancies on account of unsoundness of mind.' (Laughter.)

MR. SPEAKER:—"The hon. Member is speaking on the whole Chapter."

* SRI N. S. VARADACHARI:—"After having made clear how unsuitable the whole thing is, I come to the point, Sir. 'The trustee of a math or a specific endowment . . . may . . . submit to the Commissioner proposals . . . I object to it. Sir, it may be recast somewhat like this: The trustee of a math . . . may fix the *dittam* or scale of expenditure and then communicate to the Commissioner his proposals and may also publish them in the premises of the math.' Instead of that, why do they simply adopt the procedure as if he were a clerk or a routine secretary in regard to the heads of maths. This is what I object to."

MR. SPEAKER:—"Amendment moved—

'That sub-clause (1) be deleted.'"

SRI R. V. SWAMINATHAN:—"Sir, I entirely agree with the sentiment expressed by my hon. Friend Sri Varadachari, that a matadhipathi should not be reduced to the level of a clerk. No doubt everybody will agree with it. It is true that the matadhipathi must be respected as much as an Archbishop of a Christian missionary. At the same time, we have to expect the same thing from the matadhipathi. He should also behave in a proper manner. According to the clause also, I do not think that a matadhipathi is to be treated as if he is a clerk. Here I do not know whether there is any clerk on a salary of Rs. 10.

"Now, the Commissioner will only scrutinize the procedure adopted with regard to fixation of *dittam*. The matadhipathi will have his clerks working under him. He is the head of the math. So, the clerks will only submit proposals to him. But as he is the

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head of the math, communications will ordinarily be addressed to him. That is all. For instance, we write a letter to the Hon. Speaker. That means the Hon. Speaker will open it and pass it on to the clerk for necessary action. Finally the Hon. Speaker will pass the draft or order.

"Suppose I want some papers, some literature or some extracts of statements from the Hon. Speaker and I apply to him for the same. The Hon. Speaker will not himself take the book, copy out the portion that I want and paste it and then go to the post office and post it to me. All this work will be done by his clerk. Immediately the Hon. Speaker receives my request, he will pass it on to the clerk who will attend to my request. Similarly, the matadhipathi himself is not going to attend to the administrative matters and somebody else will be attending to them. So I do not think that the matadhipathis will be reduced to the level of clerks by this clause. I therefore feel that this clause is absolutely necessary."

* SRI K. BHASHYAM:—"Mr. Speaker, Sir, I do not propose to speak upon the refinement of language or indecency of expression and all that. We have become accustomed to such things and we have found that nothing is held sacred and everything which is sacred is sought to be brought into contempt in the market places and even in Legislative Councils and Legislative Halls. Therefore I am not surprised at the language used. But we are only pained to see that such things are taking place. Moreover the atmosphere is also filled with all sorts of discussions about the behaviour of trustees and heads of maths and other things. It is also filled with disrespect towards things which are considered to be very sacred. Coming to the point, so far as this clause is concerned, I can understand the *dittam* of a temple which is fairly well-known. In the case of a temple, everybody knows what the *dittam* is on festival and other important days. This *dittam* used to be followed for centuries now according to the established usage and custom. So everybody knows what the scale of expenditure is with regard to a temple. That is why we have already passed clause 56, relating to the fixation of scales of expenditure for temples. But with regard to a math, I would like to know what a *dittam* means. I do not understand how we can fix the scale of expenditure in the case of a math. It has been held that the income from the properties of a math can be disposed of by the matadhipathi for purposes connected with the math. Suppose a learned Pandit visits the math, and the head of the math presents a shawl or a silver vessel. This may not be found in the *dittam*. There are various other similar things also. The head of a math may wish to hold a conference of Pandits at any time. It is not as if he is going to hold this conference every year. So far as the *dittam* of a math is concerned, it is something which is very different from the *dittam* of a temple and absolutely new. Because everybody is conversant with the *dittam* of a temple, it should not be taken to mean that the *dittam* of a math is also the same. The *dittam* of a temple is a thing which

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might have been fixed by our forefathers centuries back. But I cannot understand the fixing of the *dittam* in the case of a math. In the old Act, there was appeal to courts provided when there was dispute with regard to the *dittam* of a temple. But that has been taken away. What usually happens in a math is this. The disciples of a math visit the math in large numbers in some months and in less numbers in some other months and may not visit at all in other months. Especially in auspicious months they visit the math in large numbers. So I am unable to understand how we can fix the *dittam* of a math which is contradictory to the principles of the maths. I can only say that the fixing of *dittam* in respect of maths betrays ignorance about these maths which cannot be easily excused. The trustee of a math has to submit to the Commissioner proposals for fixing the *dittam*. Further if the Commissioner was not satisfied with the *dittam* proposed by the trustee, he has to submit the proposals with his remarks to the Government and their orders will be final in respect of this matter. So the Government want to take powers to finalise the *dittam* amount in respect of the maths and fix the scale of expenditure in respect of the maths. Is it the way to treat the matadhipatis? Is it the way to deal with the properties of the maths which are intended for the purpose of imparting religious instruction? It is not like the worshippers going to a temple throughout the year. The maths are merely colleges of learning. There may be five students, six students, or ten students or even 600 students in a year. Therefore the Government cannot with any justification fix the *dittam* in respect of a math and I say it will be impossible to do so. Therefore, the Government should not take power to fix the *dittam* in respect of a math. They have already very many powers. If there is to be a regular budget, all these can be done. They can anticipate some expenditure and provide for it. If there were more visitors, they can provide for them. Persons who are conversant with the working of these maths will really be unable to understand the fixing of *dittam* for maths. When the old Act was passed, the Rajah of Panagal who was a clever and wise man in his wisdom exempted the maths from the fixation of *dittam*, etc., thereby avoiding the inconvenience and disputes in fixing the same. Fixing the scale of expenditure for educational purposes for a definite number and similar other things. I can understand. But I am unable to understand the fixing of a *dittam* in respect of a math."

SRI P. KANDASWAMI PILLAI:—"What is a *dittam* and what is a budget?"

* SRI K. BHASHYAM:—"I am surprised that Sri Kandaswami Pillai who wants to be an acharya of acharyas should ask what is a *dittam*. (Interruption.) But all the same I can clarify the position. I think I should explain that a *dittam* is a thing which has been established by usage in respect of a temple or other institution concerned, as to what amount of expenditure should be incurred on each particular occasion. We know that in temples

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we have *mahotsavams*, *brahmotsavams* and other *utsavams*. We have also various *mandahappadis* and other things. What should be the amount that is to be spent on such occasions in a temple and other particulars with regard to these festivals are prescribed in a book or register, and one can easily find out these things. So far as these maths are concerned—I can only say with regard to the maths which I know and there may be persons who may know about all things—there is no question of any *dittam*. The properties and monies belonging to the maths are now in the hands of the matadhipathis who used to spend the income from the properties for purposes connected with the maths, and on anything which they may think proper. For example, he may hold conference of Pandits and he may present some valuables to Pandits or he may contribute something to Veda Patasalas. There are so many other things on which a matadhipati may wish to spend and which cannot be covered by the fixation of any specific *dittam*. Therefore the fixing of any *dittam* in respect of a math seems to be most incongruous to me and will not easily work."

THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir, *dittam* is explained in the clause itself as the scale of expenditure in the institution and the amounts which should be allotted to the various objects connected with the institution. *Dittam* is the common language of the place. The amendment is to delete sub-clause (1). I think there is another amendment to delete sub-clause (2) also. There is no amendment to delete sub-clause (3). When sub-clauses (1) and (2) are deleted, sub-clause (3) will be hanging somewhere."

SRI T. VISWANATHAM:—"It is a clerical omission. You can take it that sub-clause (3) may also be omitted."

THE HON. SRI K. MADHAVA MENON:—"I was wondering myself what is to happen for sub-clause (3) when sub-clauses (1) and (2) are deleted. The objection of hon. Sri Varadachari is about the language. He was mainly complaining about the language and was asking, 'How will you ask a matadhipati to submit proposals to the Commissioner?' I don't think we need read so much into the word 'submit'. After all, we are copying from the existing Act. It is not the first time when Sri Bhashyam sang the glory of the Rajah of Panagal. When the Rajah of Panagal passed that Act, I do not think he made any objection to the trustee's submitting proposals to the Commissioner. Even in the old Act, the word 'submit' has been used and we have only taken it from the old Act. Sir, there is no particular purposeful insult there. Sri Bhashyam referred to indecency of expression and all that. I do not know whether the hon. Member referred to the expression in this House or outside. He said that he was surprised at the attempts made to bring everything that is held scared into contempt and all that. Why should he presume that there was any purposeful disrespect towards a matadhipati and all that? I can only say that it is nothing but an innocent following of the old Act. We are now amending the old Act, and are bringing certain provisions for certain purposes. In the new Act we have used certain identical

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words and phrases that are used in the existing Act. We can say that the trustee shall forward to the Commissioner proposals and there is nothing wrong in it. After all, we need not unnecessarily read into the meaning of the word 'submit'. When I address the hon. Members I use to say 'I submit'. Similarly, when the hon. Members address the House, they use the words 'I submit'. This cannot be taken to mean as submission in slavery and all that. 'Submit' is a word which is very commonly used and nobody need read too deep into it. As it is, the clause does not give any power to a trustee to alter anything arbitrarily. He has to send the proposals to the Commissioner. Again, it has been provided that the trustee should publish such proposals. This is very necessary as the public and others who have got an interest in the affairs of the maths should be in the know of things. After all, it is said that the trustees and the matadhipatis are ascetics and are supposed to be detached from the worldly affairs. That being the case, the properties attached to the maths will be managed by some manager or somebody in the name of the matadhipati. Let those people who manage these properties send proposals to the Commissioner and let those proposals be published so that people may know what exactly is the object of these proposals and also scrutinise the proposals and offer any suggestions that they may like to give to the Commissioner. That is why it has been provided that if any item in the scale of expenditure was at variance with the established usage of the institution, or was not justified by its financial position, then the Commissioner may refer the matter to the Government. Sir, we have to be very careful when large amounts and extensive properties are involved. The matadhipatis in their detachment may not be very careful about the management of these properties. (Sri V. M. Ramaswami Mudaliyar: Other people may get attached to these properties.) As hon. Sri Ramaswami Mudaliyar says, other people may get attached to these properties because of the detachment of the matadhipatis. This should be checked by having suitable provisions for adequate scrutiny of the proposals. So I cannot accept the deletion of sub-clause (1)."

SRI T. VISWANATHAM:—"Sir, the Hon. Minister referred to the old Act. There it is said . . ."

MR. SPEAKER:—"The Hon. Minister referred to it in respect of the word 'submit'."

* SRI T. VISWANATHAM:—"I am referring it for some other reason. The Hon. Minister drew the attention of the House to that Act. I would also like to draw the attention of the House to the old Act for some other reason as I want to enlighten myself if not others. In the old Act it is said—

'The trustee of every math and excepted temple shall, in each year, submit to the Board before such date and in such form as the Board may require—

(a) a budget showing the probable receipts and disbursements of the following year, and

(b) a statement of the actual receipts and disbursements of the previous

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That is all what is said in the old Act, and there is nothing else so far as the maths are concerned. I was always propounding that the Commissioner should have the power of getting statutory information as to what is happening throughout the State. But here the tail is added and the sting is in the tail as in the case of the scorpion; it compels the trustee to submit proposals to the Commissioner for fixing the dittam or scale of expenditure under sub-clause (1) which is under discussion.

"The second sub-clause relates to the publication of the proposals and inviting objections. In the third sub-clause, the Commissioner sends his modifications to the Government and the Government pass their orders thereon which are final. We have gone two steps in advance of what is happening now under the existing Act. Under the existing Act, so far as the scale of expenditure of the maths is concerned, the interference by Government is not contemplated. But here it is not so. As my hon. Friend, Sri Bhasyam has explained, this dittam deals with almost the daily management of the math. It is expenditure incurred in the daily life of the institution. The trustee sends his proposals to the Commissioner, the Commissioner sends them on to the Government with his objections or modifications, and the Government pass the final orders. I am asking, Sir, is this not management by the Government of the daily routine of the maths? Is it the matadhipati that is doing all this? This is the simple question, I put to the House. The Government will fix the budget for each of the 700 maths in this State and according to this clause, the Government will manage the daily routine of the maths. It is not the matadhipati that is expected to manage the properties of the math under this clause but it is the Government that seek to manage them. Sir, I submit this *ultra vires* of the Constitution. It is better, therefore, that all the three sub-clauses are omitted. Of course I have given notice of amendments to delete sub-clauses 1 and 2 only. But if they go, sub-clause 3 also goes automatically. Therefore, I press my amendment."

1-15
p.m.

MR. SPEAKER:—"The question is—
'Delete sub-clause (1).'"

The amendment was lost.

SRI T. VISWANATHAM:—"I am not moving my amendment to sub-clause (2), Sir."

SRI P. KANDASWAMI PILLAI:—"Mr. Speaker, Sir, it has been said that if clause 59 is retained, then all the maths in this State will be run by the Government. It is not a fact. It is a highly exaggerated fact, Sir. Just now, my hon. Friend Sri Viswanatham was saying that the trustee must submit the dittam to the Commissioner, that the Commissioner would scrutinise it and send it to the Government, that the Government would approve of it and that all this meant that the Government were running the

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maths themselves. Sir, it is not so. The chief object of the Bill is to prevent the several matadhipatis, who in the name of usage and custom squander money as they like, from misusing the funds, so that they may be useful to the society. The object is to ensure that the funds are spent in a proper way. Such being the case, Sir, we have naturally to control the expenditure incurred by the maths. We must know whether it is reasonable or bogus. I am openly using this word 'bogus' because there are very many people who say, 'we are spending two lakhs of rupees for feeding' and whom they feed, how they feed or do they really feed, no one knows. This is a matter for very serious consideration by every one in this House. We have achieved independence now and we must have control over all aspects of human life as far as possible. The Government must know how much they spend and whether they spend that amount according to established usage and custom. There is the Guru Pooja, i.e., the celebration of the birth day of the matadhipati according to the position of stars and they may have to spend a certain amount for it. There are like items of expenditure. All that I say is let the public know whether the matadhipatis are using the charities in the rightful way. Otherwise, the fair name that they have now (laughter) will go. The Commissioner is not given full powers in this matter. If the Commissioner feels that a particular item of expenditure is not justifiable, he has to write to the Government. Thus there is a second check. The Government will go through the proposals with an unbiassed mind and find out whether the expenditure is essential or not essential. Therefore, Sir, this clause is very important in the interests of the charities themselves. Some people think that it is only their monopoly to know everything about the maths. They think others know nothing about maths. They think 'what does Kandasami Pillai know about maths? We are Swayamacharya Purushas.' (Laughter.) Sir, they must take it that everybody knows something about maths. I am a Hindu. I have been brought up in a religious atmosphere right from my boyhood. I cannot simply swallow what others say because they are eminent lawyers. The Government simply say that they will set right matters where they are wrong. I do not talk with a biased outlook. When I say this, I do so honestly and sincerely. I honestly feel that this clause must be in the Bill. It only says that the trustee should submit—if he does not want to submit, let him send (laughter)—his proposals and the Government will approve of them. Then the trustee is free to spend the money as he likes. There is nothing wrong in this position. The position of the matadhipatis will not be affected by any such provision. I look at the maths with as much reverence and respect with which I look at other religious institutions. Just like other institutions are under the control of the Government, so also will be the maths. The matadhipatis will have to send up their proposals just like the Collectors of districts or any other heads of

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departments send their reports to the Government. I say this only in the public interests and not with any personal end in view. This provision is included in the Bill with the best of intentions and no motives need be attributed to the Government in this matter."

* SRI K. R. KARANTH :—" Sir, this seems to me to be a case for the Government to 'Save me from my Friends. (Laughter.) I dissent from the previous speaker. With the achievement of Swaraj, our independence should be consistent with that of others also. It does not mean that merely because we have got independence we must interfere with the lives, properties and work of everybody. I do not think that any particular set of people have got a monopoly of the knowledge of maths. But all the same, we cannot forget the Constitution which gives certain rights to the people. That says that we cannot interfere with their fundamental rights. I for one have said more than once that the matadhipatis have no right to misappropriate. But they have got a right to spend the money according to usage and customs of the institution. If the clause has said that the proposals should be published by the matadhipati and the people can put in objections, it is all right. But it says that the Government shall finally give a decision. This seems to be the most objectionable feature of the clause from the Fundamental Rights point of view. In a secular State, I do not know how the Government can pass final orders in matters like this. And what is more, there is no provision that even the trustee will be heard by the Government. You will be pleased to see that in sub-clause 3 of clause 59 that the Government shall pass orders on the Commissioner's modified proposals and such orders shall be final. Not even the words 'after the trustee is heard' are there. I take it, however, Sir, that this is not the intention of the Government and that they will fill it up later. But what I object to is this. The usage and customs of the institution, are things to be left to the decision of Courts of law and not for the Government to decide? My hon. Friend, Sri Bhashvram, was perfectly right in saying that such things should be decided by Courts. Courts hear both the sides and decide them. Dittam is not a thing which can be easily stated so far as maths are concerned. In the case of temples it is different. There are regular ceremonies going on there from morning till evening, which have gone on and which are definite. But so far as the math is concerned, dittam is very difficult to state. My hon. Friend, Sri Kandaswami Pillai asked what was dittam and what was budget. If he is pleased to see clause 75, he will understand what budget is. There, there is a provision that the matadhipati must give his budget. In my humble view, that would have been quite sufficient. There it says—

'The trustee of every religious institution shall before the end of March in each year, submit, in such form as may be fixed by the Commissioner, a budget showing the probable receipts and disbursements of the institution.'

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That will quite suffice for the purpose. Whereas it is possible for a temple to say what its expenditure would be on the ceremonies, etc., in the case of a math it is not. That is the initial difficulty and my hon. Friend, Sri Bhashyam, was right in saying that there was no such thing known as dittam in maths. There is no such thing as daily expenditure there. In some months, there may be no expenditure. Only in certain months, when a lot of disciples come, they may incur some expenditure. My hon. Friend, Sri Kandaswami Pillai doubted whether people were really fed at all. If Government were to manage the maths, they may have to employ inspectors also to verify whether people have actually been fed. A Government agent will become necessary to see how many were fed and how many ration cards obtained. This is the sort of interference I am against.

"Then, Sir, my second point is that under this clause the proposals are not to be made every year or for a particular year but for some time. If the finality in such matters should vest in the Government then it is certainly an interference which is rather too much. What I would say is, if, supposing the income of a math is Rs. 10,000 and if the matadhipati says, 'I shall spend Rs. 2,000 on certain ceremonies, Rs. 2,000 on feeding disciples and the rest on certain other things', he must be allowed to do so so long as he spends the money within the four corners of the usage of the institution. As the Constitution puts it, it is not open to the Government or the Commissioner under them to say to the matadhipati, 'you shall spend only so much'. It is not open to any person, for that matter, to say, 'you shall buy sugar, you shall not buy jagery'. This interference with every detail of administration is not good. Whether there is a minor difference or there is a serious difference of opinion between the trustee and the Commissioner, the matter must be left to Court of law to decide. Where a person for instance really feeds only 2,000 persons but puts the figure at 10,000, then certainly I would have no objection to that person being surcharged and sent to jail for two or three years. In certain months he feeds and in certain others he does not and the discretion must vest in him to do as he likes. Sir, in a secular State, there is no obligation that the Minister for Hindu Religious Endowments Board should be a Hindu. Under the Constitution, there is no obligation to this effect. According to the provisions of the Bill before us, it is only the Department that is to be created that should be manned by Hindu officers. So far as my knowledge goes, let me inform the Hon. Minister, there is no obligation under the Bill that the Minister holding this portfolio should be a Hindu. There is not one clause which says like so. If my Hon. Friend, Sri Roche Victoria, who is the Minister for Food, becomes the Minister for Hindu Religious Endowments tomorrow, there is nothing preventing him from becoming so either in the Bill or in the Constitution. If he became a Minister, is he to decide what

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shall be done and what shall not be done by a trustee? Will any other religion allow such a thing to happen? Merely because we are in this position and talk loosely sometimes, the Government cannot do like this. I do not say all the matadhipatis are good. A few may be bad. There are about 120 big maths in this State and I would like to know from hon. Member, how many of them are bad.

"It may be half-a-dozen or at the most ten. Is it more? Or I would like to know whether the whole body of them are rogues and rascals as it is supposed to be? I don't think so. For the sake of the few you cannot condemn the entire lot. By all means have a law and say that they should have correct accounts. If the accounts are false they would be punished. But it should not be said that the dittam which they prepare should be subject to the final decision of a Minister of the Government. Where there is difference of opinion, if that is a minor matter, let it be left to the discretion of the matadhipati."

MR. SPEAKER:—"I shall adjourn the House . . ."

SRI K. R. KARANTH:—"I shall finish in a minute, Sir. If it is a major thing it should be left to a third party who could take into account the usages of the institution, the needs of the math and all these things. A Court can take a better decision than the Minister concerned. I am therefore opposed to the clause as it stands."

MR. SPEAKER:—"I adjourn the House now to meet again at 2-30 p.m."

The House then adjourned for lunch.

(After lunch—2-30 p.m.)

*SRI K. BHASHYAM:—"Sir, I have already referred to the undesirability of having this clause as one of the clauses of the Bill. It says that the trustee should in the first instance draw up the dittam. It has to be scrutinised by the Commissioner and any objections and suggestions received by him have also to be considered by him. The objections and suggestions have to come from 'any person having interest'. It is very difficult to decide who is 'a person having interest' it is a very wide definition.

"Then it is said that an order shall be passed having regard to the established usage of the institution and its financial position. So far as maths are concerned, there is no such thing as established usage of the institution in respect of this matter. Practically the income is spent at the discretion of the matadhipati. Therefore we cannot say that anything is 'at variance with the established usage of the institution'. Then the next thing is, 'is not justified by the financial position'. This is a matter which cannot be left to the Commissioner. I may tell you one case, Sir, and I

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hope my hon. Friend Sri Karanth will correct me if I am wrong. There are eight maths in Udipi and there is a pariyayam every two years. One of these maths is to be in charge of the pariyayam that year. Pariyayam means a large number of persons have to be fed and other ceremonies have to be gone through. It means a lot of expenditure. In fact every math prepares for the pariyayam for years prior to that. They gather firewood, rice and other grains necessary. In fact, in spite of the utmost care, the math is likely to borrow large sums of money for getting through the pariyayam period, that is the period during which the math is in charge of the Krishna math in Udipi. Thus the math has to incur debts. These debts are being wiped out during the period when the math is not in charge of the pariyayam. The matter came to a court of law and even went up to the Privy Council. The question arose whether the math can incur large expenditure beyond what may be called its budgetary income. It was held that the usage sanctioned such a thing and therefore the matadhipati was right in incurring such expenditure and that the creditors who advanced the money were entitled to be repaid. In regard to these matters the usage of the institution is the primary thing and not the opinion of the Commissioner or the Government as regards the financial position of the math. I have tried to show that there is no such thing as 'the established usage of the institution in respect of maths and even so far as established usages are concerned, they are not limited by the financial position'. It may be asked, what will happen if the math gets into debts. Generally an appeal goes forward from the matadhipati to the disciples of the math and they make the necessary contributions for wiping out the debts. Therefore the question of financial position of the math with reference to which the Commissioner is asked to decide the dittam will be practically impossible in these matters. It will be an impracticable thing to do. It will be a very difficult thing to put into force and implement fully. It is much better that the Government do not interfere with this at all. I was glad that the secular Government had washed its hands clean of the clauses 7 and 8 relating to the superintendence of these maths. When they did so, I thought it would logically follow that they would not have any further interference. But strangely enough in this portion of the Bill, they want the whole thing to be done by the Government. That, I submit, is wrong.

"Sir, in regard to the dittam, it has been pointed out more than once that it is a matter affecting the daily life and the daily ceremonies of the matadhipati concerned. The matadhipati gets up in the morning, performs the aradhana to his personal God and then instructs his disciples, decides the number of persons to be fed that day, then receives visitors and disciples, perhaps eats at 3 o'clock in the afternoon and so on. These things are regulated according to the usage of the institution. One must know how many persons come for initiation and so on and the dittam depends

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upon that. Now when the Government try to interfere with the dittam, they will be really interfering with the day-to-day life of the swami. Is that to be done? Should a secular government which had washed its hands clean of superintending these maths take upon themselves this more arduous task? I feel the Government had rather taken upon themselves the superintendence of these institutions than trying to interfere with the day-to-day life of the swamis. It is against the Constitution, if I may say so. I do not want to make it a point of order. I wish only to point out that interested persons can take the matter to a court of law. I wish to point out to the Government that they should act constitutionally. If they say that in spite of the fact that what they do may not be in accordance with the Constitution they would take the risk of being dragged before a court of law, and it is not for me to stand in their way. Therefore I think that it is much better that this clause is omitted. It would be much better for the institutions concerned."

SRI R. V. SWAMINATHAN :—"Sir, this clause regarding the fixing of the dittam was one of the clauses to which the Select Committee gave a prolonged consideration and came to this decision. Sri K. R. Karanth said that simply because out of 100 maths a few maths—5 or 6 or 10 maths—were bad, we should not say that all the maths were bad. Even assuming that only 5 or 6 or 10 maths are bad and the rest are well-managed, how are we to check the few maths which are bad and prevent them from spending the money without any proper accounts and so on? Charges have been levelled against some of the matadhipatis and their officers that they spend some money for some purpose and show it in the accounts as having been spent for some other purpose. Suppose there is a gurupuja and usually 1,000 to 2,000 persons are fed every day. If there is no such restriction as proposed here, the matadhipati will say that he fed 10,000 people every day and spend the balance for some other purpose. To check all these things this clause is inserted. Then, suppose the Commissioner fixes a dittam which is not agreeable to the matadhipati; for instance, suppose for a gurupuja the matadhipati wants to feed thousand people and the Commissioner says that only hundred people should be fed, then the trustee has a right to represent this matter to the Government. We discussed as to what should be done in such a case and we decided that it was better to provide that the trustee may represent the matter to the Government. That is the safeguard clause. It was asked why the trustee should not refer the matter to a court. But the difficulty is, the court will take a long time to decide the matter. Suppose the gurupuja is only 4 or 5 days or a week ahead, if the matadhipati is to go to the court and take the permission of the court, it will take a long time and by the time the court's decision is given the gurupuja day might have passed off. But if it is with the Government, the matadhipati may immediately approach the Government and have the matter settled. That is why a provision like that has been inserted in sub-clause (3) of this clause.

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"Sir, some hon. Members said that if the Commissioner was a pious man and one who respected the religious institutions he would do the proper thing but if he happened to be one who always attacked Hindu religion, if he happened to be a gentleman like Mr. Annadurai or Mr. E. V. Ramaswami Naicker, what would happen? There is no doubt there is a fear like that in the minds of some people. Therefore the Government should see that not only in this clause but also in every other clause where power is given to the Government, they should appoint as Commissioner or Deputy Commissioners only proper persons, those who will respect the religion and the customs and the usages. It is the duty of the Government to appoint only proper persons as officers.

"Then Sir, another doubt was expressed by the hon. Member Mr. Karanth: Suppose the portfolio of Hindu Religious Endowments is taken up by a Muslim or a Christian who may happen to be a Minister tomorrow, what will happen? Sir, we are passing this Bill only for the Madras State and not for all India. The Hindus are in a majority in this State and in any cabinet of 10 or 15 or 20 Ministers, the majority of the Ministers will be Hindus. There is no fear that any Chief Minister will hand over this portfolio to a non-Hindu. I do not think that any sane person who will be the head of the Cabinet will like to hand over this portfolio to a non-Hindu. Even assuming that a Chief Minister wanted to hand over this portfolio to a non-Hindu, I do not think that so far as Madras State is concerned, any non-Hindu—a Muslim or Christian—would agree to take over this portfolio. Therefore nobody need have any fear on that score. Anyhow I request that the Government should be very very careful when they make appointments of Commissioners and Deputy Commissioners. With these remarks, I appeal to the hon. Members not to oppose this clause but support it. So far as we are here, we will see that the thing is properly done."

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p.m.

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, we are now on clause 59 and it has been debated. Now I wish to submit that the hon. Minister may be pleased to recast the clause as follows—I am only making a suggestion to him, and he may or not accept it. I shall first take the matter about 'dittam' and say a few words; it is only about the 'dittam' that there should be some modification, the other portions may remain as they are. Again in clause (2), "in such other manner as the Commissioner may direct"; you need not always have the Commissioner for this purpose; you may say 'in such manner as the law may prescribe'. Clause (3) says that only 'if the scale of expenditure is at variance with the established usage' or 'if it is not justified by its financial position' the Commissioner may call for the remarks of the trustee and if any modification is required in his opinion, he should submit the case to the Government. So, if it is not at variance why should the proposal be submitted? The scheme of the whole Bill is this: the trustee who is the head of the institution has got two kinds of money according to the Bill.

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One is personal gifts made to him for which a very highly objectionable procedure is contemplated, i.e., if he can spend it at his discretion, he must also grant receipts, keep accounts, etc. The head of the math will sit in a particular place, somebody will come and give him money, and he must get a receipt for the money given; suppose a man by name Srinivasa Ayyangar gives him Rs. 10 or Rs. 5, the trustee will have to give him a receipt for it. That is not the way to deal with trustees. I shall have something to say about it under clause 60. But as regards the trustee being asked to prepare a budget, I submit there is no such thing as dittam in respect of the maths, unlike temples. What is it that happens in a math? It is the personal life of the swami, it is the imparting of religious instruction* to his disciples holding kalakshepas and the like and making enquiries of the various guests that are introduced to him during the day and also looking after the patasalas and schools established by the math in connection with the work of the math. What is it that he can give as 'dittam'? Much stress was laid on feeding. It is good that some people are fed in these days of starvation; but even these maths do not feed many. Let me tell you, Sir, and through you, the Government that very unjustly some of the maths who have the duty of feeding guests at Tirupathi have been stopped from feeding them, because the authorities have not allowed the quantity of rice that the Tirumalai-Tirupati Devasthanam has allotted to these maths under ancient usage. I know that last year for the Brahmotsavam, the quantity of rice used to be allowed was reduced and when I came to know of it, I grew paddy on my own land and offered to submit that paddy and take it to the hills to feed a limited number of people considering the number of pilgrims that go to the hills. That is what an honest trustee would do; he would strive to make the best of a bad situation. Is it possible in such cases to make out an advance budget in the manner in which a temple trustee can make out? There is no obligation on the part of the temple trustee to feed people. There is only a dittam saying so much for the naivedyam in the temple, so much for the Brahmotsavam and for the other utsavams. But there is no such obligation caste on the head of a math. In fact, this should be gently dealt with. It should not be regular scrutiny. And what is the scrutiny we are going to effect in this case? I am sure no Commissioner who is to be appointed will be able to scrutinise effectively. We will only have the satisfaction of passing a law and seeing that even an honoured trustee is to be subjected to this kind of scrutiny. I agree that he must keep accounts, that there should be proper management, and all that. As a matter of fact, most of these maths are already keeping accounts and have a council to assist them, consisting of very learned men. In such cases, I am sure the Commissioner can have no difficulty. I want the whole of this clause to be recast. There is no use telling me 'take the old Act, you will find it there'. It is like saying that you use some language because

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your father also used it. Why not we improve upon it, why not we use better language; why not we make it presentible and agreeable to the party concerned? There is nothing wrong. Suppose a foreign visitor comes here and reads this Chapter; the frightful feeling that will overtake him is: are all these people such bad people, are the common people struggling against this tyranny? And are you trying to get rid of this scourge? And even there, I think, Sir, you must have a pleasant way of doing it."

SRI D. V. RAMASWAMI:—"Mr. Speaker, from the speeches made so far on this clause, I am sure the Hon. Minister will see the extreme anxiety which the Members feel and express in order to assist the Government to come to the right view and the manner of expressing that view through this clause. The main intention of Government in omitting Chapter II was really very commendable. The object of Mr. Karanth and others is to see that the legislation is framed in such a way that there is no inconsistency here which will bring it under the mischief of the Constitution Act. The budget proposals by the trustee and the matadhipathi may be scrutinised and there may be the necessary control and supervision. At the same time, the object of the Government is to see that the ideals for which the maths were established, i.e., the spiritual advancement of the people, should be subserved. I therefore feel that necessary alteration should be made in the language of the clause. I feel, Sir, this is a very important matter and the Hon. the Minister for Law will do well to take these suggestions in the best spirit and see if it is not possible to revise the wording of the clause so as not to infringe on the language of the Constitution Act."

* SRI M. S. PATTABHIRAMIAH:—"Mr. Speaker, Sir, I am one of those people who believe that however good-intentioned the Government may be, they have no right to interfere with the daily observances in religious institutions. I said so at the time we discussed generally the report of the Select Committee. I referred then to this 'dittam'. Strictly speaking, the Government should not interfere with the 'dittam' of any religious institution. Government have seen their way to delete clause 7. So far as temples are concerned, the dittams are well-known and they can be controlled, though in a lenient manner. But I am really surprised to find 'dittam' being used with reference to maths. Historically, maths have no dittams at all and there is no religious ritual to be performed by any matadhipati. As has been pointed out by many Members and as I also pointed out in my previous speeches, it is simply a college of learning; they give instructions in religious matters, they teach the Poorva-mimamsa only for dialectical training and other doctrines of uttaramimamsa which we can call in English, 'metaphysical doctrines'. There may be some gifts for feeding certain people, but there are no gurupoojas in every math. Unfortunately some

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of the supporters of Government are obsessed with the position in certain maths in the Tanjore district which are different from other historical maths. Some of my friends seem to be thinking of annakavadi matams and ganja matams. They must know there are maths which are doing much work for the benefit of humanity which, if we are really going to continue as a democratic Government and unless we are preparing the way for a totalitarian government, should continue to exist and continue to carry on their work in their own way. If a dittam is to be brought into this clause in the case of a math also, I am afraid it may be held *ultra vires* in a court of law."

THE HON. SRI K. MADHAVA MENON:—"Sir, Mr. Viswanatham was saying more than once that there are about 700 maths. I may give the correct figure, so that hereafter at least he may refer to the correct figure."

SRI T. VISWANATHAM:—"On a point of personal explanation, Sir. There are also specific endowments which I am adding to this number."

THE HON. SRI K. MADHAVA MENON:—"Anyhow, let the House know the correct figures. There are only 300 maths, of which 41 are maths getting an income of over Rs. 5,000 and only 21 maths are getting over Rs. 10,000 per year. (Interruption.) The hon. Mr. Bhashyam asks: 'Is the Bill intended for these?' I may make it clear that the Bill is for these 300 maths also. I have nothing more to say against the general demand made by Mr. Bhashyam and others that maths should not be included at all in this Bill."

"As regards 'dittam', Messrs. Bhashyam and Pattabhiramiah said that there are no dittams at all for the maths. If that is so, clause 59 cannot apply. That clause says—

"The trustee of every math or specific endowment attached to a math may from time to time, submit to the Commissioner proposals for fixing the dittam,"

and if there is no dittam, he need not send any proposals at all. I may tell Mr. Kandaswami Pillai, as Mr. Karanth said, let us not confuse between a budget and a dittam. Clause 75 says in sub-clause (2)—

"Every such budget shall make adequate provision for—

- (a) the dittam or scale of expenditure for the time being in force;
- (b) the due discharge of all liabilities binding on the institution."

Sub-clause (1) refers to the budget. So, a budget may include dittam, but dittam is not a budget at all. As I said, if there is no dittam in a math, then this clause 59 will not apply at all. Mr. Karanth said that so long as it conforms to the usage, nobody can interfere. I agree; that is exactly what the clause also says.

"Now, Sir, the objection of Mr. Karanth is that as long as the dittam or everything conforms to custom and usage nobody could interfere. Sub-clause (1) of clause 59 says that the trustee may from time to time submit to the Commissioner proposals for fixing the dittam; sub-clause (2) says that it shall be published and

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sub-clause (3) says, if on scrutiny of such proposals and any suggestions made by persons having interest, it appears to the Commissioner that the scale of expenditure or any item in the scale of expenditure is at variance with the established usage of the institution. Mr. Karanth says that as long as it conforms to usage, nobody can question it. So, if it does not conform to usage somebody can question it. What the clause provides is, the Commissioner can think of doing anything only if it is at variance with the established usage or custom of the institution or is not justified by its financial position.

"Hon. Mr. N. S. Varadachari says, why are you concerned with the financial position of the institution?"

SRI N. S. VARADACHARI:—"I never said that."

THE HON. SRI K. MADHAVA MENON:—"If it is not he, one Member said, why should you care for the financial position of the math and if the matadhipati gets into debts the disciples will pay. We cannot say, let the matadhipati get into debts and ruin the math. The State has definitely to prevent a man from attempting to commit suicide. If the fundamental right of a man to commit suicide is not permitted, we cannot permit the matadhipathi to destroy the math. So, we do take into account the financial position of the math, see whether the expenditure is within the financial capacity of the math and whether the matadhipathi is not running into debts. So, what we have provided in this clause is, the Government or the Commissioner does not interfere, but we say that the trustee must prepare the dittam and publish it and invite objections and if the Commissioner finds that the dittam goes against custom and usage and the financial position of the math, the Commissioner gives an opportunity to the trustee and if the Commissioner is of the opinion that it requires modification, he shall submit the case to the Government for orders. (Interruption.) Hon. Mr. Karanth says that he is not given an opportunity. If the hon. Member reads sub-clause (3), he will find provision made that 'the Commissioner may call for the remarks of the trustee and if after considering the same, the Commissioner is of opinion that any modification is required in the scale of expenditure or any item in the scale of expenditure, he shall submit the same to Government.' That is only after obtaining the remarks of the trustee. But, if there are certain things which are against custom and usage and against the financial position of the math, it is for the Government to decide. Mr. Karanth says, you will have to go to court and take the chance; perhaps he thinks if the Hon. Minister, Mr. Roche Victoria, is put in charge of Endowments, he is a non-Hindu, being a Christian. But, how are you sure about the case in court, where the Judge may as well be a Muslim or a Christian? (Sri K. R. Karanth: 'No objection.') My hon. Friend says he has no objection to the judge being a non-Hindu, but his objection is only to the Minister being a non-Hindu. The sanctity of the

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position of a judge is attached to the office of judge and not to the particular person. If that is what hon. Mr. Karanth means I can understand. So, is the case with the Government and that is why an appeal by the Commissioner to the Government is provided. It is not Dr. Rajan or Madhava Menon or any other Minister that is in charge of the religious endowments but the Government and so that objection about a non-Hindu being a Minister does not apply to the Minister that is referred to here. What is stated in the clause is, the Commissioner shall refer cases to the Government only in such cases where the scale of expenditure goes against the custom or usage or goes against the financial position of the institution. It is only then that the Commissioner will make a reference to the Government and so there is nothing wrong in it and it cannot also be said that it is an interference with the administration of the math.

"Hon. Mr. Bhashyam said that you are interfering with the day to day affairs of the institution. For instance, dittam is not a day to day matter and dittam is prescribed for the whole year and so the Commission is not going to ask the trustee every time whether custom or usage is violated or not. So, I do not see anything which goes against the Constitution or there is anything even derogatory to the position of the matadhipati.

"Then, Sir, hon. Mr. N. S. Varadachari wants certain verbal changes to be made in the clause. Let not any hon. Member think that the wording of it offends in any way the sentiments of matadhipatis or for offending anybody we have put it in. Of course, we shall examine it again as to whether any better wording would be more acceptable and consider hon. Mr. Varadachari's suggestions. That is all I have to say in respect of the matter. The clause as it is should stand."

Clause 59 was put and carried.

Clause 60.

MR. SPEAKER:—"The motion is—

'That clause 60 do stand part of the Bill.'"

MR. SPEAKER:—"Before I call upon hon. Mr. Viswanatham to move his amendment for the deletion of the whole clause, I would like to point out that hon. Mr. Karanth has given notice of another amendment for the deletion of sub-clause (2). So, I would suggest that instead of hon. Mr. Karanth moving his amendment, hon. Mr. Viswanatham may move his amendment and hon. Mr. Karanth may speak on it."

SRI T. VISWANATHAM:—"But, I would suggest, Sir, hon. Mr. Karanth may move his amendment and I will not move my amendment, but I will second his amendment."

MR. SPEAKER:—"I have no objection to it."

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SRI K. R. KARANTH :—" Sir, I shall take only very little time. I move that—

' Sub-clause (2) of clause 60 be deleted.'

" Sir, sub-clause (1) is very clear. It says—

' The trustee of a math shall be entitled to spend at his discretion for purposes connected with the math any 'pathakanika' that is to say, any gift of property or money made as a personal gift to him as the head of the math.'

I have no quarrel with that sub-clause. But, clause (2) says—

' The trustee shall keep regular accounts of all receipts and disbursements of the nature referred to in sub-section (1), and shall cause such accounts to be produced before the Commissioner or any person authorised by him in this behalf, whenever so required.'

It is to this clause that I object, because even such small harassments of this type should not be allowed. When it is conceded in sub-clause (1) that these personal gifts or offerings made to the matadhipathi can be spent by the matadhipathi at his discretion, now this sub-clause (2) says that the day-to-day offering of a silver cup of a copper or brass vessel, the moment they come in should be entered in the accounts. I think this is a little too much to expect of the matadhipathi and unnecessary. Of course, I agree with the Hon. Minister when he said that matadhipathi should eat the corpus of the property. If they are immovable property, it is but right, because, it is not his own acquisition, but several 'matadhipathis' before him acquired that property and therefore unless for very grave necessity that property should not in any way be destroyed or mortgaged or that he should incur debts. I perfectly agree with that position. But, here no distinction has been made between small and costly presents. It is merely stated that every gift, even if it is worth five annas, should be entered, as if the Commissioner is expected to check it every day and say whether the account is kept properly or not. It is not proper, especially when we are giving the trustee discretion to do as he likes with these 'pathakanikas'. These 'pathakanikas' are given to him because of the respect due to him. So, it is too much to expect of him to keep regular accounts of such things. For instance, even in our day to day work we are finding it difficult to keep regular accounts. So, when such presents are offered to him, he is at liberty to do what he likes with them. That is what is provided in sub-clause (1). But, to say that small and big presents are all to be entered and for any slightest default he becomes liable to be removed under clause 57 if anybody chooses to do so, is not fair to the 'matadhipati'. Therefore, Sir, without taking more of the time of the House, I submit that sub-clause (2) may be deleted, while sub-clause (1) may remain as it is."

* SRI T. VISWANATHAM :—" Sir, in seconding this amendment, I submit that unless the Government are anxious that the whole clause should be declared *ultra vires*, they must agree to this amendment. If sub-clause (2) is to be retained, then sub-clause (1) will go in effect. Therefore, I do not like to attack the entire section, because in sub-clause (1) the Government have

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conceded with an amount of commendable good grace that gifts of money made as personal gifts to the head of the math shall be his own property and that the trustee of the math shall be at liberty to utilize them (Interruption) for purposes connected with the math. I am sorry, it is graceful, but not so commendable as I thought. But, what happens is, sub-clause (2) will virtually negative the right given to the matadhipathi under sub-clause (1). As you were pleased several times to say an amendment shall not merely have the effect of negating an existing clause. So, sub-clause (2) is nothing but negating the effect of sub-clause (1) and it should not be there. Do the Government want 'pathakanikas' or not? If they want, then I understand that the trustee shall be entitled under the existing system of usage to spend it at his discretion. But 'pathakanikas' may be for purposes not directly associated with the math but on account of his relationship with the math the matadhipathi cannot spend the money which he has received for purposes which are not connected either with himself or the math or shisyas or disciples. Here, it is restricted for purposes connected with the math. That is a wide expression and it has got to be looked into and decided. But, even that little right given under sub-clause (1) is taken away under sub-clause (2). If once the gift is declared the absolute property of the matadhipathi he should be allowed to spend at his discretion. I therefore second the amendment."

* SRI S. CHIDAMBARA AYYAR :—" Mr. Speaker, Sir, I fully endorse what hon. Members Mr. Karanth and Mr. Viswanatham have said. The effect of sub-clause (2) is that the Government have no confidence in the matadhipathis in the matter of spending money at their discretion for purposes connected with the maths. I do not see any reason why they should submit accounts to the Commissioner in regard to the matter. It is highly derogatory of the matadhipathis that they should submit accounts to the Commissioner even in matters of gifts given as personal 'pathakanikas', which amounts to something like private property, even now the matadhipathis being sanyasins or persons having no connection with worldly affairs, they are spending those moneys in matters relating to their maths and they are doing their best. Such being the case, why should the Government ask them to submit accounts. More often it has been said on the floor of this House by the Hon. Minister that the Commissioner and others are persons who are expected to do things properly. I ask the Hon. Minister why not they have as much confidence in the matadhipathis as they want people to have confidence in the Commissioner. I only want to submit that the confidence expected is mutual and the matadhipathis can be credited with a certain amount of good sense that they are bound to spend the money in a proper manner. Therefore, I think this provision is unnecessary besides being highly revolting to the good sense of the matadhipathis. With these few words, Sir, I support the amendment."

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3-15 p.m. * SRI N. S. VARADACHARI:—“ Mr. Speaker, Sir, I want to add a few words to reinforce the very able arguments of my predecessors. If the trustee of a math shall be entitled to spend at his discretion any gift of property received by him as the head of a math, it is certainly wrong to ask him to keep accounts of receipts and disbursements and submit them to the Commissioner whenever so required, or, in the words of the sub-clause to be produced before the Commissioner or any person authorized by him in this behalf, whenever so required. Sir, this is nothing but harassment. Sub-clause (1) may remain, as it is; I am not concerned with the grace of it. But, if it is once granted to the trustee as a personal gift for people do so, because people hold him in reverence and esteem and they respect him and it is because of that, they give him personal gift. Let me take an example prevalent among the Vaishnava people, of what is called, Samasrayanam. At the time of Mudradanam, people tell the Acharya, ‘ I do hereby submit everything I have and myself to you.’ But he does not renounce everything; he does not renounce himself from the world. He only says that he pledges himself to lead a life of purity and then says, ‘ I make a complete surrender to God, through you, Oh, Acharya, and may God save me from all calamities and keep me in proper conduct and help me to lead a life of rectitude.’ That is a grand ceremony, and in the course of that ceremony, each man gives what he is able to give. Sir, the Speaker must have heard that when people go to Benares, they are asked to give up something which they like very much. A man may like mangoes very much; and one would expect him to give that up. But what do people generally do? They give up koyyapazham and seethapazham, and then satisfy themselves that they have abided by the rites. Now, to come to my point. In the course of these ceremonies, disciples make a gift to the Acharya. What happens to those gifts? He does not pocket them. He, being a Sanyasi, he does not enjoy the fruits of his position; he distributes them to the beneficiaries of the math. In such cases, where is the necessity for keeping accounts? Suppose I propose to lead the life of a Sanyasi, and in doing so I have with me a small number of disciples; I preach to them the doctrines of religion and so on. Those disciples are true disciples, and very much we like the swollen-headed disciple who approached the master in the Upanishad. People go and make gifts and presents to the Sanyasi. The Sanyasi does not make them his personal property; he distributes the gift among his Sishyas. Suppose, I make a gift of five rupees and Mr. Bhashyam makes a gift of fifty rupees. Should the trustee engage a clerk to keep an account of these gifts? Why should a clerk write in my presence in the accounts, ‘ received five rupees from N. S. Varadachari; received fifty rupees from Mr. K. Bhashyam’. Sir, all this introduces a certain amount of embarrassing pettiness. I use these words deliberately. My second reason is if the trustee is entitled to spend the gift at his discretion for the purpose of the

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math, clause 60 should stop with the sub-clause (1). Why should the conditions stated in sub-clause (2) be attached. Even if the Hon. Minister wants to retain sub-clause (2), let him, instead of the latter half of the sub-clause, say, ‘ shall make available such accounts to the Commissioner or any other person authorised by him.’ I am against having the words ‘ whenever required’. Under that phrase, every minute in the months of January, February and March the Commissioner’s servant will come and demand accounts and declare that the matter is urgent as they have to be submitted to the Endowments Board. Sir, all this is wrong, undignified and does no justice to a legislature which is enacting this piece of legislation. So, I hope Government will drop sub-clause (2) and be content with sub-clause (1), as it satisfies their object.”

* SRI M. R. APPA RAO:—“ Mr. Speaker, Sir, the pathakanikai is given to the matadhipathi on account of the great respect which the Sishyas have for him. In the first sub-clause Government have accepted that it is a personal property of the matadhipathi. If a matadhipathi is otherwise bad, I think, there are several other clauses, plenty of them, I fear, to remove him. So, this second sub-clause is unwarranted because the pathakanikai is his personal property. I feel this submitting of accounts is unnecessary; it is not very dignified condition to be attached to a person who holds a sacred place in society. So I request Government to delete the sub-clause. I support the amendment.”

* SRI M. S. PATTABHIRAMIAH:—“ Whatever may be the fate of the other amendments brought forward in this House . . . ”

MR. SPEAKER:—“ The hon. Member should first address the Chair and then begin his speech.”

* SRI M. S. PATTABHIRAMIAH:—“ Mr. Speaker, Sir, we have seen a very large number of non-official amendments brought forward and been lost. I am not very much concerned with them. But I wish this amendment at least is accepted by Government. The clause, as it stands, is really objectionable. As I pointed out, on a former occasion, about the pathakanikais, the term itself denotes that it is a personal gift by a devotee to a person whom he holds in worshipful reverence, and it is absolutely given over to him to do as he likes. He may even throw away that amount, if he so wishes; because it is not intended for the institution at all over which he presides. In this connection I wish to narrate a small personal experience which I had while I was with the Sringeri Math Swamiji, while he was touring in my district. That Swamiji was on his way to make a prathish-tai in Kaladi. This happened in my early years, about forty-five years back. I was with him in the math; I was a young man then; and I have had personal experience of that math. In a

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certain place in Ramnad district, he was camping for a long time. He was entertained by the Kovilur matadhipathi. He had regal honours and had a large paraphernalia; and it was one of his ancestors who established the Vizianagaram empire. That Swamiji was the thirty-third successor. He was a saint; he was an absolute saint and a hermit; he lived the real life of an Acharya; people invited him to their house; that Swamiji got pathakanikai. Usually when he went round on tour people invited him to their residence for pathakanikai; people worshipped him like a diety. I want this House to remember that many people put money at his feet. In this connection I want to say that hon. Mr. N. S. Varadachari confused many things in his speech about these maths. Because there are so many varieties of maths, as we have so many doctrines; as I told the House, the other day, there are the Annakavadi maths and sombachavadi maths (Laughter); we do not know the historical origin of these maths, except they are survivals of maths, which once did great service in the cause of spreading of Hindu religion. Now, coming to the point. While the great Swamiji of Sringeri math was, one day, coming out of the house of a rich man, after receiving pathakanikai, the pathakanikai in this case was Rs. 108 or Rs. 1,008, I do not remember exactly what the amount really was, he was met on the threshold of that rich man's house by a very lean man, a living skeleton itself; he was expecting every minute his death; he approached the Swamiji and asked for alms. That man, who was gasping for breath, when he came face to face with the Swamiji burst out chanting verses. The great Swamiji stood there, listened to the man. How did that dying man begin to recite verses is a mystery. He was on the verge of death; he was in financial distress; and so he sought the help of the Swamiji. The great Swamiji beckoned to one of his disciples, who was following him with the pathakanikai given by the rich man, to bring it; he took all the silver coins and handed them over to that poor man! The poor man said, he was happy to die, but was anxious about his family and children, who would become orphans after his death. Do you know what the Acharya said: 'there is God to protect the orphans; you may die in peace; take this money?' Sir, this is a typical instance of what Sringeri Math Swamis have been doing about pathakanikais. Not only this sort of thing. Suppose a poor woman goes to him; she would get some clothing, some silk clothing. Now, would any officer of the endowments board would agree to this? No, he would say, it is wrong to do so. So, I say, Sir, this sub-clause (2) should be deleted. I want Government to understand that the pathakanikais are never intended to become part of the property of the math, and no one can have any interest in it, not even the devotee nor anybody else. They are intended to belong solely to the head of the math. As was pointed out by Mr. Appa Rao, people give pathakanikai only when they find one worthy to receive it. To an unworthy matadhipathi no pathakanikai is

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given. So it should be left entirely to the discretion of the matadhipathi to do as he likes with it. There should not be any interference with it. Any interference in this matter will be only ruining the whole structure of these maths. With these words I oppose the whole of the sub-clause (2). I want it to be deleted from the Bill."

* SRI V. I. MUNISWAMI PILLAY :—" Mr. Speaker, Sir, 3-30
I rise to support the amendment moved by my hon. Friend Mr. Karanth. As was said by Sri M. S. Pattabhiramiah, I honestly feel that pathakanika cannot form part of the asset of the math. A matadhipathi has attained a certain spiritual advancement and he feels sincerely that he should impart that knowledge to his disciples and students. Ordinarily a matadhipathi does not select everybody for initiation. He only chooses such disciples and students as are prepared and ripe to receive initiation. That being the case, it is not at all advisable to ask a matadhipathi to render accounts to the Commissioner. Sub-clause (2) says that the trustee shall keep regular accounts. That means the trustee will interfere with the matadhipathi or Guru in his right work of imparting religious instruction to his students and disciples. Such interference will only hamper the growth of Hindu philosophy. If a Guru is asked to render accounts to the trustee about pathakanika, the trustee may not care to divulge all the amounts that he has been receiving from the disciples and students as he will be unconcerned as to what money comes and goes. The disciples and students also may not offer pathakanika but do something else to please the Guru. Pathakanika is not given as a bonus or asset to the Guru. It is given out of love and for the benefit that the disciples derive. As I said, a Guru is a person who has attained a high standard in the religious sphere. The provision in sub-clause (2) will really cut at the very root of religious training and hamper the promotion and spread of Hindu philosophy. So I request the Government to consider the matter and accept the amendment."

* SRIMATHI V. LAKSHMI AMMAL :—" கனம் அக்கிராசனாதிபதி அவர்களே, இந்த 60-வது clause லுள்ள இரண்டாவது paragraph யை எடுத்து விடவேண்டுமென்று கனம் Karanth அவர்கள் கொண்டுவந்துள்ள திருத்தபிரேரணையை ஆதரித்து நான் பேசுகிறேன். இந்த clause-ல் முதன் முதலில் "power to spend 'Pathakanika'" என்று மாத்திரம் போடப் பட்டிருக்கிறது. அதுவும் முதல் பாராவில் ரொம்பவும் அழகாகப் போடப் பட்டிருக்கிறது. அவர்கள் இஷ்டம் போல் சிலவு செய்துகொள்ளலாம் என்பதாகவும் இருக்கிறது. அடுத்தாற்போல் கவர்ன்மெண்டினுடைய வழக்கமான ஒரு விஷயத்தனமானதை அதில் புகுத்தப்பட்டிருக்கிறது. எப்பொழுது மடாதிபதிகள் அவர்கள் இஷ்டப்பிரகாரம் பாதகாணிக்கைகளை சிலவழித்துக் கொள்ளலாம் என்பதாக சொல்லப்பட்டிருக்கிறதோ பிற்பட்டு இரண்டாவது பாரா இருக்கவேண்டியதவசியமில்லை. இதை எடுத்துவிடவேண்டியதவசியம். விசேஷமான காலங்களில் பக்தர்கள் பாதகாணிக்கைகள் கொடுப்பதை இன்னதிற்குத்தான் சிலவு செய்யவேண்டும் : இன்னமாதிரிதான் சிலவு செய்யவேண்டும், இந்த உபயோகத்திற்குத்தான் சிலவு செய்யவேண்டும் என்று மனதினைவைத்துக்கொண்டு அவர்கள் கொடுப்பதில்லை. இம்மாதிரி யான காரியங்களை கட்டுப்படுத்துவது சரியல்ல. ஆச்சாரியர்களுக்கு பாதகாணிக்கைக் கொடுப்பது பக்தர்கள் தாங்கள் கிருதார்த்தங்களாக

[Srinathi V. Lakshmi Ammal] [25th November 1950]

வேண்டுமென்பதற்கே தவிர வேறில்லை. மடாதிபதிகள் அவைகளை எவ்விதம் செலவு செய்தாலும் அக்கரையில்லை. பாதகாணிக்கை கொடுத்தால் அதை கணக்கு வைத்துக்கொள்ளவேண்டுமென்று சொல்வது நல்லது அல்ல. அவர்கள் பக்தர்கள், தங்களுக்குள் கணக்கு வைத்துக்கொள்வார்கள். எனக்கு முன் பேசிய கனம் பட்டாபிராமையா சொன்னமாதிரி சங்கராச்சாரியார் ஊர்களை சுற்றிவரும்பொழுது ஒவ்வொரு இடத்திலும் தங்கும்காலத்தில் ஒவ்வொரு வீடுகளிலும் அவரை வரவழைத்து அவருக்கு அர்ச்சனை செய்து பாதகாணிக்கை கொடுப்பது வழக்கம். அஷ்டோத்திரமாக இருந்தால் ரூ. 108-ம், சகஸ்ரநாமமாக செய்தால் ரூ. 1,008-ம் கொடுப்பது வழக்கம். இம்மாதிரி அவருடன் வருகிறவர்களுக்கு சாப்பாடு போடுவதும் வழக்கம். இவ்விதம் மடாதிபதிகளும் ஊரார்வர்களுக்கும் பக்தர்களும் சாப்பாடு போடுவார்கள், சன்மானமும் கொடுப்பார்கள். இவ்விதம் தென்னிந்தியா முராலிலும் நடந்து வருகிறது. கனம் மெம்பர் குறிப்பிட்ட சங்கராச்சாரியார் வந்த காலத்தில் நான் சொம்பவும் சின்ன வயதாக இருந்தாலும் எனக்கு அதைப் பற்றி ஒரு மாதிரியான ஞாபகமிருக்கிறது. கும்பகோணம் சங்கராச்சாரியார் வந்தாலும் அம்மாதிரிதான் நடக்கும். காமகோடி மடாதிபதியார் வந்தாலும் அம்மாதிரிதான் நடக்கும். சாதாரணமாக நம்முடைய வீடுகளில் கலியாணம் செய்தாலோ அல்லது பிள்ளைகளுக்கு பூனூல் போட்டாலோ அவரவர்கள் தம்பதிகளுக்கும், குழந்தைகளுக்கும் presents அல்லது சன்மானம் கொடுப்பார்கள். இவ்விதம் கொடுத்து வரும்பொழுது யார்யார் என்ன கொடுத்தார்கள் என்று தெரிந்துகொள்ள மற்றொருவர் பக்கத்திலிருந்துகொண்டு அவ்விதம் கொடுக்கப்பட்ட பணத்தைப்பற்றி கணக்கு எழுதிக்கொண்டிருவார். இவ்விதம் ஏன் அப்படி எழுதிவருகிறார்களென்றால் மறுபடியும் அவர்களுக்கு தாங்களும் கொடுக்கவேண்டுமென்பதற்கத்தான் இவ்விதம் எழுதிவருகிறார். இம்மாதிரியான ஒரு லௌகீக முறை நம் நாட்டில் வழக்கமாக இருக்கிறது. அதேமாதிரி சங்கராச்சாரியார் மடாதிபதிகள் அவர்களுக்கு அர்ச்சனை செய்து பாதகாணிக்கை கொடுத்து தாங்கள் சிலவு செய்ததை கணக்கு வைத்துக்கொள்வது சாத்தியமா? சில சமயம் வந்தவர்களுக்கு இல்லை என்று சொல்லாமல் சாப்பாடுபோடுவது மடாதிபதிகளின் வழக்கம். அந்த சமயம் அன்னக்கொடி கட்டுவதும் வழக்கம். இம்மாதிரியான சிலவுகளை கணக்கு வைத்து காண்பிக்கவேண்டுமானால் தாங்கள் இஷ்டப்படி செலவு செய்வதாகுமா? பக்தர்கள் அவர்களுக்கு பாதகாணிக்கை கொடுப்பதை இம்மாதிரி செலவு செய்வார்கள். இதை யெல்லாம் இஷ்டப்படி செலவு செய்துவிடலாமென்று முதலில் சொல்லிவிட்டு பிறகு கணக்கு வைத்துக்கொள்ளவேண்டுமென்று சொன்னால் அதன் முக்கியம் போய்விடுகிறது. பொது ஜனங்களுக்கும், பக்தர்களுக்கும் பக்திகுறைந்து போய்விடும். ஆகையினால் இந்த இரண்டாவது பாராளை எடுத்துவிடவேண்டுமென்று கொண்டுவந்த திருத்த பிரேரேபீனையை நான் ஆதரிக்கிறேன்.”

THE HON. SRI K. MADHAVA MENON :—“ Sir, this provision was not there in the original Bill. While we were discussing in the Select Committee clause 75 relating to the budget of religious institutions, it was said that all the income and expenditure should be included in it. Sri Bhashyam himself pointed out that maths possessed two kinds of property, one the endowments and the other the personal property of the matadhipathi. He further said that Pathakanika was a personal gift and that a matadhipathi should have the power to spend it as he liked. The Committee came to the conclusion that pathakanika need not be treated as the property of the math, but that a specific provision should be made making it obligatory that a matadhipathi should spend the pathakanika only for purposes connected with the math. This was one of the recommendations of the Select Committee, but no vote was taken on it. (Interruption by Sri K. Bhashyam.) Hon. Sri

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Bhashyam says that we did not think of the provision in sub-clause (2) then. I entirely agree with hon. Sri N. S. Varadachari and certain other hon. Members that pathakanika is something placed at the feet of the master for his blessing and grace and as a sign of the giver surrendering himself. But the Select Committee decided as per the provision embodied in this sub-clause. To get the blessing of hon. Sri T. Viswantham in respect of any clause in this Bill is something which I prize. He has blessed by saying that the clause is graceful though not sufficiently graceful. He admitted that there was some grace already. Hon. Sri N. S. Varadachari took objection to the words ‘shall cause such accounts to be produced’ and suggested the use of a more respectable language. My submission is that sub-clause (1) becomes impossible of performance unless there is this sub-clause. Sub-Clause (2) which is a corollary to sub-clause (1). Sub-clause (1) says—

‘The trustee of a math shall be entitled to spend at his discretion for purposes connected with the math . . .’

Nobody restricts a matadhipathi in spending according to his discretion. All of us including hon. Sri Karanth are agreed that pathakanika should be spent only for purposes connected with the math. We have seen huge plates full of sovereigns placed at the feet of the matadhipathi as pathakanika. A huge amount is realized. The ascetic does not want it at all. It is other people who take and spend it according to his orders. If accounts are not maintained, how are we or even the matadhipathi himself to know the amount realized and whether the whole of it has been spent according to his orders? If sub-clause (1) is right, sub-clause (2) necessarily follows and we cannot object to it. Whether the amount realized has been spent for purposes connected with the math cannot be verified unless an account is maintained. It is certainly unnecessary that this money should be accounted for in the manner in which trust properties are to be accounted for under clause 57 of the Bill. There can be no misappropriation or breach of trust in respect of the properties of religious institutions, because sub-clause (1) of clause 60 says that it is not the property of the institution but only property belonging to him personally as a matadhipathi. The matadhipathi has certainly got the discretion to spend it as he likes; but what we have said in sub-clause (2) is that any moneys received as pathakanika and spent at his discretion for purposes connected with the math should be properly accounted for and for that purpose, he should keep accounts in order that people may know how much is received and disbursed, and in case, the Commissioner wants, these accounts can be produced before him. That is all that is required of him, Sir, for that purpose he must keep accounts. Nowhere has it been said that the Commissioner will come and check the accounts or that these accounts should be submitted for audit. All that is meant is, that it is better for the matadhipathi to keep accounts of the amounts received by him, even though they are his personal property, so that it may not give rise to any unnecessary suspicion in people that they are not properly used, because as Caesar's wife he must be above suspicion.”

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* SRI K. R. KARANTH :—“ Sir, after I heard the speech of the Hon. Minister, I feel more than ever convinced that the position I have taken is correct. It may be correct, no doubt, that no court will hold him responsible, if he spends it as he likes, because it is the personal gift to the matadhipathi. But, if the Hon. Minister will be pleased to refer to clause 57 (f) wherein it is stated, that ‘persistent and wilful default by the matadhipathi in discharging his duties or functions under this Act or any other law’ will be one of the grounds for the Commissioner to move the court to remove him from his office, he will find that if a matadhipathi does not keep accounts as is prescribed in clause 60 (2), he can be charged under clause 57 (f) for persistent and wilful default in discharging his functions under this Bill. He is certainly liable to be removed from his office by the Commissioner if he does not keep accounts under this clause, whatever may be the intention of my Hon. Friend, the Minister for Law. Perhaps I can take the Hon. Minister at his word, but unfortunately that is not the case here. If it was not there before the Bill was referred to the Select Committee and if the Select Committee had introduced this new clause, then it means that the Government had changed their original intention and my hon. Friend Sri K. Bhashyam was perfectly right in saying that the Bill has assumed an entirely new aspect, after it had emerged from the Select Committee, even though we spent months over it. Sir, my hon. Friend Sri M. S. Pattabhiramiah said certain things about this pathakanika and he also gave certain instances. Suppose a Swami is so good that whatever he gets as he goes out, he gives out in charity to the first person he meets on the road, and thus wants to unburden himself before that evening. I do not think anybody can object to it. Is it the intention of the Government that whatever presents he gets on his way, should be noted down in an account book then and there for being produced before the Commissioner? I submit, that such a person must be highly respected because he is so unworldly. If he wants to give any charity from out of his pathakanika, which is stated to be a personal property and which he could spend at his discretion, the words in clause 60 (1), ‘for purposes connected with the math’ fetter his discretion, and in fact prevent him from making any charity at all, because any charity he wants to do would not come as one of the purposes connected with the math. I did not see this aspect of the clause, at the beginning, but now I find that a matadhipathi cannot give any charity or gifts out of his pathakanika, for the reason mentioned just now. Suppose for instance, there is a great leader like our Prime Minister of India, Pandit Nehru, who whenever he gets anything during his tours simply gives it away for some public cause or charity; is it said anywhere that he should give an account of it to the Government of India? This is also something like that. Strictly speaking, according to this clause, if a matadhipathi or a head of a math or religious institution wants to give charity, he cannot do so even out of his pathakanika, unless it is for a purpose connected with the math or unless it is included anywhere in the definition that the giving of charity will be one of the purposes connected with a math. I once again

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submit, Sir, that this clause fetters the discretion of the matadhipathi. It appears that the matadhipathi should go every evening to his accountant and render his accounts, just like a grocer giving his accounts to his clerk at the end of every day, stating, ‘at such and such a place, I got Rs. 5 and in another place I got a broken brass vessel, etc.’ I submit, Sir, it is most humiliating on the part of a matadhipathi to be rendering his accounts daily and it would be insulting them if the Government insist upon them, who are very respectable and revered people, to do so. I am not very particular that my amendment should be accepted, I do not want to stand on prestige—in fact I have no such prestige for the matter of that. But I would only submit, that just as the Government in their wisdom did not think it necessary to include this clause in the original Bill, and because it is the Select Committee that have included it in the Bill, even so, let them drop this sub-clause altogether. After all this is not the last word on the subject. Both the Hon. Minister and I do not stand on prestige and so let us do the just, right and the proper thing and not inflict these pin-pricks on the matadhipathis. It is not fair that for every little thing, they should go on accounting. If a person is a fraud, or if he misappropriates the funds of a math, certainly nobody will come forward to give him any pathakanika. If a matadhipathi is a great man and a good man, and a man revered and respected by his disciples, and if people are willing to give him any pathakanika voluntarily, for obtaining his divine grace, then let us not humiliate him in this manner, by asking him to render accounts of his receipts. I would even ask the Government to amplify the definition of the term ‘for purposes connected with the math’ to include charities also. If he gets a present of a silver cup worth Rs. 5 from a person, and if he gives it to his next disciple for his use, it is not proper on the part of the Commissioner to call him into question and ask, ‘You got a silver cup and you presented it to your disciples; it is not a purpose connected with a math and so you must get it back and give it to the math.’ Even at this last stage, let the Government be liberal and show their nobility by sticking to their original intention and dropping this clause altogether. Otherwise, it would mean that the Swami must be carrying an account book with him wherever he goes for biksha and be writing the receipts then and there or constantly reminding himself them, like reciting some manthrams, and when he returns home in the evening must render accounts to his accountant. I would once again beg of the Government, let us not humiliate these matadhipathis further and let us delete this clause at least at the last stage and also include charity as one of the purposes connected with the math, at the appropriate place in the Bill. Otherwise these people will not be able to spend anything on charity, even from out of the pathakanika, which is given to them as personal gift.”

THE HON. SRI K. MADHAVA MENON :—“ Mr. Speaker, Sir, the complaint is that the Bill as it has emerged from the Select Committee, has included pathakanikas in one of its provisions, while originally, the Government had no intention of doing

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so. I may submit, Sir, that it is not that the Government in their superior wisdom subsequently changed their mind and got it included in the Bill. Whatever that may be, Sir, we have said that pathakanika is a personal gift made to the matadhipathi as the head of a religious institution and that he can use it at his discretion for purposes connected with the math and that all that the sub-clause (2) of clause 60 requires is, that the trustee shall keep an account for the receipt and disbursement of such pathakanikas. There is no need to quote clause 57 (f) that if the trustee does not do so, he will come within the clutches of the law. It has never been said anywhere that if he spends his pathakanika at his discretion, it would amount to misappropriation. What sub-clause (2) wants is that he should keep an account, for his own information and use, and not that he should satisfy anybody else as to the propriety of its use.

"My hon. Friend Sri K. R. Karanth referred to the amounts collected by Pundit Jawaharlal Nehru. I have also had some experience with what Mahatma Gandhi did in regard to this matter of collections from public and I have had an occasion to travel along with him during one of his tours, when he was making collections for the Harijan Fund. He used to collect money from every station as soon as the train stopped by stretching out his hand, and whatever is given to him, he immediately used to hand it over to us and we simply put it in a big vessel without taking the trouble to count the amount collected. At one station, when the train was just moving, it got into his head to ask us, what was the amount that was collected at such and such a station, and when we replied that we had simply put whatever was given to us at every station into the vessel and did not count them, as we thought that we could do so at the end, he got very wild and reproached us saying, 'What is the meaning of my giving the collections to you? Can you not take this little bit of trouble in counting how much we got from each station, before the train reached the next station? I must know the money that I got from each station.' Sir, that was the first occasion when we had an experience of his having lost his temper, and even such a most non-violent person as he was, both in deeds and thought, had been provoked to such a violent temper, merely because of our failure to count and note down the amount collected, when the train was moving. Sir, I give this illustration only to show how even Mahatma Gandhi was very scrupulous about keeping accounts."

* SRI K. R. KARANTH :—"Sir, the illustration given by my Hon. Friend is one where Mahatma Gandhi was collecting funds for a public cause. But here, I used the word charity distinctly from out of the amount given to a Swami as personal gift. If a Swami wants to give anything as charity from out of the pathakanika under this clause he is not at liberty to do so and if he gives anything as soon as he gets it in charity, the sub-clause wants him to keep an account of his receipts and disbursements.

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That is my objection to this clause and that is the illustration I gave. It is not a case of collection from the public for any public cause, whereas Mahatma Gandhi was making collections for the Harijan Fund from the public."

THE HON. SRI K. MADHAVA MENON :—"Sir, what I was trying to say is that there is nothing wrong in keeping accounts. On the other hand, it is all the more good and safe to do so, so that the public may not have any misgiving about the way in which it is spent. I know that whenever a Swami of the Ahobilam Mutt or Sri Sankaracharya goes out, there are devotees who pour money over his feet in heaps. What we say is, 'Why not count them and note it down in an account?' My hon. Friend, Sri Karanth asks whether he can give out anything as charity. If charity is one of the purposes of the math, then he can certainly give out anything for charity. He need not satisfy anybody else as to how he spends as long as it is for the purposes of the math. I do not think, Sir, there is any serious objection to the clause remaining as such."

MR. SPEAKER :—"The question is,—

'Delete sub-clause (2) of Clause 60.' "

The amendment was lost.

JANAB MAHIN SCHAMNAD :—"Mr. Speaker, Sir, I move the amendment standing in my name, namely :—

"For sub-clause (2) of Clause 60, substitute the following :—

"Any immovable property purchased by the trustee of a mutt out of the money or other properties gifted to him as a head of the mutt shall be considered as his absolute personal private property and as such shall not be liable to be accounted for by him to the Commissioner or any other officer of Government."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—"On a point of order, Sir. Just for my enlightenment I want to know whether the hon. Member is reading the amendment or reciting the amendment from memory, in which case he should be congratulated."

MR. SPEAKER :—"Is it any point of order? "

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—"If it is an amendment in the printed list, I want to follow it with the printed list in front of me. I want to be told what the hon. Member is doing."

MR. SPEAKER :—"He is repeating his amendment."

JANAB MAHIN SCHAMNAD :—"Mr. Speaker, Sir, we have to consider the idea or the intention of the persons who stick to the custom of the math. They give the gifts to the trustee of the math for his own use and to be spent as he likes at his own discretion. It is not for a public purpose or for a public aid or for public work.

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Gandhiji was receiving money only for the public cause and not for his personal use. He did not want money for his own use. He had enough. But he received everything for the public work and public cause. This is not so in the case of a Swamiyar. The persons who give the gifts to him give them for his own personal use, and, therefore, that property shall be considered his own personal property, and he should not be called upon to account for the properties acquired by him. This position was conceded by the Joint Select Committee."

SRI K. BHASHYAM :—" Mr. Speaker, Sir, . . . "

MR. SPEAKER :—" Is the hon. Member seconding the amendment? "

* SRI K. BHASHYAM :—" I second the amendment, Sir. (Laughter.) Sir, this is not a matter for laughter, but a matter for congratulation, because, though the hon. Member is a Muslim, he was able to enter into the feelings of the disciples of Hindu maths. (Hear, hear.) He is a person who has entered into their feelings and also understood what the original intention of the persons who made the various presents was. There is no use of laughing merely because a Muslim Member moved the amendment, and I am seconding it. There is more sense in the amendment than we imagine. It is the logical result of what the Government themselves have stated on the floor of the House that these pathakanikas given to the matadhipathis are their own personal property. If it is the matadhipathi's own personal property anything bought out of it is his own personal property. It cannot take any other nature. Therefore, I say that the hon. Member Mr. Schamnad's amendment is the logical result of the declarations made by the Government that these gifts are personal to the matadhipathis, and, therefore, they should be treated as personal properties. I can quote the judgment of the Privy Council in 1948 in a case in which it has been held that ascetics may have private properties. They may have one or two clothes as their private property. They may have a small *chombu*, or other personal property. Logically it follows that they can have a bit of land also. They can have a hut for them to live in. Therefore, ascetic does not mean that he should have no personal property whatever. This idea that ascetic means a person who should not have any personal property, is wrong and it should go. It has been held by courts of law that matadhipathis can have private properties other than the properties belonging to the math. It is a matter of contract. Suppose, a matadhipathi comes to a particular place. I have great respect for him. I go and ask him to give me spiritual instruction, and he does so. I am so much pleased with him, and I say to him ' please take Rs. 1,000 '. This is a contract between me and that great preceptor. I give the money only for his benefit. I do not give it for the purpose of the math. I may not be a disciple of the math nor I may be one who follows that math's tenets. Take another example. I want to learn *Hatha yoga*, and that matadhipathi puts me on the right path. Suppose I am pleased with the instruction, and I make a present of Rs. 1,000 to

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that matadhipathi. It is given to him for his own use and not for the use of the math. It is just like my presenting my professor in the B.A. class. At the end of the term when I pass the examination, in gratitude I give my professor Rs. 1,000. I ask, Sir, does that present belong to the college or does it belong to the professor? In these matters, I want hon. Members to understand what it actually means. It is not a matter for laughter. This is much more serious. I want to impress on the hon. Members that the Government have agreed that these pathakanikas are the personal property of the matadhipathis. When once the Government have accepted the view that pathakanika is the personal property of the matadhipathi, why should he be called upon to account for it. The hon. Member Mr. Schamnad has really studied the matter, and has come with a very good amendment, which we did not ourselves do. I support the amendment, and I wholeheartedly congratulate the hon. Member who moved the amendment."

SRI P. KANDASWAMI PILLAI :—" Mr. Speaker, Sir, I oppose the amendment. Now more than one hon. Member of this House stated how Swamiyars got pathakanika. They said, as *Swamiyars* walked in the street, people virtually poured money into their hands. That is not correct. I have seen matadhipathis visiting my place. Long before or two months before the visit of the matadhipathi to any place, his agent comes, and he consults the Swamiyar's followers about feeding the Swamiyar and all his paraphernalia like camel, elephant, etc. If any one says ' I cannot feed so many ', the agent says ' You must give to the Swamigal; otherwise your tradition will go and this natam will go '. Somehow, people agree to feed the matadhipathi and his followers. Three or four join together and they make contributions. The agent maintains a regular account for the amount he receives. Even presents made in kind will be accounted for. For instance, if anybody gives one bag of rice, that also will be brought to account. Sir, I am not at all exaggerating. I am telling only the truth. All this can be proved. For ten days the Swamigal stays in Salem, and so many people agree to feed him and his people. For this purpose, if the Swamiyar is from the Sankaracharya math, and the District Judge in the place is a Vibhuthi man, he takes the lead and sends for all the lawyers and merchants, and makes arrangements for feeding the Swamiyar and his paraphernalia. If the Swamiyar is the Vana-mamalai Jeer, and the District Superintendent of Police happens to be an Ayyangar, he will make all the arrangements. That is to say, whoever is interested in any particular math will take interest in the Swamiyars of that particular math. There is nothing wrong in it. Suppose a Moulvi comes. The hon. Member Mr. Schamnad takes interest in that Moulvi coming from Mecca, and he goes to the iron merchants to feed the Moulvi. I do not say there is anything wrong in this. The hon. Member Mr. Schamnad is entitled to bring in an amendment and my hon. Friend Mr. Bhashyam is also entitled to congratulate him on that amendment. What I say is that whenever a Swamigal visits a place, money is collected and regular accounts are kept to show the amount of collections. It is not very

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difficult for the sishyas who move with the Swamigal always, and who go with him wherever he goes, to maintain accounts. The objection raised against the maintenance of accounts is 'why should you bring those amounts to account when once you declare that pathakanikas are the personal property of the matadhipathis?' To this objection, the Hon. the Minister gave very good answers. In sub-clause (1) the trustee is given power to spend, at his discretion, pathakanika, for purposes connected with the math. The Government cannot say in what manner it should be spent. They want that the trustee should render account. It is for his own safety so that people may not be under any wrong impression. I know of a matadhipathi who, within 20 days of his becoming the matadhipathi, has spent more than 8 lakhs of rupees. I do not want to mention his name, but I shall give it privately if any Member comes to me. The money has been spent in wrong ways. Even for purposes of rendering accounts, hon. Members take cudgels against the Government and they take in the support of Muslims. When the whole House agreed that the Government must have control over maths along with temples, all the property of the math also must be under the control of the Government. The properties are accountable. They cannot deal with the property as they like. The hon. Member Mr. Bhashyam says 'if any matadhipathi commits a mistake, you punish him'. The technical objection is 'why should he render an account'. I say, Sir, if he renders an account, he will be free from any blame. So many enlightened people and lawyers who gave evidence before the Joint Select Committee stated that this sub-clause should remain. There is nothing derogatory to the status of matadhipathi if he is asked to maintain accounts. This sub-clause should, therefore, remain. I oppose the amendment of the hon. Member Mr. Schannad."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—" Mr. Speaker, Sir, we must to a great extent sympathise with the genuineness which prompts hon. Friends to propose amendments to this clause. I do sincerely feel that the respect shown to the head of a math is really respect shown to one's own feelings. The matadhipathi is expected to spend the pathakanika at his own discretion. It is in that view that hon. Friends have moved amendments. While I am in general agreement with their feelings, after reading the new clause introduced by the Government, and the amendment of the hon. Gentleman Mr. Karanth for the deletion of sub-clause (2), and the amendment of my hon. Friend Mr. Schannad for the substitution of sub-clause (2) by a new sub-clause, I have necessarily to oppose the amendment for reasons which I shall let you know presently. The hon. Member Mr. Karanth's view in requesting the entire removal of sub-clause (2) is based on one main point. It is that there is no discretion left to the matadhipathi to spend the pathakanika given to him for purposes even of charity. There I sympathise with him, and I do hope, if the amendment is accepted by the Government at a later stage, it will go a long way to ease the situation. The amendment of my hon. Friend Mr. Schannad is

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something very extraordinary. It runs counter to the entire fabric of the legislation and good administration of the math itself. For, he envisages the acquisition of property by the matadhipathi out of the money he got by way of pathakanika, and also he wants that he should not be called upon to account for the property acquired. I can understand if the property acquired goes to the math and is administered by the trustee. I can also understand if any money out of the pathakanika is spent outright as charity, as intended by the hon. Gentleman Mr. Karanth.

"The question is about charity. Clause 60 as it stands says that the money can be spent for the purposes of the math. It will be very difficult to determine which particular act would constitute the purposes of the math. Suppose a matadhipathi wants to give free food during certain days in the year and he wants to give food for hundred people. Some disciples may take objection to this and say this is not the custom, even though he can give free food to thousands and hundreds, he could be prevented from giving food on particular days. Much more so is a case like this. The Thamburan of Tiruvaduthurai if he wants to give a hundred rupees scholarship to a promising young boy to study Sanskrit at the Tiruvadi Sanskrit College, some disciples may take objection. My own view is that a hundred rupees given to a student to study in a Sanskrit College cannot be against the Saivite philosophy, for a comparative knowledge of Sanskrit and Sanskrit literature will help him to know much about Hindu religion. But there may be some who might question this and say it is against the Saivite philosophy. If this were to be considered going against the purposes of the math, I would request the Hon. Law Minister to consider such difficulties and obviate them. It will be a great thing. 4-15 P.M.

"As regards the suggestion made by my hon. Friend Mr. Schannad, that the matadhipathis can acquire properties also out of the pathakanika and properties so acquired shall be considered absolute private property, I should think the matadhipathi is a pious person who does not own any personal property. Whatever property he acquires must become properties of his successors and cannot remain his absolute personal property. The only thing we can grant is the right to spend the pathakanika during his time for the purposes of the math. Here again I will not limit it to the purposes of the math. I did take exception to the words 'for the purposes of the math'. I am glad the Hon. the Law Minister just now read to me my remarks in the Select Committee in which I am reported to have said that the pathakanika amount need not be earmarked but the matadhipathi should be given discretion to spend the amount. I agree and confirm what I have said. I have used the words 'at the discretion of the matadhipathi'. I think these words would cover everything. I thought over it now and I think it should be extended still further to obviate the difficulties just as the ones I have pointed out but to which orthodox Saivite might take objection. I have had in recent months letters saying that the matadhipathi having gone into a missionary school, deserved to be sent out of the math. I cannot object to such a thing. I am quite modernized to feel

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that there is nothing wrong in the matadhipathi having gone to an educational institution. But there are 99 out of 100 in this part of the country who feel that the action of the matadhipathi in having gone inside the precincts of a Catholic institution at Tiruchirappalli is atrocious and should not be permitted and he should be immediately removed. Feelings can run to that extent also though I do not share this view. It is a good act on the part of the matadhipathi in having gone there and also given educational facilities. But as I have said these and similar acts may be questioned. I would therefore appeal to the Hon. the Law Minister to suitably amend Clause 60 to this extent so that the words 'for the purposes of the math' may include charity or connected with charity or something like that.

"But I strongly take objection to the wording of my hon. Friend Mr. Schamnad's amendment as it stands, namely, the creation of absolute property rights, in favour of the matadhipathi which is not the intention of the Select Committee."

SRI A. KALESWARA RAO :—"I am very glad and thankful that the hon. Gentleman Mr. Schamnad has taken interest in this Bill and has moved a very important amendment. But the question is whether we should accept the amendment as my hon. Friend Sri Bhashyam has recommended. There are judicial decisions and the courts have held that apart from managing the properties of the math, the matadhipathis can have their own private absolute property. The object of this Bill is to restrict the management of even this private property to a certain extent and probably to a great extent. The income hereafter cannot be used by him at his discretion for any purposes he likes but everything that comes into his hands should be utilized only for the purposes of the institution. With regard to amounts to be spent and with regard to details and the way in which it is to be spent there may be a lot of discretion. That is what the first portion of this clause says. With regard to pathakanika which these Ethis or sanyasis or the matadhipathis receive from the public there may be much to be said in favour of vesting greater discretion in the matadhipathis themselves but we have passed that stage of vesting discretion in the matadhipathis themselves to spend the money, utensils or the movable properties. The amendment of our hon. Friend Sri Karanth has been negatived by the House. There is no use of reopening the question though as the hon. Gentleman the Raja of Chettinad said the Hon. the Law Minister might make some suitable amendment with regard to some amount of the pathakanikas that the Ethis receive to be used at their own discretion, in their own way whatever may be the purpose for which they use it. The Ethis are expected to use these gifts for good purposes. If the purposes are bad, the springs of the gift will be dried and nobody will be giving them anything. But the amendment goes counter to the principles. How can we accept the amendment which says that the property purchased out of such incomes should become the absolute property, private property of the matadhipathi? It is a dangerous thing and therefore I oppose the amendment."

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THE HON. SRI K. MADHAVA MENON :—"I have very little to add to what was stated by the hon. Member Sri Kaleswara Rao. The hon. Member Sri Bhashyam in seconding the amendment of the hon. Gentleman Mr. Schamnad was very vehement at the laughter of some hon. Members and said that it was not a matter for laughter. I only wish, Sir, that the same consideration is extended to others also who feel equally serious on the matter. Even if I had laughed when the amendment was seconded by my hon. Friend Sri Bhashyam it might have been simply at the idea that 'misfortune finds strange bed fellows' and nothing more. It does not mean I was not serious on the question. We need not be very much uneasy about laughter."

SRI K. BHASHYAM :—"The Hon. Minister did not laugh at all."

THE HON. SRI K. MADHAVA MENON :—"I did also laugh. I thought the hon. Member was meaning me when he said it was not a matter for laughter, as I had a guilty conscience that he was referring to me."

"That apart, I concede the principle of the hon. Member Sri Bhashyam that pathakanika is a thing which is excluded and anything coming out of the pathakanika will be exempt. The clause only demands that he must give a statement of income and expenditure from that source, even though it may be his property. So I cannot accept the principle of the amendment of the hon. Gentleman Mr. Schamnad for the very same reasons as were pointed out by my hon. Friend Sri A. Kaleswara Rao. The matadhipathi is an 'aparigraha'. He cannot own property. The very word sanyasi indicates that he has renounced everything and so he cannot own property even on that account. So I cannot accept the amendment which suggests that any property purchased out of these incomes should become the absolute private property of the matadhipathi."

MR. SPEAKER :—"The question is—

'For sub-clause (2) of Clause 60, substitute the following :—

"Any immovable property purchased by the trustee of a math out of the money or other properties gifted to him as a head of the math shall be considered as his absolute personal private property and as such shall not be liable to be accounted for by him to the Commissioner or any other officer of Government." "

The amendment was lost.

MR. SPEAKER :—"I am now going to put Clause 60 to the vote of the House."

* SRI K. BHASHYAM :—"Sir, I am one of those persons who have objected to this clause entirely. My view in the Select Committee was made known and read to the House. My contention in the Select Committee was that these are personal properties as they were personal gifts and that they should not be interfered

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with. I stand by it and fight for it. Of course, in the Committee even my hon. Friend the Raja of Chettinad was pleased to agree with that to this extent that it must be at the discretion of mata-dhipathi. His proposition was accepted though not in the form in which he put it. The Committee came to a conclusion and it was defined as something given to the head of the math to be spent at his discretion for advancing the objects connected with the math. That was the position taken. But what the Bill says is 'for the purposes of the math'. There is an essential difference between them. Let me illustrate the absurdity of it. There is the Sankaracharya Swamikal advocating the adwaita philosophy. Suppose a great pandit, revered all over the country, one who belongs to the visishtadwaitic school of thought, goes and pays obeisance to Sankaracharya. In view of his learning, in view of the fact that he is a great man and well-versed in all sastras, Sankaracharya makes him a present of a thousand or a few hundred rupees, whatever it may be. If you say, for the purposes of the math, the presentation in the case cited is not for the purposes of the math. The math is for the purpose of advancing the tenets of that math, that is adwaita philosophy. But if the head of the math tries to make a present to a person who is supposed to be a learned man and all that, of another philosophy, the Government would say at once that it is not for the purposes connected with the math. Therefore I am trying to point out that while we came to one conclusion in the Select Committee, the Government have not put the decision of the Committee in the form in which it ought to be put. Therefore I am objecting to the clause altogether. 'For advancing the object connected with the math' was the decision of the Committee. This is much wider than what is stated in the clause, namely, 'for the purposes of the math'. Circumscribed as it is in the matter of pathakanika, the clause as it stands is not acceptable to us."

(At this stage the Hon. Speaker sounded the gong.)

* SRI K. BHASHYAM :—"What time are you allowing me, Sir, two minutes or three minutes? How many minutes have I taken, Sir?"

MR. SPEAKER :—"The hon. Member has taken four minutes."

* SRI K. BHASHYAM :—"I want five minutes more, Sir, and I will finish."

MR. SPEAKER :—"The hon. Member may take five more minutes."

* SRI K. BHASHYAM :—"Thank you, Sir. So far as this clause is concerned, I have shown the absurdity of sub-clause (1) as it stands. The second sub-clause has been discussed and there is going to be no discussion of that clause on my part because the time given is so limited. But I want to say one thing. It is a matter of contract between two persons. A person gives money

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to 'A' to be used for his own personal benefits. It becomes the private property of the man who receives the gift. No power on earth, not even the legislature which is all powerful as it is, can say that it is not his personal property for the Constitution says that every man is entitled to acquire property and deal with it as he pleases. On account of the fact that I have great regard for a person, he may be a head of the math, and make him a gift there is the contract. And what happens, this sub-clause says that the property is not his private property and cannot be disposed of as he pleases or do whatever he likes with it. My respectful submission is that this is unconstitutional, illegal and *ultra vires*.

"After all in these matters of gifts, the donors are mostly dominated by the desire to give something to the Swami. You cannot really say that, because he is a Swami, he must put all his personal gifts also into the math. This is the second point I would like to make, Sir. 4-30 p.m.

"The third point I would like to put before the House for consideration is this. If you are going to make these matadhipathis liable to account and if he disobeys by persistent and wilful default the orders of the Commissioner, it will be ground for his removal under clause 57. Therefore, it has material bearing upon his own status and his own position. If really he makes some expenditure out of the *pathakanika* and if it is said that he is disregarding the directions of the Commissioner and that such an expenditure is not proper for the purposes of the math, it will be a difficult position. Who is to decide the purpose of the math? Is it the court? Is it the Commissioner? Is it the matadhipathi? What is the purpose of the math? As I told you originally, Sir, the origin of these maths seems to be this. A few friends come together and really seek a teacher and ask him, 'please teach us something'. It is how the maths started. They may belong to one particular philosophy. I would like to know what is the object of a math. Of course, you may say, 'oh, it is for the propagation of religion' as if the math is for the propagation of religion. What is the object of a math? It is only to instruct, if he cares, such persons as he cares to instruct in the tenets of a religion. It is not as if the head of a math is bound to teach. It is not like a Professor of the Presidency College who gets about Rs. 1,000 per month and who is bound to attend classes from 10 a.m. to 5 p.m. and teach to whatever persons are put before him, dunces or no dunces. Unless the acharya is sure that the sishyas are prepared to receive the instruction, he is not bound to give instructions at all. Therefore, all these difficulties are there. There will be a sort of friction between the matadhipathi and the Commissioner and it will lead to a lot of heart-burning amongst the disciples. After all it is the disciples that present the money. What will happen hereafter is: If I were a matadhipathi and somebody wants to give a 'pathakanika'. I will say, 'don't give me any pathakanika. If you want to give, please give it to charity so and so.' That is sure to happen and

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one can really escape all the trammels and difficulties that these articles are making. Thus, pathakanika will go out of the math. Therefore, Sir, I would ask that this clause may be dropped altogether."

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir. My objection is not so much to the whole clause as to sub-clause (2) of clause 60. As I said at the outset, it is very ungracious to say that the head of a math cannot spend at his discretion what he gets as personal gifts. Unfortunately, 'pathakanika' has been defined in a peculiar manner. It may be a personal gift given in a nice plate with beetle-leaves and a number of fruits and at the same time it may be a gift of Rs. 5 or Rs. 10 or Rs. 100 and so on. Now, Sir, it is only that such gifts are sought to be kept out of the range of control. The Hon. Minister gave a very unhappy illustration of Mahatma Gandhi collecting for the Harijan Fund. It is most insulting. We revered our great leader. He instructed us always to keep accounts of all collections at the wayside stations. If we had made any such rule for him, he would have resented this bitterly. He expected of us a better standard and he would have liked us to keep a higher standard. The whole of this clause and the whole of this chapter are only according to the standard of Sri Kandaswami Pillai. I quite see that there is no other higher standard observed here. It is most disgusting for a Legislature to tell the matadhipathis that they must keep accounts of their personal gifts. I have never come across such an outrageous proposition as this. I know they will keep accounts. But, it may not always be possible. If really a rupee is given by a poor man to a Swami when he visits his village, he is not to be told 'please give him a receipt for one rupee' because the poor man thinks that that one rupee is one thousand. So, my objection is from the point of view of the man who gives.

"I like the standards of Mahatma Gandhi in these matters and I would like the Government also to observe his standards. We have come to such a sorry state as to ask the matadhipathis to keep accounts of their personal gifts. What a tragedy! What a shame! Our religion has produced Ascetic after Ascetic and Teacher after Teacher and is still producing hundreds of teachers and it will continue to produce for centuries to come. Is this the way, Sir, we give a lead in this matter? I would like to understand your asking the matadhipathi to keep account of the grain that he receives from the landed property of the math. Even in his budget he may not say it is so much grain. The grain will have to be used for feeding and he may have to convert it into cash by selling it at controlled rates or at black-market rates. Is this the way the matadhipathi has to behave? We are reducing everything to mockery. My objection is on the ground of good manners and good taste. That is why I ask and I beg of Government to drop sub-clause (2) and trust to the good sense of these great people who conduct these maths."

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* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, it is a great sin nowadays to be a great man or a learned man or a religious man. Is it the sin of the man because he is learned and because he preaches the doctrines of our philosophy to the people who gather round him? Is it his sin that wherever he is invited, people give him some money as pathakanika? I submit, Sir, that, if this is the kind of treatment we give to these persons who have no other interest in the world excepting the propagation of the doctrines of our great and ancient religion Hinduism, we are coming to a very sorry state of things. I submit, Sir, that we should not ask them to keep accounts of their personal gifts. It is their lookout to maintain or not to maintain. We are not asking account of even Rs. 150 which the Government are giving to the Members of this Assembly. (Laughter.) Is the Congress asking? Are the Government asking account for all these amounts? No.

"My hon. Friend Sri N. S. Varadachari was right in explaining the difference between what Mahatma Gandhi did and what these matadhipathis are expected to do. Sir, I have had the privilege of going along with Mahatma Gandhi for collections on two different occasions even as the Hon. Sri K. Madhava Menon did. But, everytime he came, he announced the purpose of collections. He used to conduct All-India tours which extended from 12 to 15 months. He used to say 'I am coming to make collections for Harijan Fund'. That was why he was very particular that, as soon as the day's work was over, to ask those of us around him or his private secretaries to count every pie that had been collected the whole day. Of course, he did compel us to count till late in the night and make an account. Is that, Sir, what is contemplated in this? Matadhipathis do not make similar collections at all. I wonder how the Hon. Sri Madhava Menon compared that example with this.

"The suggestion here is to worry a man because he is a Swami and because he knows philosophy and people gather round him. I would also draw the attention of the Hon. Minister to clause II of section 9 of the existing Act where the definition of 'Religious endowment' is given—

'Religious endowment or 'Endowment' means all property belonging to or given or endowed for the support of, maths or temples or for the performance of any service or charity connected therewith and includes the premises of maths or temples but does not include gifts of property made as personal gifts or offerings to the head of a math or to the archaka or other employee of a temple.'

It does not include gifts or property as personal gifts or offerings to the head of a math or to the archaka or other employee of a temple. Sir, this is a good and correct definition. The Hon. Minister always quotes from the old Act but somehow all the good things escape in the present Bill. This clause of the old Act has been divided into two sections, one with regard to archakas and the other with regard to maths, and at both places the same exception was made. With regard to archakas, there was a great deal of discussion. And with regard to maths, gifts given to archakas had been added up. It was true, Sir, that, at the time of the

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Select Committee, possibly with a view to get something out of the Government, that particular wording 'for the purposes connected with the math' was accepted by some of my Friends (not by Sri K. Bhashyam). But, now, after having realized the implications, they are now seeing what it is.

"Then, Sir, I would draw your attention to the Administration Report of the Religious Endowment Board for the year 1949. On page 11, we find the following among the things which the matadhipathis sanctioned as donations, for example, by the Tirumalai-Tirupati Devasthanam:—

Rs. 500 to Andhra Gana Kala Parishad.

Rs. 300 to Harijan Boys' Hostel, etc.

I therefore submit, Sir, that when these matadhipathis receive money, they also make gifts. I distinctly remember, Sir, that, when the matadhipathi of Kamakoti Pitam came to Visakhapatnam, moneys were given to him as gifts and he in turn used to make donations to some schools and other educational institutions.

"I therefore submit, Sir, that something must be done to provide for them—Raja Muthiah Chettiyar of Chettinad also said that something must be done for them. If his voice and tongue carry more persuasion than mine, will the Hon. Sri K. Madhava Menon be good enough to do it?"

4.45 P.M. THE HON. SRI K. MADHAVA MENON :—"A sort of sentimental note has been struck now."

SRI T. VISWANATHAM :—"Is he, Sir, right in saying that anything sentimental was said by me?"

THE HON. SRI K. MADHAVA MENON :—"I was only remarking that nothing new has been urged by the hon. Member in connexion with this motion. But one thing the hon. Member asked of us, and that was, whether we are going to ask the Members to account for Rs. 150 they are paid. I may observe in reply that if a sum of Rs. 150 is paid to him and to others, it is not for his act of renunciation or for being a sanyasin. He does not get large sums as pathakanika or from the assets of any math. Neither he nor I have attained the position which entitles us to receive Rs. 150 as pathakanika from the Government. He need not lay the flattering unction unto his soul that he is either a sanyasin or a matadhipathi. If sanyasins and matadhipathis are like him, there is nothing wrong in asking for accounts from them and for making them accountable to other people.

"Now there is only one point raised by my friend Mr. Bhashyam that remains to be answered. My friend said that the amendment of the Raja of Chettinad was accepted, perhaps because he was more influential."

SRI K. BHASHYAM :—"No, no. He has more persuasive power."

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THE HON. SRI K. MADHAVA MENON :—"The words used were: 'He had more influence with the committee'. I can only interpret what he actually said. I am incapable of understanding his intentions, because they are as elusive as many of the things he has said here. But, as regards his observation about the amendment of the Raja of Chettinad, I may say that if his amendment was accepted by the committee it was perhaps due to the fact that they might have felt that it was more reasonable than the other amendments. One could give such a charitable interpretation to the action of the committee and accept the fact that the committee are entitled to hold that Mr. Bhashyam's pleadings were not as reasonable as those of the Raja of Chettinad."

SRI K. BHASHYAM :—"That is exactly what I said."

THE HON. SRI K. MADHAVA MENON :—"Sir, after all, reason and intelligence are not the monopoly of any particular individual or class of individuals. Let us not therefore think that everything good is to be found in what we suggest and that others are not capable of saying or doing anything good."

Clause 60 was put and carried.

Clause 61.

MR. SPEAKER :—"The motion is—

'That clause 61 do stand part of the Bill.'

* SRI L. N. GOPALASWAMI :—"Sir, I have been patiently listening to the discussions . . ."

MR. SPEAKER :—"But the hon. Member has forgotten to address the Chair."

* SRI L. N. GOPALASWAMI :—"I addressed the Chair, Sir, and I will do so again."

MR. SPEAKER :—"Not necessary to say twice."

* SRI L. N. GOPALASWAMI :—"Mr. Speaker, Sir, I have been patiently listening to the learned disquisitions of various speakers on Chapter V where the Government have been kind enough to include a separate provision conferring a concession on the matadhipathis. The more I heard of the praise and the arguments in its favour advanced by my friends Sri Kandaswami Pillai and Swaminathan, the more I was confirmed in my belief that this so-called 'concession', is nothing but adding insult to the injury done already to the matadhipathis. They have already come under the clutches of the various omnibus definitions, etc. The all-embracing clauses of this Bill have not spared them in any respect. And now this special chapter is a spare provision as it were to make the matadhipathis abject slaves of the Government and of the popular representatives in the Legislature."

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"Sir, in spite of all the explanations given by the other side, the fact remains that these provisions dwell only on the duties of these matadhipathis. In this connexion the Hon. Minister remarked that the sum of Rs. 150 paid to the legislators as salary is not meant for renunciation by them of their worldly possessions as in the case of the matadhipathis."

MR. SPEAKER:—"Hon. Minister said that if you were a sanyasin and if you were paid Rs. 150 per mensem, then you would be asked to account for it."

SRI L. N. GOPALASWAMI:—"In a way, Sir, all my friends here have been dwelling only on the duties of the matadhipathis. One of the arguments advanced by my friend Mr. Kandaswami Pillai was that, as we have achieved independence, we should teach them their duties. He forgot, Sir, that however humble an individual matadhipathi may be, he is also a citizen of this land and that if he has duties to perform, he has also got rights under the Constitution. Such being the case, what is it now that we have done to this class of persons whom,—in spite of the fact that many things were said against them,—lakhs of people outside this House hold in reverence. We have humiliated them and have tightened our control over them, and over their religious and secular duties."

THE HON. SRI K. MADHAVA MENON:—"The hon. Member said, we have humiliated them? May I know for whom does the 'we' stand?"

SRI L. N. GOPALASWAMI:—"The Members of this House. The various provisions you have already passed have humiliated them. I doubt very much whether this Bill will ever become an Act and deprive these people of their rights under the Constitution. Now, Sir, this clause 61 entitles the commissioner to pass an order asking the matadhipathi to appoint a manager, a 'competent' manager. 'Competent' in what sense I do not know. This clause has not made it clear. The commissioner, under this clause, gets the power to tell the matadhipathi to appoint a competent manager. If the matadhipathi fails to get a 'competent' manager, it is open to the commissioner to appoint a man of his own choice. It is the duty of this manager to submit accounts to the commissioner and manage the secular properties of the matadhipathi himself. Is this not an interference with the right of management which the matadhipathis possess, Sir? Again, even if the matadhipathi appoints a person according to the directions of the commissioner, this authority can still give other directions under this Act. When already you have power to compel the matadhipathi to submit his accounts to the commissioner, this additional power to him to direct the matadhipathi to do this and that is adding insult to injury. Let us not therefore claim that this chapter has been added as a concession to the matadhipathis. This chapter will only further tighten your control over the matadhipathis and bring them more and more under your clutches of iron, if not steel."

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"We know, Sir, that these managers are not only to be appointed at the discretion of the commissioner, but that, even if the matadhipathi is willing to shoulder the responsibility of managing his religious and secular activities, this commissioner has the right to insist that a manager of his choice should be appointed. It has been alleged that the matadhipathis are wasting money, but nobody has said that there is no matadhipathi who is capable of taking charge of the religious and secular activities of the math. Under these circumstances I cannot agree to this provision which is the crowning act in this attempt at humiliation of the matadhipathis. Sir, I move—

'That clause 61 be deleted.'

* SRI T. VISWANATHAM:—"I second this amendment. In many cases the matadhipathis are themselves the trustees of the math. The great matadhipathis of the well-known maths have managers for the secular affairs of the math. Although we have been for sometime referring to 'secular affairs', I have been unable to find any definition for this term. There is no definition in the Bill for 'secular affairs'. The object of this Bill is to control the secular management of religious institutions. That is its declared intention and purpose, but 'secular affairs' have not been defined, though we make frequent reference to 'secular affairs'. All the other obstacles placed before the matadhipathi are not adequate in the opinion of the Hon. Minister for Law. He thinks that another gentleman called the manager must also be brought in. He should sit in the camp always so as to be able to tell tales against the matadhipathi and the math. This manager will have a double responsibility. He will be like a wife having two husbands—the trustee and the commissioner."

SRIMATHI AMMANNA RAJA:—"It is a bad example."

* SRI T. VISWANATHAM:—"I withdraw the example. Whatever is bad in what I say I will withdraw. Sir, this manager is a subordinate of the trustee, but responsible also to the commissioner. Therefore, how will he discharge his duties? He will be simply reduced to the position of a tale-bearer carrying tales to the commissioner. If he is a man with an easy conscience, the matadhipathi might reverse the position. His very presence in such circumstances will have a demoralizing effect. This gentleman who is asked to be subordinate to the matadhipathi on the one side and the commissioner on the other will demoralize the administration. I submit therefore that this provision should not be there. Either you trust the matadhipathi or you don't trust him. If you don't trust him, make statutory rules for the maintenance of the maths and ask the matadhipathi to follow them? What is the use of putting in the manager, here who, as the hon. Member Mr. Bhashyam said, will be obliged to act like a spy in the camp? This is a very bad clause and one of the worst clauses in the Bill. As the mover of the amendment said, it would have been much better if the maths had not been put in a separate chapter at all,

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While the ostensible object of putting them in a separate chapter is to give more respectable treatment to the maths and the matadhipathis, they are in effect however singled out for every kind of suspicion, and as Sri Varadachari said, for every kind of insult also. I support the amendment."

* SRI K. BHASHYAM :—“ Sir, we all know that in the expurgated editions of some of the books, the portions expurgated are put at the end of it. The chapter on Matadhipathis and maths is something like that. Having put them along with temples as religious institutions for the purpose of exercising control over them, a separate chapter is reserved for them for the purpose of preparing separate fetters for them. In the case of temples there are trustees who manage them and if they do anything wrong they are suspended or dismissed. But in the case of maths managers are appointed and these managers have to serve two masters and satisfy two people—the commissioner and the matadhipathi. The manager would always try to satisfy the commissioner because he is a more powerful man. The commissioner has power to frame a scheme if necessary and this manager may be put in charge of the scheme. Again there may be a notification in which case the whole property may be taken over by the Government for management and this man may be put in charge as manager or executive officer. The incentive will always be to put the matadhipathi in the wrong, so that the math may be taken over by the Government under the notification clauses and the manager may be made the executive officer of the math. What a tragedy it will then be! The manager will be merely tale-bearing and spying. I would like that the Government take over the management themselves in case of mismanagement. But why should there be this intermediate stage where the matadhipathi is put on the rack and whether he likes it or not he has to placate the manager so that he may not carry tales to the Commissioner? He has also to mollify the Commissioner in any case. The matadhipathi is in a very, very dubious position and it is better the clause is omitted. In case of mismanagement, it is better that the Government take action under clause 57, and the whole property is taken over by them. The present position is comfortable neither to the manager, nor to the Commissioner nor to the matadhipathi."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ Mr. Speaker, Sir, I am one of those persons who have been taking a judicious view with regard to the supervision that should be exercised over the maths, for the last twenty years. For the first ten out of twenty years I have been responsible to a large extent for legislation not being put on the heads of these matadhipathis. It is only during the last ten or twelve years I have had no direct connexion with this matter. But even during this period, during the Advisers' regime when there was no popular Government, the Advisers asked me to be the chairman of a committee for the revision of the Hindu Religious Endowments Act. I did not

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accept the chairmanship of the committee and I requested the Government to allow me to approach a distinguished judge of the High Court, Mr. Justice Venkataramana Rao, to be the chairman, and myself to be a member of the committee. One of the main reasons for my action was that at that time I held very strong views with regard to the question of maths. I was not for bringing maths under the control of the Government and with that view openly held by me I thought it was not right on my part to be the chairman of that committee. That was one of the reasons why I declined to be the chairman of the committee.

“ Even during the discussions in the committee, Mr. Ramalinga Chettiyar, who had great experience of the working of the maths wanted that a committee of fifteen persons should be appointed with headquarters at Madras, that ten of these members should be non-officials and the other five members should be the representatives of the Saivite maths. The matadhipathi himself might be a member if he liked or he might send a representative. But these representatives would form a minority in the committee. Therefore we persuaded Mr. Ramalinga Chettiyar not to insist on the proposal as it would savour of a feeling of power-madness. We expressed the hope that during the coming years the matadhipathis would administer the affairs of the maths in such a manner as not to attract legislation against maths. I have been following the activities of the maths subsequently also. Even during the Select Committee stage I was one who felt that it was better not to have much of supervision over the maths. I have now to say that those hon. Members who say that the provision for the appointment by the matadhipathi himself of a manager to look after the secular affairs of the math is an interference with the right of the matadhipathi to manage the affairs of the math himself, are quite off the mark. For ages and ages, for generations and generations, it is a well-known fact that in every math there is always a person to look after the affairs of the math. He is called Srikariyan or by some other name. He helps the matadhipathi in the administration of the properties of the math. Even to-day it is the practice of the matadhipathis to appoint managers. In many cases the matadhipathis have appointed fairly responsible persons. But the appointment is not compulsory. But now when we are trying to deal with maths in this Bill it is necessary to mention this here. If we omit to mention it in the Bill, the danger will be that the matadhipathi will think that under this Bill he need not appoint a manager. It is not our intention to go back on the existing circumstances. We suggest that the person appointed should be a suitable person. It is incumbent on the matadhipathi to appoint a capable person who is acceptable to the Government. I would go a step further and say that it is not enough if we ask the matadhipathi to appoint a manager, but that it should be more rigorous than that and that the manager should be appointed by the Government themselves or at least the appointment should be approved by the Government. But we are told here that if we did like that it would go against

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Article 26 of the Fundamental Rights mentioned in the Constitution of India. Clause (d) of the article says that every religious denomination or any section thereof shall have the right to administer such property in accordance with law. I am not a lawyer, Sir, but I have been sufficiently long in the legislature to understand the language of the article. What is meant by 'law' here? Does it mean only the Constitution of India? Does it exclude any legislative enactment that may be made by the legislature here? I think, Sir, there is nothing to prohibit the legislature of this State from passing a law insisting on the appointment of a manager by the matadhipathi for the management of the secular affairs of the math. Hon. Members may think that these are small affairs, but I may tell them that the income ranges from Rs. 5 lakhs to Rs. 10 lakhs in some cases, that hundreds of villages are involved and it is necessary to have a responsible officer to look after the affairs. It is a notorious fact and it has been brought to the knowledge of the public that during the last few years, lands have been leased for very low figures in the case of these maths. Why should the spiritual head of the math, one who is supposed to be concentrating on the spiritual work, on the work of spreading Saiva Siddhantha, trouble himself with the income and expenditure side of the work? His concern is not with how the money is realized. Let a retired Collector or a Deputy Collector look after the work and let the matadhipathi concern himself with how many times a day puja should be performed, how many people should be fed on the various occasions, what books should be placed in the library and so on. Let him suggest all these things and let the manager carry them out as far as possible. The activities of the matadhipathi should be confined to spiritual affairs of the math. I would have been happy if the Government had gone to the extent of saying that the manager should be appointed by the Government. Anyhow I hope that the matadhipathis will take note of the present clause and of the feelings in the country and in the House, and in the larger interests and better administration of the maths, themselves, with a view to see that no further legislation comes on top of this, appoint a responsible person as manager who, in the opinion of the Board and the Government, will be able to administer the secular affairs of the math properly. I am not mentioning this as a threat. But I hope that the matadhipathi will take note of modern trends and see that proper officers are appointed. For these reasons I strongly oppose the amendment for removing the clause from the Bill."

* SRI K. R. KARANTH:—"Sir, I shall be quite short. The hon. Member who has just now referred to clause (d) of article 26 of the Constitution is misled by reading clause (d) alone. Article 26 says that every religious denomination or any section thereof (which includes the head of a math) shall have the right (1) to manage its own affairs in matters of religion and (2) to administer such property in accordance with law. The two things have to be read together. Therefore the management cannot be divested

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from them by saying that somebody else may be appointed as manager. It is not correct to say that the matadhipathi should look after only the spiritual affairs of the math, as the hon. Member the Raja of Chettinad said. It is not so easy in Hindu religion to divorce the religious from the secular affairs so absolutely. It is a wrong thing to say that the matadhipathi should confine himself to saying how many people should be fed and what ceremonies should be performed. Is it quite so easy to separate the two? It is not so easy, Sir. Secondly, Sir, my submission is this: that it is not possible, under Article 26, to say that you can force a manager upon him if he does not want one. I quite agree we have already passed clause 57 under which where a man is not doing the right thing and is unfit and persistently defaulting, he can be removed—I have no objection to that. But to have this sort of dual control, of forcing a manager upon him, is something like the health officers in municipalities now. The health officers in the municipalities do not care at all for the Municipal Councils; they look up to the Director of Public Health for his instructions. Similarly, a sort of dual control will be established here. I know of instances where the manager does not care at all for the person who is the swamiyar, but looks up to the Board. Any moment he is ready to come here and get his orders within twenty-four hours; he does not care to show his accounts even to the swami himself. Therefore, my submission is: if the man is bad and is persistently defaulting, by all means file a suit and remove him under clause 57; that is much better than forcing a manager upon him. My friend who spoke before me said there are other persons who are appointed by the swamiyar and so the manager also can be appointed. Sir, the swamiyar cannot do the work of collecting rents or attend to the little things, and, therefore, he must have some establishment. But it is one thing for him to appoint his establishment and it is quite a different thing to force a manager upon him. Therefore, I object to this clause because it is fundamentally opposed to Article 26 of the Constitution."

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P.M.

SRI R. V. SWAMINATHAN:—"Sir, the Raja of Chettinad opposed the amendment and he gave out his reasons; in addition to those reasons, I want to say this: under this clause, it is not necessary that every math should have a manager. It is only when the Commissioner thinks that a particular math should have a manager that he will call upon the matadhipathi to appoint a manager, and it is only in default of such appointment, the Commissioner will appoint one. Moreover, even now the choice of appointment is given to the matadhipathi and the Commissioner does not make the appointment in the first instance. Mr. Viswanatham said that the manager will have two masters; it is not correct; he will be subordinate only to the matadhipathi. He may of course be asked by the Commissioner to produce the registers, accounts and all that. It is a very modest clause, Sir. As a matter of fact, we may even insist on having a stronger provision that all the maths should have managers, but we don't ask for

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it. It is after all a compromise between the two views, and so I do not think there can be any objection to this clause being accepted, Sir."

Sri T. Viswanatham rose to speak.

MR. SPEAKER:—"When the amendment is put to the vote of the House, the hon. Member cannot speak again on the main motion, whether for or against."

SRI T. VISWANATHAM:—"May I know when we rise, Sir?"

MR. SPEAKER:—"As soon as this clause is over, we shall disperse."

THE HON. SRI K. MADHAVA MENON:—"Sir, I oppose the amendment to delete the clause. The hon. Member Mr. Gopalaswami who moved the amendment, said that the Government have made a concession; but all his arguments were to the effect: you have put him under your clutches, and this will be the crowning act by which you are putting him under your clutches for all time. Whatever some hon. Members may feel, Sir, I do not at all think this House has heaped any insults on the matadhipathi; on the other hand, insults have been heaped on matadhipathis by others outside the House; and if such insults came from outsiders, I am not concerned with them here. My hon. Friends know that this House has not in any way insulted any matadhipathi, and I must certainly protest against the remark made that this House has been insulting matadhipathis."

"Sri Viswanatham and Sri Bhashyam said that the manager will be a tale-bearer, a spy in the camp; I can also say so many things like that, but they will not be quite relevant to the issue here. But Mr. Bhashyam himself has given notice of an amendment."

MR. SPEAKER:—"That is to add a new clause 61-A."

THE HON. SRI K. MADHAVA MENON:—"I refer to another amendment which he gave notice of but which was not accepted by the House. There he said—

"Every math having an income not more than Rs. 10,000 a year, shall appoint a manager for the management of the properties of the math. Such an officer shall be approved by the Judicial Tribunal."

This Tribunal which he suggested, Sir, is as much extraneous to the math as the Commissioner; the Tribunal itself was to consist of three persons who all of them would be as extraneous to the math as the Commissioner, if not more. As stated by my friends, the Commissioner may be a servant of Government; but the principle involved here is whether an outside authority can approve or compel the appointment of a manager. The Judicial

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Tribunal which Mr. Bhashyam contemplated was a Tribunal to be appointed by the Government even as the Commissioner is to be appointed by them. Mr. Bhashyam's amendment stated—

"Such a manager shall be whole-time officer of the math. . . . He shall be in office for a period of five years in the first instance and the Council"—that is, Council of Sishyas—"is entitled to extend the term of office. The manager shall be in custody of all the properties and records of the math and be responsible for the maintenance of true and correct accounts of the receipts and disbursements."

So, the manager contemplated in this clause 61, is no more than that. He has to do the same duties, be in charge of records and keep correct accounts, etc. As regards reference by Mr. Karanth, to the Constitution, clause (b) under Article 26 says that every religious denomination shall have the right 'to manage its own affairs in matters of religion'. In this clause 61 also, we have specifically said that a manager shall be appointed 'for the administration of the secular affairs of a math'. And we have also said that 'the manager appointed . . . shall be subordinate to the trustee of the math and shall, in addition to the trustee, be responsible for the due submission to the Commissioner of the registers, accounts and budgets of the math'. So that, this is quite consistent with what Mr. Bhashyam has stated in his amendment. There are no insults there, there is no spying there or tale-bearing there; but when it comes to the question of a clause, including all these, moved by the Government, it becomes tell-tale, spying, insult and all that and he makes anything out of it. Sir, the manager may be good or bad; only he will not be Mr. Bhashyam's manager."

* SRI K. BHASHYAM:—"I want to make a few remarks, Sir. It is hardly fair for a responsible Member of Government to take a portion of what I have given as an amendment out of the setting altogether and compare it with the present provision in this clause and say that it precludes me from stating what I have said. He might not have said so in so many words, but he implied it, I know. What I want to point out is this: the whole setting of my amendment was that there should be a Judicial Tribunal consisting of three persons, one a High Court Judge or a retired High Court Judge and two others who are District Judges or retired District Judges. I said they were to be nominated no doubt; but they were to be an independent judicial body; they will not look at Government for promotion and they will be quite independent of Government and Government control. Then again, under my amendment, there is to be a Council of Sishyas and if under them there is to be a manager, it will be perfectly alright, because they are all interested in the math. But here you have got a hierarchy of officers, persons who will pounce on any slightest pretext—if I may say so—who, if they see there is really anything wrong with the math, will be anxious to get the properties into their own hands and the whole management into their own hands. I know it myself, and I can give you any number of instances to prove this: and that is why I wanted

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to have a Judicial Tribunal consisting of High Court Judges and District Judges. So, Sir, I submit this reference to my amendment ought not to have been made and it is not at all fair on the part of the Hon. Minister to make the comparison in the way in which he did."

* SRI L. N. GOPALASWAMI:—"Sir, Mr. Bhashyam has made my work easy so far as the allegations against him are concerned. So far as I am able to perceive the position of the manager, it only reminds me of the Government's Agents General in the so-called sovereign States of India in the old days ruled by the Maharajas. We knew what these Agents were, what they were doing in the so-called sovereign States of our country, of what use they were to the Imperial Government in discharging their duties. There is no difference between those Agents and these managers here whom the Government are going to appoint. It only serves to emphasize my argument that the Government want not only to interfere with the secular affairs of the math, but they want to know the intricacies of the math, as my hon. friend Mr. Viswanatham put it, so that they can blame him for anything and everything, with the help of some secret information which the so-called manager may give them. That is the very reason why I say this is the greatest insult we can offer to the matadhipathis. This Act on the part of the Government in introducing a manager . . ."

MR. SPEAKER:—"The hon. Member seems to have misunderstood the position. Government do not want to appoint the manager; the trustee will appoint the manager."

SRI L. N. GOPALASWAMI:—"If the trustee refuses or if he is not willing, the Government will appoint him. It is definitely put in here: 'in default of such appointment, the Commissioner may himself make the appointment.'"

"Then again, Sir, the hon. Raja of Chettinad, though he said he was not well-versed in law, pointed out that we can make provision under clause (d) of Article 26. That has also been the view of Government all along, from the time they sought to introduce this Bill up to now. Though I do not claim to have legal knowledge to contradict the Government, I can respectfully draw their attention to the recent judgment of Justice Pathanjali Sastri in what is known as A. K. Gopalan's case where the subject-matter of the question that came up for decision was whether when there is a provision in the Constitution regarding certain fundamental rights of an individual, a State can make laws over-riding that provision, and according to Justice Pathanjali Sastri, it is absolutely unwarranted on the part of the State Government. I should like to place before the House the following few sentences occurring in that judgment:—

"The Constitution assures to the citizen the dignity of the individual and other cherished human values as a means to the full evolution and expression of his personality and in delegating to the Legislature the executive and the judiciary, their respective powers in the Constitution reserved to themselves,

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certain fundamental rights, so-called, I apprehend because they have been retained by the people and made paramount to the delegated powers as in the American Model." And those of the American Judges quoted therein, that "The great and essential rights of the people are secured not by laws paramount to prerogative, but by constitutions paramount to laws." "You shall not take away life or personal freedom unless you choose to take it away."

In the light of these remarks of the learned Judge of the Supreme Court, I hope, Sir, even now it is not too late for the Government to decide on this matter and not interfere with religion."

THE HON. SRI K. MADHAVA MENON:—"Only one word, 5-30
Sir. I have nothing to say in reply to Mr. Gopalaswami. I have p.m.
read the judgment sufficiently well and also the fundamentals of law and I also realize what it is in regard to the matter. I have no quarrel with what he has said. But, Mr. Bhashyam in his personal explanation said, that there is a world of difference between the Manager to be appointed according to his conception and the Manager to be appointed by the Government. I would only say this, that the principle involved is the same. The principle was whether an outside authority has any right to insist on the appointment of a manager. You may call it an entirely judicial body or anything. There are three persons appointed to look after the thing. They may be High Court Judges or Advocates. It does not make them any less extraneous than the Commissioner. They will be members of the Board, instead of one Commissioner. Mr. Bhashyam wants the Board. The qualifications of a member of the Board will be an Advocate of 20 years standing or a retired Judge of the High Court. He calls that Board a Judicial Tribunal and I call it an individual Commissioner. The question is whether the Commissioner can appoint the Manager or the Board. What I said was, the Manager shall be appointed by the matadhipathi and it is only in his default the Commissioner may appoint a manager, but Mr. Bhashyam says, it shall have the approval of the Judicial Tribunal. The principle is after all the same. That is what I said . . ."

SRI K. BHASHYAM:—"Then, Sir, if he accepts the principle of my amendment, it will be all right."

MR. SPEAKER:—"The question is—

'That clause 61 be deleted.'"

The amendment was lost.

Clause 61 was put and carried.

The House then adjourned to meet again at 11 a.m. on Monday, the 4th December 1950.

[25th November 1950]

APPENDIX.

[Vide answer to starred question No. 533 asked by Sri S. Nagappa at the meeting of the Legislative Assembly, held on 25th November 1950, page 874 supra.]

Press Release, dated the 30th March 1950.

[Provincial and Subordinate Services—No discrimination on ground of sex.]

Article 16 (1) and (2) of the Constitution of India remove altogether any disqualification on account of sex for purposes of employment under the State and give men and women equal opportunities in the matter. The Government of Madras have, therefore, decided to delete all references to and provisions for the reservation of posts for either sex and the prohibition of appointment of members of either sex from the service rules concerned and to amalgamate men's and women's cadres, where they are separate, into one cadre, making no reservation of any percentage or proportion of posts in any service, class, category or grade in favour of either sex. Necessary amendments to the special rules for the services concerned will be issued separately.

The orders issued by the Government under section 275 of the Government of India Act, 1935, prohibiting the employment of women in specific posts being inconsistent with the Constitution of India and void under Article 13 (1) should be deemed to be cancelled.

While under Article 16 (1) and (2), both men and women should be given equal opportunities for appointment to public services in the State, Article 15 (3) of the Constitution empowers the State to make special provision for women and children. Therefore, if the Government consider that the appointment of women to any category of posts such as the posts in institutions for women and children is essential with reference to Article 15 (3) provision for the appointment of women alone in such cases can be made. A general rule in the Madras Provincial and Subordinate Services Rules, specifically empowering the appointment of women to such posts, will be issued separately.

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